

RESOLUTION NO. 1654

**A Resolution of the Board of Commissioners of Public Utility District No. 1
of Okanogan County on the Subject of Establishing a
Small Works Roster Process to Award Public Works Contracts.**

WHEREAS, in order to be able to implement the small works roster process of RCW 39.04.155, the District is required by law to adopt a resolution establishing specific procedures; and

WHEREAS, the District established a Small Works Roster Process under Resolution No. 1525 dated June 14, 2011; and

WHEREAS, changes to the Revised Code of Washington (RCW) pertaining to the small works roster process have occurred since that time and the Board desires to update its Small Works Roster Process accordingly;

NOW, THEREFORE, the Board of Commissioners of Public Utility District No. 1 of Okanogan County resolves as follows:

Section 1. Resolution No. 1525 is hereby repealed.

Section 2. The following small works roster procedures are established for use by the District pursuant to RCW 54.04.070, RCW 54.040.082 and RCW 39.04.155.

1. **Number of Rosters.** The District may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.
2. **Cost.** The District need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Three Hundred Thousand Dollars (\$300,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the District may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.
3. **Contractors on Small Works Roster(s).** The small works roster(s) shall consist of all responsible contractors who have requested to be on the roster(s), and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on a roster or rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the District as a condition of being placed on a roster or rosters.

4. **Publication.** At least once a year the District shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate rosters at any time that they submit a written request and necessary records. The District may require master contracts to be signed that become effective when a specific award is made using a small works roster.

5. **Telephone, Written or Electronic Quotations.** The District shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and any supplementary bidder criteria established under RCW 39.04.350 (2).

a) A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed, as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.

b) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five (5) contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the District may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from One Hundred Fifty Thousand Dollars (\$150,000.00) to Three Hundred Thousand Dollars (\$300,000.00), the District may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster, but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The District has the sole option of determining whether this notice to the remaining contractors is made by:

(i) publishing notice in a legal newspaper in general circulation in the area where the work is to be done;

(ii) mailing a notice to these contractors; or

(iii) sending a notice to these contractors by facsimile or email.

c) At the time bids are solicited, the District shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;

d) A written record shall be made by the District of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

e) Bid guarantees are optional. The contract is subject to retainage requirements under RCW 60.28, performance and payment bond requirements under RCW 39.08, and prevailing wage requirements under RCW 39.12.

f) Pursuant to RCW 39.04.200, the District shall make available a list of the contracts awarded under the small works roster at least once every year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description

of the type of work performed or items purchased under the contract, and the date it was awarded.

The list shall also state the location where the bid quotations for these contracts are available for public inspection.

6. **Limited Public Works Process.** If a work, construction, alteration, repair, or improvement project is estimated to cost less than Thirty-Five Thousand Dollars (\$35,000.00), the District may award such a contract using the limited public works process provided under RCW 39.04.155 (3). For a limited public works project, the District will solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

The District shall attempt to distribute opportunities for limited public works among contractors willing to perform in the geographic area of the work.


Limited public works projects are subject to prevailing wage requirements under RCW 39.12, but the District may waive bid guarantees, payment and performance bonds, and retainage.

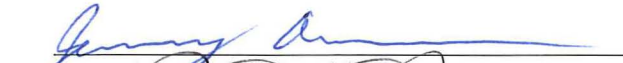
The District shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

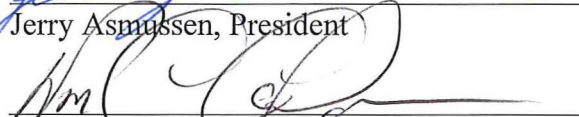
7. **Determining Lowest Responsible Bidder.** The District shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the District may call for new bids. A responsible bidder will be a contractor who meets the mandatory requirements of RCW 39.04.350(1) and any supplemental bidder responsibility criteria established for the project under RCW 39.04.350 (2).

8. **Public Works Under \$25,000.00.** For public works projects estimated to cost less than Twenty-Five Thousand Dollars (\$25,000.00), exclusive of sales tax, the District may select a contractor from the appropriate small works roster without advertisement or informal or formal sealed bidding procedures. The District will attempt to obtain the lowest practical price for such work. Projects are subject to prevailing wage requirements under RCW 39.12, but the District may waive bid guarantees, payment and performance bonds, and retainage.


PASSED AND APPROVED this 29th day of January, 2018.




Jerry Asmussen, President


William C. Colyar, Vice President

ATTEST:


Scott Vejraska, Secretary

APPROVED as to form:


Heidi E. Appel, General Counsel