

RESOLUTION NO. 2020-03

RESOLUTION OF THE BOARD OF DIRECTORS OF SOUTH SOUND 911, A PUBLIC AUTHORITY, ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS, A CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING, AND OTHER PROFESSIONAL SERVICES, AND A VENDOR ROSTER FOR GOODS AND SERVICES NOT RELATED TO PUBLIC WORKS CONTRACTS.

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and

WHEREAS, Ch. 39.80 RCW and other laws regarding contracting for consulting services by municipalities allow certain contracts to be awarded by a consultant roster process; and

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies, or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor roster process.

NOW, THEREFORE THE BOARD OF DIRECTORS OF SOUTH SOUND 911 HEREBY RESOLVES AS FOLLOWS:

Section 1. MRSC Rosters. The Public Authority wishes to contract with the Municipal Research and Services Center of Washington (MRSC) to have their official rosters hosted in the online database for the Public Authority's use for small public works contracts, consulting services, and vendor services developed and maintained by MRSC through MRSC Rosters and authorizes the Executive Director of the Public Development Authority to sign that contract.

Section 2. Small Public Works Roster. The following small works roster procedures are established for use by the Public Development Authority pursuant to RCW 39.04.155.

1. **Cost.** The Public Authority 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 the limit established for the small works roster process in RCW 39.04.155 or other authorizing agency statute, which includes the costs of labor, material, equipment, sales, or use taxes as applicable. Instead, the Public Authority may use the Small Public Works Roster procedures for public works projects as set forth in this resolution. 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.

2. **Publication.** At least once a year, MRSC shall, on behalf of the Public Authority, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the small works roster and solicit the names of contractors for the small works roster. MRSC shall add responsible contractors to the small works roster at any time that a contractor completes the online application provided by MRSC, and meets minimum State requirements for roster listing.
3. **Telephone, Written, or Electronic Quotations.** The Public Authority 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). The Public Authority may establish supplementary bidder criteria under RCW 39.04.350 (2) to be considered in the process of awarding a contract.
 - a) A contract awarded from a small works roster will 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 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 Public Authority 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 and fifty thousand dollars (\$150,000) up to the authorized threshold for use of the small works roster process in RCW 39.04.155 or other authorizing agency statute, the Public Authority 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 Public Authority 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 Public Authority representative 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 Public Authority representative 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.

- 4. **Limited Public Works Process.** The Public Authority may award a contract for work, construction, alteration, repair, or improvement projects using the limited public works process if the project cost is equal to or less than the amount established in RCW 39.04.155 (3). For a limited public works project, the Public Authority will solicit electronic or written quotations from a minimum of three 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.

For limited public works projects, the Public Authority may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, material men, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the Public Authority shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The Public Authority 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.

- 5 **Determining Lowest Responsible Bidder.** The Public Authority 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 Public Authority may call for new bids. A responsible bidder shall be a registered or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the Public Authority.

- 6. **Award.** All of the bids or quotations shall be collected by the Executive Director or his/her designee.

- a) The Executive Director or his/her designee shall then present all bids or quotations and their recommendation for award of the contract to the Board of Directors; or
- b) If the Board of Directors delegates the authority to award bids to the Executive Director of the Public Authority for public works projects costing less than or

equal to \$50,000, the Executive Director shall have the authority to award public works contracts without Board of Directors approval. For public works projects costing more than \$50,000, the Board of Directors shall award all public works contracts.

Section 3. Consulting Services Roster. The following consulting services roster procedures are established for use by the Public Development Authority pursuant to RCW 39.80.030:

1. **Consulting Services.** Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.
2. **Publication.** At least once a year, MRSC shall, on behalf of the Public Authority, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the consulting services roster and solicit the names of consultants for the consulting services roster. MRSC shall add responsible consultants to the consulting services roster at any time that a consultant completes the online application provided by MRSC, upload a Statement of Qualifications, and meets minimum State requirements for roster listing.
3. **Review and Selection of the Statement of Qualifications Proposals.** The Public Authority shall use the following process to select the most highly qualified Architectural or Engineering firm off of the Consulting Services Roster to provide the required services:
 - a) The Board of Directors shall establish criteria that the Executive Director, or their designee, must consider in evaluating Architectural or Engineering firms for a given project. Such criteria shall include a plan to insure that minority and women-owned firms and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for architectural or engineering services. The level of participation by minority and women-owned firms and veteran-owned firms shall be consistent with their general availability within the jurisdiction of South Sound 911.
 - b) The Executive Director, or their designee, shall evaluate the written statements of qualifications and performance data on file with South Sound 911 at the time that architectural or engineering services are required;
 - c) Such evaluations shall be based on the criteria established by the Board of Directors; and
 - d) The Executive Director, or their designee, shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.

- e) The firm deemed most highly qualified by the agency to do the project will be selected.

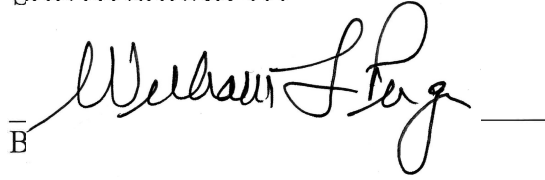
4. **Award.**

- a) The Board of Directors considers the proposal received and awards the contract;
or
- b) If the Board of Directors delegates the authority to award projects to the Executive Director of South Sound 911 for consulting services costing less than or equal to \$50,000, the Executive Director shall have the authority to award contracts for consulting services without Board of Directors approval. For consulting services costing more than \$50,000, the Board of Directors shall award all contracts for consulting services.

Section 4. Vendor List Roster. The following vendor list roster procedures are established for use by the Public Authority pursuant to RCW 39.04.190:

1. **Purchase of materials, supplies, or equipment not connected to a public works project.** The Public Authority is not required to use formal sealed bidding procedures to purchase materials, supplies, or equipment not connected to a public works project where the cost will not exceed the statutory threshold of the Public Authority. The Public Authority will attempt to obtain the lowest practical price for such goods and services.
2. **Publication.** At least twice per year, MRSC shall, on behalf of the Public Authority, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the vendor list roster and solicit the names of vendors for the vendor list roster. MRSC shall add responsible vendors to the vendor list roster at any time when a vendor completes the online application provided by MRSC, and meets minimum State requirements for roster listing.
3. **Telephone, Written, or Electronic Quotations.** The Public Authority shall use the following process to obtain telephone or written quotations from vendors for the purchase of materials, supplies, or equipment not connected to a public works project:
 - a) A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;
 - b) The Executive Director, or their designee, shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone or written quotations from the vendors for the required materials, supplies, or equipment;

SOUTH SOUND 911

 —
B

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


Peter Beckwith, General Counsel