

RESOLUTION NO. 799

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE APPROVAL AND ADOPTION OF A SMALL WORKS ROSTER POLICY

WHEREAS, Kittitas County Public Utility District No. 1 finds that it will be beneficial to update their Small Works Roster Policy; and

WHEREAS, The District Commission rescinds Resolution No. 636; and

WHEREAS, The District Commissioners acknowledge RCW 39.04 which provides guidelines for Small Works Roster; and

WHEREAS, The updated Small Works Roster Policy will provide a consistent and beneficial policy for competitive bidding on public works projects.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of Kittitas County Public Utility District No. 1 approve and adopt the Small Works Roster Policy, as set forth in Exhibit A attached hereto.

IN WITNESS WHEREOF, the undersigned, being all the members of the Board of Commissioners of Kittitas County Public Utility District No. 1 have executed this Resolution of the Board of Commissioners on this 23rd day of JUNE, 2014.



President, Paul Rogers



Vice President, Roger Sparks



Secretary, Shan Rowbotham

Exhibit A

SMALL WORKS ROSTER

POLICY

June 23, 2014

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Policy Intent

Kittitas County Public Utility District No. 1 ("District") must accomplish public work projects in the course of doing business. Statutes governing purchasing are intended to insure that quality projects, goods and services are purchased at the least cost. Other goals are to reduce, if not eliminate, the impact of favoritism and cronyism in purchasing and to prevent fraud.

Public Work Projects shall include all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the District, or which is by law a lien or charge on any property therein.

Cost

This Small Works Roster Policy is established for the purchasing of quality projects, goods and services with an estimate in excess of twenty five thousand (\$25,000) or less than three hundred thousand dollars (\$300,000) in accordance with RCW 54.04.070, or the current statutory limit in RCW 39.04.155, which includes the cost of labor, material, equipment and sales and/or use taxes as applicable. The District will not break any project into units or phases for the purpose of avoiding the formal sealed bid process.

Number of Rosters

The District may create a single general small works roster, or may create small works rosters for different specialties or categories of anticipated work.

Contractors

The small works roster(s) shall consist of all responsible contractors who have requested to be on the roster(s).

Publication

In accordance with RCW 39.04.155(2)a, at least once a year, the District will publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster and solicit the names of contractors for such roster. Responsible contractors shall be added to the roster at any time they submit a written request. The District will also have the Small Works Roster information posted on their website and contractors can request to be added through the website correspondence channels.

Estimates

The District shall create an estimate and bid range prior to requesting quotations/bids. The estimate shall be by unit item prices. A lump sum estimate must have prior approval from the General Manager and documentation supporting unit bid items are not applicable.

Quotations

The District shall obtain written or electronic quotations/bids 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 the lowest responsible bidder.

- a. A contract awarded from small works roster need not be advertised. Invitations for quotations/bids 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. Depending on the complexity of the project, the District shall allow 7 to 14 days for quotation/bid submittals.
 - c. Quotations/bids 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.

If the estimated cost of the work is from one hundred fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), the District may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must also 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 determined whether this notice to the remaining contract 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 contracts by facsimile or other electronic means.

If the estimated cost of the work is less than twenty five thousand (\$25,000) RCW 39.04.155(3) the statute allows using the limited public works process and the solicitation of written quotations from a minimum of three contractors from the appropriate small works roster and awarding to the lowest responsible bidder RCW 39.04.010.

- d. For purposes of this resolution, "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. At the time bids are solicited, the District representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.
- e. A written record shall be made by the District 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 shall be recorded, open to public inspection and available by telephone inquiry.

Determining Lowest Responsible Bidder

The District shall award the contract to the lowest responsible bidder, provided that, whenever there is a reason to believe the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the District may call for new bids. The District shall prepare a bid tabulation for review and comparison of all bids.

Award

A Manager may award a contract based on their authorized purchasing limits as stated in the Procurement Policy. Any contract that exceeds the General Managers authorized limits shall be approved and executed by the Board of Commissioners.

If it is determined to be the best interest of the District, all bids may be rejected.

In accordance with RCW 39.04.350, prior to award to the lowest responsible bidder for a public works project, the contractor must meet the following criteria to be considered qualified for award:

- At the time of bid submittal, have a certificate of registration in compliance with RCW 18.27
- Have a current state unified business identifier number
- If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW
- Not be disqualified from bidding on any public works contact under RCW 39.063.010 or 39.12.065(3)

Bonds

Bid bonds are not required for submitting a quotation/bid for a small works roster public works project. In accordance with RCW 39.08.010 a Performance and Payment Bond will be required before a Notice to Proceed is issued.

Retainage

In accordance with RCW 60.28.011, the District will withhold five percent (5%) of the money due the contractor the for public works project. The retainage may be released upon completion of work by the contractor, acceptance of the work by the District and proof of prevailing wage compliance.

Prevailing Wages

All public works projects are subject to Washington State Prevailing Wages, in accordance with RCW 39.12.

- Contractor must be told in advance that prevailing wages must be paid to all employees who work on the contract.
- Prevailing wages in effect for the contract must be included in the contract documents.
- Contractor must file a Statement of Intent to Pay Prevailing Wages with the Industrial Statistician of the Department of Labor and Industries. The District must have a copy of the approved Statement of Intent before it can make payments under the contract.
- After completion of the contract, the contractor must file an Affidavit of Wages Paid with Labor and Industries Statistician. The District must have a copy of the approved Affidavit before it can release the contract retainage.

- The Operations Manager must interview contractor employees, record name and work performed and wages paid. The District will request at least monthly from a random employee to inspect his payroll stub to verify wages paid. The contractor shall provide certified payrolls to the District.

Emergency Contracts

Competitive bidding is not required when an emergency has been declared by a resolution. The District should strive for the highest level of competition that is practical under the circumstances. Bonds may be waived for emergencies. Payment of prevailing wages is required.

An emergency is defined as unforeseen circumstances beyond the control of the District that either:

1. Present a real, immediate threat to the proper performance of essential functions
2. Will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken

Records management

In accordance with RCW 39.04.155(3), records of estimates, quotes/bids, contractors contacted, contracts awarded, advertisements, and small works rosters shall be maintained for minimum of twenty four months. These records shall be maintained by the Administrative Assistant. When Revenue Bonds are utilized for the funding of projects, Auditing and Revenue Bond covenants shall apply and determine the required record retention.