

**NORTH BEACH WATER DISTRICT PACIFIC
COUNTY, WASHINGTON**

RESOLUTION 03-2016

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF NORTH BEACH WATER DISTRICT, PACIFIC COUNTY, WASHINGTON 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 AND REPEALING RESOLUTION 05-2010.

WHEREAS, RCW 57.08.050 and 39.04.155, authorize water sewer districts to establish small works rosters and to award small works and limited small works contracts to vendors on small works rosters in lieu of formal competitive bidding; and

WHEREAS Chapter 39.80.30 RCW provides for certain contracts for professional services to be awarded by a consultant roster process; and

WHEREAS RCW 57.08.050 and 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

BE IT RESOLVED by the Board of Commissioners (Board) of North Beach Water District, Pacific County, Washington, as follows:

Section 1. Resolution No. 05-2010 is hereby repealed.

Section 2. MRSC Rosters. North Beach Water District (District) has contracted with the Municipal Research and Services Center of Washington (MRSC) to have their official rosters hosted in the online database for Water Sewer Districts use for small public works contracts, consulting services, and vendor services developed and maintained by MRSC through MRSC Rosters.

Section 3. Small Public Works Roster. The following small works roster procedures are established for use by the District pursuant to RCW 57.08.050 and 39.04.155:

A. 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, sales, or use taxes as applicable. Instead, the District 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.

B. Publication. At least once a year, MRSC shall, on behalf of the District, publish in a newspaper of general circulation within the District'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.

C. 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). The District may establish supplementary bidder criteria under RCW 39.04.350 (2) to be considered in the process of awarding a contract.

1. 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.

2. Quotations may be ~~invited~~requested from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be ~~invited~~requested 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 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.

3. If the estimated cost of the work is from one hundred and 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 notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The District has the exclusive 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;
- iii. or sending a notice to these contractors by facsimile or email.

4. ~~At the time~~During bids ~~are solicited~~solicitation, ~~the~~ District representative's shall not inform a ~~contractor bidder~~ of the terms or amount of any other ~~contractor's bidder's~~ bid for the same project.

5. 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 ~~bids or~~ quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

D. Limited Public Works. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars (\$35,000), 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 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.

1. For limited public works projects, the District 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 District shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

2. 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.

E. Determining Lowest Responsible Bidder. If Awarded, ~~The~~ ~~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 shall be a registered or licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350 and who meets any supplementary bidder responsibility criteria established by the District.

F. Award. All of the bids or quotations shall be collected by the general manager or his designee.

1. The general manager, or his designee, shall ~~then~~ present all bids or quotations along with ~~their a~~ recommendation for award ~~of the contract~~ to the ~~Board of Commissioners~~Board. The ~~Board of Commissioners~~Board shall consider all bids or quotations received, determine the lowest responsible bidder, and either reject all bids and authorize a call for new bids or award the contract to the lowest responsible bidder.~~or~~

2. The general manager ~~shall have the authority~~is authorized to reject all bids and call for new bids or award limited public works contracts ~~costing less than or equal to~~not exceeding a total cost of Ten Thousand (\$10,000.00) without the ~~Board of Commissioners~~Board's approval, provided that the ~~Board of Commissioners~~Board shall ratify the general manager's ~~approval~~action at the next scheduled ~~Board of Commissioners~~Board meeting by means of the consent ~~agenda~~calendar.

3. For public works projects exceeding a total costing more than of Ten Thousand (\$10,000.00), ~~the Board of Commissioners~~Board shall will, at a regular or special meeting:

i. award~~Award the all~~ public works contract to the lowest responsive bidder, or~~s at any regular or special meeting.~~

i.ii. Reject all bids and call for new bids.

Section 4. Consulting Services Roster. The following consulting services roster procedures are established for the use by the District pursuant to RCW 39.80.030.

A. 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.

B. Publication. At least once a year, MRSC shall, on behalf of the District, publish in a newspaper of general circulation within the Districts' 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.

C. Review and Selection of the Statement of Qualifications Proposals. The District 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:

1. The ~~Board of Commissioners~~Board shall establish criteria that the general manager, 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 the District

2. The general manager, or their designee, shall evaluate the written statements of qualifications and performance data on file with the District at the time that architectural or engineering services are required;

3. Such evaluations shall be based on the criteria established by the ~~Board of Commissioners~~Board; and

4. The general manager, 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.

5. The firm deemed most highly qualified by the ~~agency Board~~ to do the project will be selected.

D. Award. The general manager or his designee shall ~~then~~ present all proposals received along with ~~their~~a recommendation for award of a contract to the ~~Board of Commissioners~~Board. The ~~Board of Commissioners~~Board shall consider all proposals received and the general manager's, or his designee's, recommendation and award the contract. ~~or~~

1. The general manager ~~shall have the authority~~is authorized to award contracts for consulting services ~~costing less than or equal to not exceeding a total cost of~~ Ten Thousand (\$10,000.00) without the ~~Board of Commissioners~~Board's approval, provided that the ~~Board of Commissioners~~Board shall ratify the general manager's ~~approval action~~ at the next scheduled ~~Board of Commissioners~~Board meeting by means of the consent ~~agenda~~calendar.

1.2. ~~For e~~Contracts for consulting services ~~costing more than~~exceeding ~~a total cost of~~ Ten Thousand (\$10,000.00), ~~the Board of Commissioners~~ shall be awarded by the Board by resolution ~~all contracts for consulting services~~ at ~~any~~ regular or special meeting.

Section 5. Vendor List Roster. The following vendor list roster procedures are established for use by the District pursuant to RCW 39.04.190:

A. Purchase of materials, supplies, or equipment. Except for electronic data processing and telecommunications equipment which will be purchased in accordance with RCW 39.04.270 and specific purchase exceptions covered by RCW 39.04.280, any purchase of material, supplies or equipment with an estimated cost of Fifty Thousand (\$50,000.00) or

more shall be made by competitive bidding as provided by RCW 57.08.050, and any purchase of materials, supplies or equipment with an estimated cost of less than Fifty Thousand Dollars (\$50,000.00) shall be made using the vendor list procedure established in RCW 39.04.190 and procedure of this resolution. Any purchase of materials, supplies, or equipment, with an estimated cost in excess of Forty Thousand Dollars (\$40,000.00) shall be by contract.

B. Publication. At least twice per year, MRSC shall, on behalf of the District, publish in a newspaper of general circulation within the District'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.

C. Telephone, Written, or Electronic Quotations. The District shall use the following process to obtain telephone or written quotations from vendors for the purchase of materials, supplies, or equipment:

1. 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;

2. The general manager, 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;

3. The general manager, or their designee, shall not share telephone or written quotations received from one vendor with other vendors soliciting for the bid to provide the materials, supplies, or equipment;

4. A written record shall be made by the general manager, or their designee, of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor.

D. Determining the Lowest Responsible Bidder. The District shall purchase ~~the~~ materials, supplies, or equipment from the lowest ~~responsible-responsive~~ bidder, provided that whenever there is 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. ~~Pursuant to RCW 39.26.160, in determining the lowest responsible bidder, the District may consider best value criteria including but not limited to:~~

~~0. Whether the bid satisfies the needs of the state as specified in the solicitation documents;~~

~~0. Whether the bid encourages diverse contractor participation;~~

~~0. Whether the bid provides competitive pricing, economies, and efficiencies;~~

~~0. Whether the bid considers human health and environmental impacts;~~

~~0. Whether the bid appropriately weighs cost and no cost considerations; and~~

~~0. Life cycle cost.~~

~~0. In addition, the solicitation document shall clearly set forth the requirements and criteria that the District will apply in evaluating bid submissions.~~

~~0. The District may reject the bid of any vendor who has failed to perform satisfactorily on a previous contract.~~

~~0. After reviewing all bid submissions, the District may enter into negotiations with the lowest responsive and responsible bidder in order to determine if the bid may be improved. An agency may not use this negotiation opportunity to permit a bidder to change a nonresponsive bid into a responsive bid.~~

N.E. Award. All of the bids or quotations shall be collected by the general manager or his designee. The general manager, or their designee, shall create a written record of all bids or quotations received, which shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

1. The general manager, or his designee, shall ~~then~~ present all bids or quotations for materials, supplies, or equipment received, along with ~~their a~~ recommendation for award ~~of the contract,~~ to the ~~Board of Commissioners~~Board. The ~~Board of Commissioners~~Board shall consider all bids or quotations received ~~and the general managers or his designee's recommendation,~~ determine the lowest responsible bidder, and ~~either reject all bids and authorize a call for new bids or~~ award the contract ~~to the lowest responsive bidder.~~ ~~or~~

2. The general manager ~~shall have the authority~~is authorized to ~~reject all bids and call for new bids or~~ award contracts for materials, supplies, or equipment ~~not exceeding a total costing less than or equal to of~~ Ten Thousand (\$10,000.00) without the ~~Board of Commissioners~~Board's approval, provided that the ~~Board of Commissioners~~Board shall ratify the general manager's ~~approval~~action at the next scheduled ~~Board of Commissioners~~Board meeting by means of the consent agenda.

~~2.3.~~ For contracts for ~~materials, supplies, or equipment~~consulting services ~~exceeding a total costing more than,~~ of Ten Thousand Dollars (\$10,000.00) the ~~Board of Commissioners~~Board shall ~~will~~award all ~~contracts materials, supplies, or equipment~~ at any regular or special meeting: ~~or~~

a. Award the materials, supplies, or equipment contract to the lowest responsive bidder, or

a.b. Reject all bids and call for new bids.

O.F. Posting. A list of all contracts awarded under these procedures shall be posted at the District's main administrative offices once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded.

ADOPTED by the Board of Commissioners on North Beach Water District, Pacific County, Washington at its regular meeting held on the 20th day of January, 2016.

Brian Sheldon, Commissioner
Position #1

Gwen Brake, Commissioner
Position #2

Glenn Ripley, Commissioner
Position #3