

Resolution No. 62-14
**SMALL PUBLIC WORKS,
CONSULTANT and VENDOR ROSTERS RESOLUTION**

A RESOLUTION OF THE COMMISSIONERS OF MASON 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.

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 COMMISSIONERS OF MASON COUNTY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

- Section 1.** Resolution No. 95-12 is hereby repealed, amending Chapter 3.48 of the Mason County Code
- Section 2.** **MRSC Rosters.** The County has contracted with the Municipal Research and Services Center of Washington (MRSC) to have their official rosters hosted in the online database for County use for small public works contracts, consulting services, and vendor services developed and maintained by MRSC through MRSC Rosters and the Public Works Director is authorized to sign the contract.
- Section 3.** **Small Public Works Roster.** The following small works roster procedures are established for use by the County pursuant to RCW 39.04.155:
1. **Cost.** The County 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 County 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 County 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 County 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 County 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 County 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) to three hundred thousand dollars (\$300,000), the County 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 County 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 County 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 County 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.** If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars (\$35,000), the County 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 County 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 County 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 County shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The County 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. The list shall be kept at the Mason County Public Works Department. It is the responsibility of the county representatives' using this process to get the above information to the Public Works Office Manager.

5. **Determining Lowest Responsible Bidder.** The Board or authorized department head/deputy director or their designee 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 Board 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 County.
6. **Award.** All of the bids or quotations shall be collected by the department head/deputy director or their designee.
 - a) The department head/deputy director or their designee shall then present all bids or quotations and their recommendation for award of the contract to the Board. The Board shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or
 - b) The Board may authorize a department head/deputy director the authority to request informal or formal bids and award for public works projects to the lowest bidder. The Board shall be advised of these awards at the next scheduled Commission Meeting as other business.

Section 4. Consulting Services Roster. The following consulting services roster procedures are established for use by the County 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 County 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 County 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 department head/deputy director or their designee shall have an established criteria that must be 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 county.
 - b) The department head/deputy director or their designee shall evaluate the written statements of qualifications and performance data on file with the county at the time that architectural or engineering services are required;
 - c) Such evaluations shall be based on the criteria established by the department head/deputy director or their designee.
 - d) The department head/deputy 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 considers the proposal received and awards the contract; or
 - b) The Board may authorize a department head/deputy director the authority to request proposals and award contract for consultant services. The Board shall be advised of these awards at the next scheduled Commission Meeting as other business.

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

1. **Purchase of materials, supplies, or equipment not connected to a public works project** in an amount of \$5,000 or less. The County is not required to use informal or formal sealed bidding procedures to purchase materials, supplies, or equipment for the purchase of any materials,

supplies of equipment where the cost of same will not exceed \$5,000. The County will attempt to obtain the lowest practical price for such goods and services.

2. **Purchase of materials, supplies or equipment not connected to a public works project** in an amount between \$5,000 and \$25,000. Purchases more than \$25,000 require Formal Competitive Bidding.
 - a) **Publication.** At least twice per year, MRSC shall, on behalf of the county 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.
 - b) **Telephone, Written, or Electronic Quotations.** The county shall use the following process to obtain telephone, written or electronic quotations from vendors for the purchase of materials, supplies, or equipment not connected to a public works project:
 - (i) 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;
 - (ii) The department head/deputy 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;
 - (iii) The department head/deputy director or their designee, shall not share telephone, written or electronic quotations received from one vendor with other vendors soliciting for the bid to provide the materials, supplies, or equipment;
 - (iv) A written record shall be made by the department head/deputy director 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;
3. **Determining the Lowest Responsible Bidder.** The County shall purchase the materials, supplies, or equipment from the lowest responsible 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 County may call for new bids.
4. **Award.** All of the bids or quotations shall be collected by the department head/deputy director or their designee. The department head/deputy director 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.
 - a) The department head/deputy director or their designee shall then present all bids or quotations and their recommendation for award of the contract to the Board. The Board

shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or

- b) The Board may authorize a department head/deputy director the authority to request informal or formal bids and award for materials, supplies, or equipment purchases. The Board shall be advised of these awards at the next scheduled Commission Meeting as other business.

- 5. **Posting.** A list of all contracts awarded under this procedure shall be posted on the County webpage (www.co.mason.wa.us) under the Public Works Department. The list shall contain the department/location of bid documents, 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. It is the department head/deputy director or their designee's responsibility, when using the vendor roster, to get this information to the Public Work's Office Manager for posting requirements.

EFFECTIVE this 4 day of November, 2014.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON

ATTEST:




JULIE ALMANZOR,
Clerk of the Board


TERRI JEFFREYS, Chair

APPROVED AS TO FORM:


TIM SHELDON, Commissioner



TIM WHITEHEAD, Ch. Deputy
Prosecuting Attorney


RANDY NEATHERLIN, Commissioner