

**KING CONSERVATION DISTRICT  
KING COUNTY, WASHINGTON**

**RESOLUTION NO. 13-001**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KING CONSERVATION DISTRICT, KING COUNTY, WASHINGTON, ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND ESTABLISHING A BID LIMIT FOR SMALL PUBLIC WORKS PROJECTS.

WHEREAS, RCW 39.04.155 allows certain public works contracts to be awarded by a small works roster process; and

WHEREAS, conservation districts are not specifically authorized to use the small works roster process pursuant to RCW 39.04.155, but are allowed and encouraged by Chapter 89.08 RCW to adopt policies for prudent and proper use and accounting for public moneys; and

WHEREAS, in order to the implement the small public works roster process, the King Conservation District (“District”) desires to adopt the statutory framework provided in RCW 39.04.155 as the policy of the District; and

WHEREAS, the District further desires to formally establish a bid limit for small public works projects that may be awarded without using either the competitive bid process or the small works process.

NOW, THEREFORE, the Board of Supervisors of the District, King County, Washington, hereby resolves as follows:

**Section 1. Small Works Roster Process.** The following small works roster procedures are established for use by the District pursuant to RCW 39.04.155.

**1.1 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.

**1.2 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. Any

small works rosters created may make distinctions between contractors based upon different geographic areas served by the contractor.

**1.3 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.

**1.4 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 an appropriate roster or 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. An interlocal contract or agreement between the King Conservation District and other local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the small works roster provisions.

**1.5 Electronic Rosters.** In addition to paper and/or electronic rosters kept on file in the appropriate department, the District may also use that state wide electronic database developed and maintained by the Municipal Research and Services Center of Washington (MRSC Rosters).

**1.6 Telephone or Written 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 the lowest responsible bidder, as defined in RCW 39.04.010 and RCW 39.04.350, as follows:

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. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

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. 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 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 other electronic means.

c) 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;

d) 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 obtained shall be recorded, open to public inspection, and available by telephone inquiry.

**1.7 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 District may award such a contract using the limited public works process provided under RCW 39.04.155(3). For limited public works projects, 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 and RCW 39.04.350. After an award is made, the quotations shall be open to public inspection and available by electronic request.

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, materialmen, 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.

The District shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four (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.

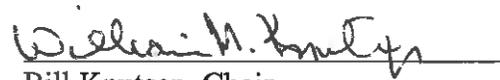
**1.8 Small Business Incentives.** Pursuant to RCW 39.04.155(5), the District may use the limited public works process of RCW 39.04.155(3) to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return. The District may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars (\$250,000) annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

**1.9 Determining Lowest Responsible Bidder.** The District Board of Supervisors 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 of Supervisors 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).

**1.10 Award.** The District's Executive Director or designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the Board of Supervisors. However, for public works projects under \$15,000, the District's Executive Director shall have the authority to award public works contracts without Board of Supervisors approval, provided that the Board of Supervisors shall ratify the Executive Director's approval at the next scheduled Board of Supervisors meeting by means of the consent agenda. For public works projects over \$100,000, the Board of Supervisors shall award all public works contracts by formal resolution.

**Section 2. Establishment of Bid Limits.** Small public works projects, the estimated cost of which is less than \$15,000, may be awarded by the District without using either the competitive bid process or the small works process (including the limited public works process).

ADOPTED by the Board of Supervisors at a regular meeting open to the public held on January 15, 2013.

  
Bill Knutsen, Chair

**CERTIFICATE**

I, Max Prinsen, Secretary of the Board of Supervisors, King County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. 13-001 of such Board, duly adopted at a regular meeting thereof held on the 15th day of January, 2013, by the members of such Board in attendance at such meeting and attested by myself in authentication of such adoption.

  
Max Prinsen, Secretary/Auditor