

**SILVER LAKE WATER & SEWER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO. 642**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SILVER LAKE WATER & SEWER DISTRICT, SNOHOMISH COUNTY, WASHINGTON, AMENDING AND UPDATING RESOLUTION NO. 631 TO ADJUST AND ESTABLISH COST THRESHOLDS WITHIN THE DISTRICT'S SMALL PUBLIC WORKS ROSTER AS PROVIDED BY THE HB 1196 ENACTED INTO LAW IN THE 2009 REGULAR SESSION OF THE WASHINGTON STATE LEGISLATURE

WHEREAS, RCW 57.08.050, 39.04.010, 39.04.155, 39.04.190 and 39.04.200 authorize water and sewer districts to establish small works rosters and vendors lists, and to award contracts to entities on a small works roster or vendors list in lieu of the requirements for formal sealed bidding; and

WHEREAS, in order to be able to implement small works roster processes, the District is required by law to adopt a resolution establishing specific procedures; and

WHEREAS, RCW 39.80.030 requires that an agency publish in advance that agency's requirement for professional services and that one of the ways to accomplish that notification is to announce generally to the public its projected requirements for any category or type of professional services and request qualification statements to be kept on file with the agency; and

WHEREAS, the Washington State Legislature passed HB 1196 which was signed by Governor Christine Gregoire; and

WHEREAS, this new state law increases threshold costs amounts in the state small works roster process which the District Board of Commissioners has determined to use in its Small Works Roster Process as set forth in District Resolution No. 631.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE SILVER LAKE WATER & SEWER DISTRICT OF SNOHOMISH COUNTY, WASHINGTON AS FOLLOWS:

Section 1. Section 4 of Resolution No. 631 is hereby repealed and amended and revised to read as follows:

Section 4. Small Public Works Roster

The following small works roster procedures are established for use by the District pursuant to RCW 39.04.155:

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 Public 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.
2. **Publication.** At least once a year, on behalf of the District, MRSC 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 appropriate MRSC Roster(s) at any time that they submit a written request and necessary records as determined by MRSC. The District may require master contracts to be signed that become effective when a specific award is made using a small works roster.
3. **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 a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350 (2)

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.

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 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.

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 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 email.

c) 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.

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 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.

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 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 Board of Commissioners 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 Commissioners may call for new bids. A responsible bidder shall be a registered and/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 District.
6. **Award.** The General Manager or his designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible

bidder to the Board of Commissioners. However, for public works projects under one hundred fifty thousand dollars (\$150,000.00) the General Manager shall have the authority to award public works contracts without Board of Commissioner approval, provided that the Board of Commissioners shall ratify the General Manager's approval at the next scheduled Board of Commissioner's meeting. For public works projects over one hundred fifty thousand dollars (\$150,000.00) the Board of Commissioners shall award all public works contracts.

Section 2. Severability

1. Should any part or provision of this resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the resolution as a whole, or any part thereof other than the part declared to be invalid.

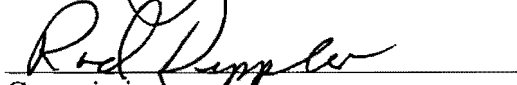
ADOPTED by the Board of Commissioners, at a regular meeting of the Silver Lake Water & Sewer District, Snohomish County, Washington this 8th day of October, 2009.



President and Commissioner

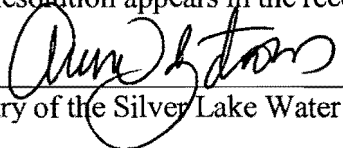


Secretary and Commissioner



Commissioner

I CERTIFY the above to be a true and correct copy of Resolution No. _____ adopted by the Board of Commissioners of the Silver Lake Water & Sewer District, this 8th day of October, 2009, as said Resolution appears in the records of the Silver Lake Water & Sewer District.



Secretary of the Silver Lake Water & Sewer District Board of Commissioners