

# MRSC ROSTERS MODEL SMALL PUBLIC WORKS, CONSULTANT and VENDOR ROSTERS RESOLUTION

## Resolution No. 11232015-01

A RESOLUTION OF THE COMMISSION OF NORTH COUNTY REGIONAL FIRE AUTHORITY, WASHINGTON, ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND A CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING, AND OTHER PROFESSIONAL SERVICES.

**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;

**NOW, THEREFORE**, THE COMMISSION OF NORTH COUNTY REGIONAL FIRE AUTHORITY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

**Section 1.** Resolution No. 07092008-02 is hereby repealed.

**Section 2.** **MRSC Rosters.** The Authority has contracted with the Municipal Research and Services Center of Washington (MRSC) to have their official rosters hosted in the online database for Authority use for small public works contracts and consulting services developed and maintained by MRSC through MRSC Rosters [and authorizes Authority Staff to sign that contract].

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

1. **Cost.** The Authority 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 Authority 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 Authority, 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 Authority 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 Authority 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 Authority 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 Authority 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 Authority 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 Authority 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 Authority 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 Authority 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 Authority 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 Authority 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 Authority shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The Authority 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 Commission 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 Commission 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 Authority.
6. **Award.** All of the bids or quotations shall be collected by the Fire Chief or his designee.
  - a) The Fire Chief or his designee shall then present all bids or quotations and their recommendation for award of the contract to the Commission. The Commission shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or
  - b) If the Commission delegates the authority to award bids to a Fire Chief of the Authority for public works projects costing less than or equal to \$35,000 the Fire Chief shall have the authority to award public works contracts without Commission approval, provided that the Commission shall ratify the Fire Chief's approval at the next scheduled Commission meeting by means of the consent agenda. For public works projects costing more than \$35,000 the Commission shall award all public works contracts.

**Section 4. Consulting Services Roster.** The following consulting services roster procedures are established for use by the Authority 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 Authority, 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.

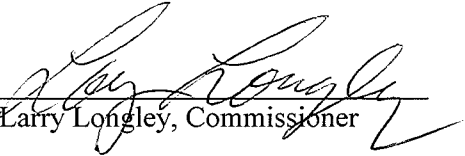
3. **Review and Selection of the Statement of Qualifications Proposals.** The Authority shall use the following process to select the most highly qualified Architectural or Engineering firm off of the Consulting Services Roster to provide the required services:

- a) The Commission shall establish criteria that the Fire Chief, 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 North County Regional Fire Authority
- b) The Fire Chief, or their designee, shall evaluate the written statements of qualifications and performance data on file with the North County Regional Fire Authority at the time that architectural or engineering services are required;
- c) Such evaluations shall be based on the criteria established by the Commission; and
- d) The Fire Chief, 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.

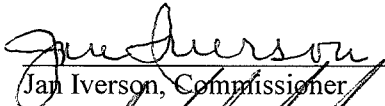
4. **Award.**

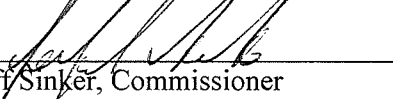
- a) The Commission considers the proposal received and awards the contract; or

**ADOPTED** by the Board of Commissioners of the North County Regional Fire Authority at a regularly scheduled meeting held Wednesday, November 25, 2015.

  
Larry Longley, Commissioner

\_\_\_\_\_  
Greg Oakes, Commissioner

  
Jan Iverson, Commissioner

  
Jeff Sinker, Commissioner

\_\_\_\_\_  
Dave Fennell, Commissioner

  
Al Ashley, Commissioner

ATTEST:

---

Katie Ellis, Board Secretary

CERTIFICATION

I, the undersigned, Secretary of North County Regional Fire Authority, hereby certify as follows:

1. The attached copy of Resolution No. 11232015-01 (the "Resolution") is a full, true, and correct copy of the Resolution duly adopted at a regularly scheduled meeting of the Board of Fire Commissioners held on November 25, 2015, as the Resolution appears on the minute books of North County Regional Fire Authority and the Resolution is now in full force and effect

2. A quorum of the members of the Board of Fire Commissioners was present throughout the meeting and a majority of those members present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 25<sup>th</sup> day of November, 2015.