

DRAFT

Resolution No. 36XX

A RESOLUTION of the Port Commission of the Port of Seattle, a Washington Public Port, establishing a small works roster process to award public works contracts.

WHEREAS, the Washington State Legislature in Chapter 138, Laws of 2000 and in Chapter 284, Laws of 2001, Chapter 130, Laws of 2008 amended RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allowing certain contracts to be awarded by a small works roster process; and

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

Now, therefore, the Commission of the Port of Seattle, Seattle, Washington, hereby resolves as follows:

Section 1. Pursuant to RCW 53.08.120 and RCW 53.08.135, RCW 39.04, and Port of Seattle Resolution 3605, The Chief Executive Officer (CEO) is authorized to establish a small works roster program, including a Limited Public Work roster. The small works roster program shall comply with RCW 39.04.155 and RCW 53.08.120.

1. **Small Works Dollar Thresholds.** The small works roster program applies to construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed the dollar thresholds established in RCW 39.04.155. The costs included within the dollar threshold are the costs of labor, material, equipment and sales and/or use taxes as applicable. Breaking any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar threshold of a contract that may be let using the small works roster process or limited public works process.

2. **Establishment of Rosters.** The Port may create small works roster(s) for different categories of work and/or Limited Public Works roster(s) for different categories of work. Rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

3. **Contractors on Roster(s).** The roster(s) shall consist of all 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 Port as a condition of (a) being placed on a roster or rosters and/or (b) remaining on the roster(s). Contractors may be added to an appropriate roster or rosters at any time provided they submit a written request and necessary records. The Port may require master contracts be signed that become effective when a specific award is made using a small works roster.

4. **Maintenance of the Roster(s).** The Port shall establish protocol for roster maintenance, including time intervals for removing contractors from the roster and requiring contractors to update their information. Contractors are responsible for updating their information. A contractor may be removed, at the discretion of the

Director, Central Procurement Office or delegated designee, from a small works roster after being deemed not responsible to two consecutive invitations to bid; and/or for failing to update roster information.

5. **Publication.** At least once a year, the Port 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.

6. **Process Requirements for Small Works Projects.** The Port may obtain telephonic, written, or electronic quotations for public works contracts from contractors in the appropriate categories on a small works roster and award contracts to the lowest priced responsible bidder, as defined in RCW 39.04.010.

- a) A contract awarded from a small works roster need not be advertised.
- b) Quotations may be invited from all contractors in the appropriate category or categories. As an alternative, quotations may be invited from at least **five** contractors in a category on the appropriate small works roster, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. If the Port chooses to solicit quotes from a limited number of firms instead of selecting all firms on the roster, the Port shall follow the requirements established in RCW 39.04.155.
- d) For purposes of this resolution, "equitably distribute" means that the Port may not favor certain contractors on the appropriate small works roster category over other contractors in the appropriate small works roster category.
- e) Quotes shall be recorded, open to public inspection, and available by request.

7. **Process Requirements for Limited Public Works Small Works Projects.**

- a) If a work, construction, alteration, repair, or improvement project is estimated to cost less than the limited public works threshold established in RCW 39.04.155, the Port may award such a contract using the limited public works process provided under RCW 39.04.155, subsection (3).
- b) For limited public works project, the Port may solicit telephonic, electronic, or written quotations from a minimum of three contractors from the appropriate category on the limited public works small works roster and award the contract to the lowest priced responsible bidder as defined under RCW 39.04.010.
- c) The quotations shall be open to public inspection and available by request.
- d) The Port shall attempt to equitably distribute the opportunity among the **contractors** in the appropriate category on the limited public works roster.

DRAFT

- e) The CEO or designee has authority to waive performance bond, payment bond, and/or retainage requirements for limited public works projects on a case-by-case basis. The Port shall establish criteria for evaluating and determining the appropriateness of such waiver and such criteria should include consideration of the Port's potential liability exposure. Documentation of the decision to waive such requirements must be in writing.

- f) The Port shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four 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.

Section 2. The Director, Central Procurement Office, or designee shall be responsible for the administration of the small works roster program and shall prepare and adopt the forms, processes and procedures necessary to implement a small works roster program for different categories of anticipated work that complies fully with this Resolution and all applicable requirements of state laws.

ADOPTED by the Port Commission of the Port of Seattle this _____ day of _____, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.
