

Chapter 2.32
SMALL WORKS ROSTER

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2.32.010 Small works rosters -- applicability.

All work with an estimated cost of more than \$10,000 shall be let by contract and, except for emergencies under sections 2.36.010 and 2.36.020, by competitive bidding pursuant to RCW 57.08.050; provided, that all work with an estimated cost of \$200,000 or less may be awarded to a contractor using the small works roster and procedure of this chapter in lieu of competitive bidding. For purposes of this chapter, "district manager" means the district manager or designee.

2.32.020 Small works rosters -- qualifications and advertisement.

The small works rosters shall be for the categories of general work and STEP system work. The general work roster shall consist of all responsible contractors who have requested in writing to be on the roster, are properly licensed or registered as required by state law, and have on file at the District office current records, as determined by the district manager, of all applicable licenses, certifications, registrations, bonding and insurance. The STEP system roster shall consist of all responsible contractors, as determined by the district manager under Section 2.32.030, who are properly licensed or registered as required by state law, and have on file at the District office current records of all applicable licenses, certifications, registrations, bonding and insurance. At least once a year, the district manager shall cause to be published in a newspaper of general circulation in the district a notice announcing the existence of the rosters and soliciting the names of contractors for the rosters. Responsible contractors may be added to the rosters at any time. The district manager may no more than once every two years require contractors on the rosters to submit written requests to remain on the rosters.

2.32.030 STEP system roster - responsible contractor.

A. Only responsible contractors, as determined by the district manager in accordance with this section, shall be included on the STEP system roster. Contractors desiring to be included on the STEP system roster shall submit a completed application on a form prescribed by the district manager. The form shall request the following information:

1. Name, including designation as corporation, partnership, sole proprietorship, joint venture or otherwise;
2. Address;
3. Telephone number, facsimile number and e-mail address;
4. State contractor's license number;
5. Names of officers or partners, as applicable;
6. State of Washington department of revenue tax number;
7. United States government identification number;

8. Certificate of insurance, for types and limits of insurance as determined by the district manager; and
9. As determined by the district manager, information relating to the criteria in subsection B.

B. A contractor's eligibility for inclusion on the STEP system roster shall be based upon the following factors:

1. The ability, capacity and skill of the contractor to perform STEP system work;
2. The character, integrity, reputation, judgment, experience and efficiency of the contractor; and
3. The quality of performance on previous contracts.

In addition to information supplied by the contractor, the district may consider information obtained from other sources.

C. The district manager shall determine whether a contractor shall be included on the STEP system roster. The district manager may consider a recommendation of a committee composed of district employees appointed by the district manager. The district manager shall cause notice of the decision, and the date thereof, to be given to the contractor by certified mail, copy received. The decision shall be final unless the contractor appeals in accordance with section 2.32.070.

2.32.040 Small works rosters - contract awards.

The district manager shall secure telephone (voice), facsimile, written or electronic quotations from contractors on the applicable type of small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder as defined in section 2.32.080. A contractor shall confirm a telephone (voice) quotation in writing by facsimile or electronic means within 24 hours of the quotation. The invitation for quotations shall include an estimate of the scope and nature of the work to be performed and materials and equipment to be furnished. If determined to be necessary by the district manager, the invitation for quotations shall also include bid bond, performance bond, prevailing wage and other requirements. The district manager may invite quotations from five or more contractors on a roster. If there are less than five contractors on a roster, the district manager shall invite quotations from all contractors on the roster. If the district manager invites quotations from less than all contractors on one project, the contractors invited to submit quotations on that project shall not be invited to submit quotations again until all contractors on the list have been given an opportunity to submit a quotation on subsequent projects. If the district manager invites quotations from less than all contractors on a roster, and the work is estimated to cost from \$100,000 to \$200,000, then the district manager shall notify the remaining contractors on the roster that quotations are being sought. The notice shall be given by facsimile or other electronic means, as determined by the district manager, taking into account the notification capability of each contractor. Immediately after award of a contract, the district manager shall record the quotations, and shall make them open to public inspection and available by telephone inquiry. The selected contractor shall execute the district's form contract for small works roster projects.

2.32.050. Small works roster – alternative process for contract awards.

Work with an estimated cost of less than \$35,000 may be awarded to a contractor using the alternative contract award process of this section. The district manager shall secure facsimile, written or electronic quotations from a minimum of three contractors on the applicable roster and shall award the contract to the lowest responsible bidder as defined in section 2.32.080. After a contract award, the district manager shall make the quotations open to public inspection and available by electronic request. The district manager shall attempt to distribute opportunities for contracts awarded under this section equitably among contractors on the applicable roster.

The district manager shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months, which list shall include the contractor's name, the contractor's registration number, the contract amount, a brief work description, and the contract award date.

The district manager may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW. If the bond and retainage requirements are waived, the district shall assume liability for the contractor's payment of laborers, mechanics, subcontractors, materialmen, suppliers and taxes imposed under title 82 RCW that may be due from the contractor; however, the district shall have the right of recovery against the contractor for any payments made on the contractor's behalf. The selected contractor shall execute the district's form contract for small works roster projects.

2.32.060 Small works rosters and vendor lists - removal or suspension.

The district manager may remove a contractor from a small works roster or a vendor from a vendor list for cause, examples of which include but are not limited to the following:

- A. Illegal acts;
- B. Failure to respond, without good cause, to three consecutive requests for quotations;
- C. Failure to execute a contract after award of contract;
- D. Any material failure to perform on a district contract; and
- E. Any significant detrimental change in the contractor's status, such as financial condition or service ability.

The district manager shall cause notice of the removal to be given to the contractor or vendor by certified mail, copy received. The decision shall be final unless the contractor or vendor appeals in accordance with section 2.32.070.

2.32.070 Roster disapproval or removal - appeal.

A contractor removed from a small works roster, a vendor removed from the vendor list, or a contractor denied inclusion on the STEP system roster, may appeal the decision to the board of commissioners by filing a written notice of appeal with the district manager within 30 days of the date of the decision. The board of commissioners shall hold a hearing on the appeal within 45 days of the date of the district manager's receipt of the appeal, which hearing may be continued as deemed appropriate by the board of commissioners. The board of commissioners shall render a decision on the appeal within 45 days of conclusion of the hearing.

2.32.080 Small works rosters and vendor lists - lowest responsible bidder.

In determining the lowest responsible bidder for small works roster and vendor list contracts, the district manager may consider the following elements in addition to price:

- A. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- B. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- C. The ability of the bidder to perform the contract within the time specified;
- D. The quality of performance of previous contracts by the bidder;
- E. The previous and existing compliance by the bidder with laws relating to the contract; and
- F. The ability of the bidder to provide future maintenance and service for the subject of the contract.

2.32.090 Vendor lists - applicability.

Except for electronic data processing and telecommunications equipment in accordance with RCW 39.04.270 and purchases covered by RCW 39.04.280, any purchase of materials, supplies or equipment with an estimated cost of \$50,000 or more shall be made by competitive bidding pursuant to RCW 57.08.050, and any purchase of materials, supplies or equipment with an estimated cost of more than \$500 but less than \$50,000 shall be made using the vendor list and procedure of this chapter.

2.32.100 Vendor lists - roster and advertisement.

The vendor lists shall be for the categories of work established by the district manager. At least twice each year, the district manager shall cause a notice of the existence of each vendor list to be published in a newspaper of general circulation within the district. The notice shall solicit the names of vendors for the lists.

2.32.110 Vendor lists - contract awards.

The district manager shall secure telephone (voice or facsimile) or written quotations, or both, from at least three different vendors on the vendor list whenever possible, to assure that a competitive price is established and to award contracts to the lowest responsible bidder as defined section 2.32.080. Immediately after award of the purchase contract, the district manager shall record the bid quotations, and make the bid quotations open to public inspection and available to the public by telephone inquiry.

2.32.120 Notice of awarded purchase contracts.

The district manager shall post a list of the contracts awarded using the vendor lists at the district office at least once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date of contract award. The list shall also state that the bid quotations for these contracts are available for public inspection. (Res. 1304, 2005)