

RESOLUTION NO. 2009-10

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF CHELAN COUNTY ON THE SUBJECT OF ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS HAVING A VALUE LESS THAN \$300,000.

WHEREAS, in order to be able to implement the small works roster process, the Port of Chelan County is required by law to adopt a resolution establishing specific procedures; now, therefore,

THE BOARD OF COMMISSIONERS OF THE PORT OF CHELAN COUNTY HEREBY RESOLVE AS FOLLOWS:

Section 1. The following small works roster procedures are established for use by the Port pursuant to RCW 53.08.120 and Chapter 39. 04 RCW.

A. Cost. The Port 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 Port 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.

B. Contractors on Small Works Roster.

1. The small works roster shall consist of all responsible contractors who have requested to be on the roster, and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on the roster 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 being placed on the roster.
2. 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 and solicit the names of contractors for such roster.
3. Responsible contractors shall be added to the roster at any time that they submit a written request and necessary records.

C. Standard Contract. The Port may require use of a standard contract approved by the Port to be signed by the “lowest responsible bidder” when a specific award is made using a small works roster.

D. Telephone or Written Quotations. The Port shall obtain telephone, written or electronic quotations for public works contracts from contractors on the small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911, as follows:

1. A contract awarded from the 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.
2. Quotations may be invited from all appropriate contractors on the small works roster. As an alternative, quotations may be invited from at least five contractors on the 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 roster.
3. For purposes of this resolution, “equitably distribute” means that the Port may not favor certain contractors on the small works roster over other contractors on the small works roster who perform similar services.
4. If the estimated cost of the work is from One Hundred Fifty Thousand Dollars (\$150,000) to Three Hundred Thousand Dollars (\$300,000) and the Port has chosen to solicit bids from less than all the appropriate contractors on the appropriate small works roster, the Port must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The Port may provide notice to the remaining contractors as follows: (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.
5. At the time bids are solicited, the Port shall not inform a contractor of the terms or amount of any other contractor’s bid for the same project.
6. A written record shall be made by the Port 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.
7. At least once every year a list of the contracts awarded pursuant to this Section shall be furnished to the Board of Commissioners and made available to the general public. The

list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

E. Determining Lowest Responsible Bidder. All contracts awarded pursuant to this Section shall be awarded to the "lowest responsible bidder" as defined in RCW 43.19.1911, as the same exists now or may hereafter be amended.

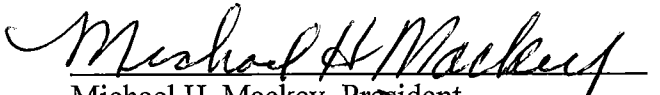
F. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the Board of Commissioners for consideration, determination of the lowest responsible bidder, and award of the contract; provided, however, that the Executive Director may consider the quotation, determine the lowest bidder, and award the contract if these matters are within any authorization or delegation of authority previously approved by the Board of Commissioners.

G. Right to Reject. The Port reserves the right to reject all bids and not award a contract.

Section 2. This Resolution shall take effect immediately upon passage by the Board.

RESOLVED this 20th day of August, 2009.

BOARD OF COMMISSIONERS



Michael H. Mackey, President



Craig N. Larsen, Vice President



J.C. Baldwin, Secretary