

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION

NO. 2017-_____

**Resolution Amending Kittitas County Procedures For A Small Works And A Small
Purchase Roster and for Leases of Personal Property.**

- WHEREAS,** It is desirable that the County small works and small purchase roster policies comport to the newest RCW changes; and
- WHEREAS,** RCW 36.32.245 provides that a county may, by resolution or ordinance, purchase goods valued between \$10,000 and \$50,000 using a small purchase roster and the procedure described in RCW 39.04.190; and
- WHEREAS,** RCW 36.32.245 provides for dispensing with advertisement and sealed bidding for all purchases of goods valued less than \$10,000; and
- WHEREAS,** RCW 36.32.250 authorizes a county, by resolution or ordinance, to dispense with competitive bids for public works projects valued less than \$40,000 and allow use of a small works roster, consonant with RCW 39.04.155, for public works valued at \$300,000 or less; and
- WHEREAS,** Resolution 2007-123 amended Resolutions 2006-28, 2003-128, and 90-44 to set out County policies for small works and small purchase roster; and
- WHEREAS,** Resolution 2009-105 amended Resolution 2007-123 for small works and small purchase roster to comport with the latest changes to RCWs 36.32.250 and 39.04.155, dealing with bidding and small works roster; and
- WHEREAS,** Resolution 2009-105's Section VI Personal Property Leases needs to be amended to provide the County all the options as allowed by State law; and
- WHEREAS,** Resolution 2010-12 needs to be updated to the increased amounts for small purchases from \$5,000 to \$10,000 with the change on the limit from \$25,000 to \$50,000 as per 2016 law changes to RCW 36.32.245
- WHEREAS,** The Kittitas County Board of Commissioners desires to describe specifically the procedures to be used for both small purchases and small works, as defined by the above-cited sections of the Revised Code of Washington.

NOW, THEREFORE BE IT RESOLVED: That Kittitas County shall follow the amended procedures and policies for establishment, maintenance, bidding, and purchase for small works and small purchase rosters as follows:

Section J

Purpose and Intent

The purpose of this resolution is to provide a uniform method of purchasing materials, supplies, or equipment and awarding contracts for public works projects in accordance with the statutes cited hereafter. The Kittitas County Board of Commissioners intends for this procedure to be used by all departments and funds of Kittitas County for the purchase of any materials, supplies, equipment and awarding contracts for public works projects to the lowest responsible bidder.

Responsible Bidder- As per RCW 39.04.350, before awarding a public works contract, a bidder must meet the required criteria to be considered and qualified. The bidder must:

1. Have a certificate of registration in compliance with RCW 18.27 at time of bid submittal.
2. Have a current state unified business identifier number.
3. If applicable, have industrial insurance coverage for employees working in Washington as required in Title 51 RCW, employment security department number as required in Title 50 RCW, and a state excise tax registration number as required in Title 82 RCW.
4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).

The County must provide in writing the reasons why a bidder is determined to not be responsible. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the County. The County must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the County may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

Supplemental Criteria for Determining Bidder Responsibility- In addition, the County may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet. Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents. A potential bidder may request that the County modify the supplemental criteria if the request is done in a timely manner before the bid submittal deadline. The County must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the County must issue an addendum to the bidding documents identifying the new criteria. If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the County may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

Solicitation of Donations -The County will not accept donations of materials or services in return for a commitment to continue or initiate a purchasing relationship.

Gifts and Gratuities- No employee will accept gifts or gratuities from existing or potential vendors in return for a commitment to continue or initiate a purchasing relationship.

Intergovernmental Agreements- Nothing herein shall limit the ability of the County to purchase goods or contract for public works pursuant to valid intergovernmental contracts with the United States government, State of Washington, or any subdivision thereof, as allowed by law, including but not limited to Chapters 35.77, 39.32, 39.33, 39.34, and 47.24 RCW.

Electronic Data Processing, Telecommunication Equipment, Software- Nothing herein shall limit the ability of the County to acquire electronic data processing or telecommunication equipment or software through the request for proposals and competitive negotiation process as described in RCW 39.04.270.

Section II

ALL PURCHASES BELOW \$10,000

Advertisement and formal sealed bidding for purchases of materials, supplies, equipment, or services below \$10,000 are hereby dispensed with by order of the Kittitas County Board of Commissioners as authorized by RCW 36.32.245(3), yet the County will attempt to obtain the lowest practical price.

Section III

PURCHASES OF MATERIALS, SUPPLIES, EQUIPMENT, AND SERVICES
BETWEEN \$10,000 AND \$50,000- VENDOR LIST

Advertisement and formal sealed bidding may be dispensed with for purchases of materials, supplies, equipment, or services costing between \$10,000 and \$50,000 by order of the Kittitas County Board of County Commissioners as authorized by RCW 39.04.190. This statute provides that a vendor list may be used to secure telephone or written quotations under certain conditions as follows:

- A. At least twice a year, the County Auditor shall publish in the official county newspaper a notice of the existence of a vendor list for categories of goods and services needed by the County and solicit the names of vendors for such list. The vendor list shall be maintained in the Auditor's office. Vendors shall be removed from the list upon their request or discovery by the County that the vendor is no longer in business.
- B. Kittitas County may also use the state wide electronic database developed and maintained jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington.
- C. Kittitas County shall use the following process to obtain telephone quotations from vendors for the purchase of materials, supplies, or equipment:
 1. Any contract awarded under this subsection need not be advertised. A

- written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;
2. The county shall secure telephone or written quotations from at least 3 vendors, if possible, and preferably all vendors listed in the appropriate category of the small purchase roster to ensure a competitive process and that the County receives the maximum benefit;
 3. The Kittitas County representative shall not share telephone quotation from one vendor with other vendors solicited for the bid on the materials, supplies, or equipment;
 4. The County shall use the County-approved "telephone bid form." This bid form must be completed and submitted with the voucher for payment for the purchased materials, supplies, equipment, and services.
 5. Immediately after the award, all bid quotations that the County secured must be recorded and made open to public inspection. This information must also be available to those who inquire by telephone.
 6. At least every two months, the County Auditor shall post on the public notices bulletin board a list of contracts awarded pursuant to this section valued at more than \$10,000 but not more than \$50,000. The list must contain the name of the vendor, the amount of the contract, a brief description of the items purchased, and the date of the award.
- D. Exception- The foregoing shall not apply if it has been determined that the County seeks a single source product or contractor or a declaration of emergency has been declared by the Board of County Commissioners.
- E. Kittitas County shall purchase the materials, supplies or equipment from the lowest responsible bidder, provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the County may call for new bids. The County, in determining the lowest responsible bidder, may take in consideration the factors listed in RCW 43.19.1911(9).

Section IV

PUBLIC WORKS PROJECTS - VALUE BELOW \$40,000

Advertisement and competitive bidding for public works projects below \$40,000 are hereby dispensed with by order of the Kittitas County Board of Commissioners as authorized by RCW 36.32.250, yet the County will attempt to obtain the lowest practical price. The paying of prevailing wages is required for public works projects valued below \$40,000.

Section V

PUBLIC WORKS PROJECTS ESTIMATED VALUE-\$40,000 TO \$300,000

This section provides a uniform process to award contracts for public works projects using a small works roster as provided in RCW 39.04.155 and RCW 36.77.075 and adopted by the Kittitas County Board of Commissioners per Resolution 2003-128 in lieu of the requirements for formal sealed bidding. A public work shall mean all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the County as defined in RCW 39.04.010. Performance bonds and the paying of prevailing wages are required on small works roster projects. The small works roster procedure is as follows:

- A. At least once per year, the Public Works Department shall solicit from all other County departments, in a manner reasonably calculated to insure notice and response-such as intra-office memo or email, information as to what types of public work each department may need done in the foreseeable future.
- B. At least once a year the Public Works Department shall publish in the official county newspaper, a notice of the existence of a small works roster and solicit the names of contractors who can perform the types of work sought for such a roster. Additionally, other vendors shall be added to the list upon their request or agreement to be placed thereon.
- C. A roster shall be compiled in and by the Public Works Department listing the name of each contractor who has requested to be on that roster and the category of work performed by the contractor. Contractors shall be removed from the list upon their request or upon discovery by the County that the contractor is no longer in business.
- D. The County may also use the state wide electronic database developed and maintained jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington.
- E. The County 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 the lowest responsible bidder, as defined in RCW 43.19.1911(9), as follows:
 1. 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. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

2. The County shall use the approved County "telephone bid form." This bid form must be completed and submitted with the voucher for payment for the contracted public work.
3. 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.
4. If the estimated cost of the work is from one hundred fifty thousand dollars to three hundred thousand dollars, the County may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The County 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 other electronic means.
5. For purposes of this resolution, "equitably distribute" means that the County may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the County representative 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 County 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. A list shall be prepared annually by the County Auditor of contracts awarded under this section and shall be available to the public. The list shall contain the name of the contractor awarded the contract, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

Section VI

LEASES OF PERSONAL PROPERTY

A lease of personal property may require competitive bids, depending on the total lease value as provided in RCW 39.04.190. For leases valued between \$2,500 and \$25,000 the process outlined in Section III of this Resolution may be followed. For leases valued at less than \$2,500, the Kittitas County Board of Commissioners may waive any bidding requirements.

APPROVED the 17th day of January 2017.

BOARD OF COUNTY COMMISSIONERS
KITTTITAS COUNTY, WASHINGTON

Chairman

Vice Chairman

Commissioner

ATTEST

Clerk of the Board