

Section IV. Public Works

4.1. General. The District does not need to comply with formal bidding procedures for public works where the estimated cost does not exceed \$300,000.

- A. Before applying the dollar bidding limits in the following sections, the total cost of each public works project must be determined. The Superintendent should determine the fair and reasonable value of the work to be performed given the conditions that will be faced and the requirements of the proposed project or purchase. The cost estimate should reflect the amount that the District considers fair and reasonable and that it is willing to pay for the work contemplated.
- B. Several approaches can be used to make an estimate. The District can consider the actual cost of performance, considering the current cost of labor, equipment, and materials. A second approach arrives at an estimate by using historical data, reviewing recent contracts and adjusting for the proposed project and current market conditions. A third approach would be to combine historical bid data with actual cost data.

4.2. Small Works Roster. The small works roster shall be used to award contracts for public works and for purchases of materials without the need to formally advertise the contract. The following small works roster procedures are established for use by the District pursuant to Chapter 39.04 RCW.

- A. **Covered Contracts.** The provisions of this section 4.2 may be used for public works projects where the estimated cost does not exceed \$300,000 and for the purchase of materials where the estimated cost does not exceed \$75,000. The breaking of any project or purchases 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. **Telephone or Written Quotations.** The Superintendent 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 responsible bidder with the lowest responsive bid as follows:
 - 1. A contract awarded from a small works roster need not be advertised.

2. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as details of all materials and equipment to be furnished. However, detailed plans and specifications do not need to be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with state regulations and building codes.
 3. Quotations may be invited from all appropriate contractors on the small works roster.
 4. Quotations will be accepted from any contractor who is listed on the small works roster on the date set for opening quotations.
- C. **Posting.** The Superintendent shall post a list of all contracts awarded using the small works roster at the District's offices at least once every year and make that list available to the Board. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the items purchased, or the type of work performed, and the date a contract was awarded. The list shall also state the location where the bid quotations for the contracts are available for public inspection.

4.3. Limited Public Works Process. If a public works project is estimated to cost less than \$35,000, the Superintendent may award the contract using the limited public works process provided under RCW 39.04.155(3).

- A. For limited public works projects, the Superintendent will solicit electronic or written quotations from a minimum of three (3) contractors from the small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.350. Providing the winning bidder is listed on the small works roster on the date set for opening bids.
- B. The solicitation shall include an estimate of the scope and nature of the work to be performed as well as the materials and equipment to be provided.
- C. After a limited public works award is made, the quotations shall be open to public inspection and available by electronic request.
- D. For limited public works projects, the District may waive the 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, materialmen, suppliers, and taxes imposed under RCW Title 82 that may be due from the contractor for the limited public works project. However, the District shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

- E. Vendors/contractors selected using the limited public works process are required to comply with prevailing wage and insurance requirements.
- F. The Superintendent shall maintain a list of the contractors contacted, and the contracts awarded during the previous twenty-four (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 work performed and the date the contract was awarded.

4.4. Informal Small Works Process. In lieu of inviting bids from all contractors on the small works roster, for contracts for the performance of work with a cost of less than \$150,000 the District may follow this simplified process:

- A. If the estimated cost of work is less than \$35,000, quotations need only be invited from three (3) contractors on the small works roster who have indicated the capability of performing the kind of work or providing the materials being contracted. If the estimated cost of the work is from \$35,000 to \$150,000, the Superintendent may choose to solicit bids from five (5) contractors on the small works roster who have indicated the capability of performing the kind of work being contracted.
- B. If the bids received from the five (5) contractors are all over \$150,000, the Superintendent must also solicit bids from the remaining contractors on the small works roster who have indicated the capability of performing the kind of work being contracted. The Superintendent shall determine whether this notice to the remaining contractors is made by:
 - 1. Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
 - 2. Mailing a notice to these contractors; or
 - 3. Sending a notice to these contractors by facsimile or other electronic means.
- C. In either case, invitations must be solicited in a manner that will equitably distribute the opportunity among the contractors on the roster.

- D. Bids will be accepted from any contractor who is listed on the small works roster on the date set for opening bids.
- E. A written record shall be made by the Superintendent 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.