

**HARTSTENE POINTE WATER AND SEWER DISTRICT
RESOLUTION 2009 - 25**

**A RESOLUTION OF THE
HARTSTENE POINTE WATER AND SEWER DISTRICT BOARD OF
COMMISSIONERS ESTABLISHING PROCEDURES FOR THE SMALL
WORKS ROSTER TO AWARD PUBLIC WORKS CONTRACTS AND
VENDORS LIST PROCESS TO PURCHASE MATERIALS, SUPPLIES,
AND EQUIPMENT,**

WHEREAS, Hartstene Pointe Water and Sewer District was formed May 2009; and

WHEREAS, Washington State RCW 39.04.155 establishes small works roster contract procedures; and

WHEREAS, Washington State RCW 39.04.270 provides for competitive negotiations for electronics data processing and telecommunication systems

WHEREAS, Washington State RCW 39.04.280 specifies exemptions to competitive bidding;

**THEREFORE BE IT RESOLVED BY THE HARTSTENE POINTE WATER
AND SEWER DISTRICT BOARD OF COMMISSIONERS:**

Section 1 Public Works contracting shall be in accordance with the following policies:

- a. Definition of Public Work. The term public work shall include all construction, alteration, repair, or improvement of real property, other than ordinary maintenance. Ordinary maintenance shall be defined as any work performed on a regularly scheduled basis (e.g. daily, weekly, monthly, seasonally, semiannually, but not less than once per year) to service, check, or replace items that are not broken; or work that is not regularly scheduled but is required to maintain the asset to avoid repairs.
- b. Cost The District is not required to use informal or formal sealed bidding procedures or the procedures set forth in the resolution for the construction, building, renovating, remodeling, alteration, repair, or improvement of real property where the estimated cost will not exceed Five Thousand Dollars (\$5,000). In such cases, the District will attempt to obtain the lowest practical price for such projects.
 1. The District may use the small works roster for construction, building, renovating, remodeling, alteration, repair, or improvements of real property where the estimated cost of the project is less than Two Hundred Thousand Dollars (\$200,000), which includes the costs of labor, material, equipment, and sales and/or use taxes as applicable.
 2. 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 specified in the small work roster process.
- c. a. Number of Rosters The District will create a single general small works roster, which consists of all responsible contractors who have requested to be placed on the roster.

- d. b. Contractors on Small Works Roster The small works roster shall consists of all responsible contractors who have requested to be placed 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 or maintained on the roster must keep current records of any applicable licenses, certifications, registrations, bonding or proof of insurance, or other appropriate matters on file with the District.
- e. c. Publication of Notice At least once a year, the District shall publish in a newspaper of general circulation within its jurisdiction a notice of existence or the roster and solicit names of contractors for such roster. Responsible contractors shall be added to the roster when they submit a completed application and necessary records. The District may require master contracts to be signed that become effective when a specific award is made using the small works roster.
- f. d. Telephone, Written, Facsimile, and /or Electronic Bids The District shall obtain telephone, written, facsimile and/or electronic bids 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 bidder. The District shall use the following process to obtain telephone, written, facsimile and/or electronic bids for public works contracts under this section as follows:
1. The District shall write a description of the scope and nature of the work to be performed, together with any other specifications required to receive an informed and accurate bid.
 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 small works roster.
 3. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all appropriate contractors on the roster have been given an opportunity to submit a bid on the present or future projects.
 4. A written record shall be made by the District representative soliciting the bid of each contractor's bid on the project, and of any conditions imposed on the bid.
 5. All of the telephone, written, facsimile and/or electronic bids shall be collected and presented at the same time to the District for consideration, determination of the lowest responsible bidder, and award of the contract thereafter, shall be made.
- g. a. Determining Lowest Responsible Bidder The District shall award the contract for the public works project to 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 District may call for new bids. In addition to price, the District shall take into account the following:
1. the ability, capacity, and skill of the bidder to perform the contract;
 2. whether the bidder can perform the contract within the time specified by the District;
 3. the quality of the bidder's performance of pervious contracts or services;
 4. the previous and existing evidence by the bidder with laws relating to the type of contract or services bid on; and

5. such other information that may bear on the decision to award the contract.

- h. a. Award The Board of Commissioners shall review all bids, and the recommendation(s) of District staff, and thereafter award the contract to the lowest responsible bidder. A written record of each contractor's bid shall be available for public inspection or telephone inquiry after the award of the contract. Any contract awarded from the small works roster need not be advertised.
- i. b. Public Information Immediately after an award is made, the bid quotation shall be recorded, open to public inspection, and available by telephone inquiry.

Section 2 (Vendor's Roster) Purchase of equipment, materials, or supplies not connected to a public works project in an amount of Ten Thousand Dollars (\$10,000) or less.

- a. The District is not required to use informal or formal sealed bidding procedures set forth in this resolution to purchase equipment, materials, or supplies not connected to a public works project where the cost will not exceed Ten Thousand Dollars (\$10,000).
- b. In all such cases, the District will attempt to obtain the lowest practical price for such goods and services.

Section 3 (Vendor's Roster) Purchase of equipment, materials, or supplies not connected to a public works project in an amount above Ten Thousand Dollars (\$10,000).

- a. Publication of Notice At least twice a year, the District shall publish in a newspaper of general circulation within the jurisdiction of the existence of the vendor roster and solicit the names of vendors for such roster. Responsible vendors shall be added to the roster when they submit a written request and all necessary records.
- b. Telephone, Written, Facsimile, and/or Electronic Bids The District shall use the following process to obtain bids from vendors for the purchase of equipment, materials, or supplies not exceeding Fifty Thousand Dollars (\$50,000) in amount.
1. 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 date of delivery, and any other significant terms of purchase.
 2. A District representative shall make a good faith effort to contact at least three of the vendors on the roster, and, reading from a written description or by providing each vendor with the written description, obtain telephone, written, facsimile, and/or electronic bids from the vendors on the required equipment, materials, or supplies.
 3. At the time such telephone, written, facsimile, and/or electronic bids are solicited, the District representative shall not inform any vendor of any other vendor's bid on the materials, supplies, or equipment.
 4. A written record shall be made by the District representative of each vendor's bid on the materials, supplies, or equipment and of any conditions imposed on the bid by such vendor.
 5. All of the telephone, written, facsimile and/or electronic bids shall be collected and presented at the same time to the District for consideration, determination of the lowest responsible bidder, and award of the contract thereafter, shall be made.

c. a. Determining Lowest Responsible Bidder The District shall purchase the equipment, materials, or supplies 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 District may call for new bids. In addition to price, the District shall take into account the following:

1. any preferences provided by law to Washington products and vendors;
2. the quality of the materials, supplies, or equipment to be purchased;
3. the conformity of the materials, supplies, or equipment to the District's specifications;
4. the purpose for which the materials, supplies, or equipment are required;
5. the times of delivery of the materials, supplies, or equipment;
6. the character, integrity, reputation, judgment, experience and efficiency of the bidder; and
7. such other information that may bear on the decision to purchase the materials, supplies, or equipment.

d. a. Award The Board of Commissioners shall review all bids, and the recommendation(s) of District staff, and thereafter award the contract to the lowest responsible bidder. A written record of each contractor's bid shall be available for public inspection or telephone inquiry after the award of the contract. Any contract awarded from the vendors roster need not be advertised.

e. b. Public Information Immediately after an award is made, the bid quotation shall be recorded, open to public inspection, and available by telephone inquiry.

Section 4 Telecommunications, telemetry, data processing, and software. Telecommunications, telemetry, data processing, and software may be purchased with competitive negotiations as an alternative to the competitive bid process, if the following procedures are followed:

- a. A request for proposals (RFP) must be published at least once in a newspaper of general circulation within the jurisdiction at least 13 days before the last date on which the proposals will be received.
- b. The RFP must be submitted to an adequate number of qualified resources, as determined by the district in its discretion to permit reasonable competition consistent with the requirements for the procurement.
- c. The District may use sole source procurement to maintain the integrity of an electrical, telephone, data processing, software and/or telemetry system.
- d. The RFP must identify the significant evaluation factors including pricing and their relative importance.
- e. The District shall provide reasonable procedures for technical evaluation of the proposal, identification of qualified sources, and the selection processing for awarding the contract. The procedures shall be in written form, but not necessarily printed in the RFP.
- f. The District may reject any or all proposals and request new proposals.

Section 5 Exemptions to competitive bidding requirements

a. In the following special circumstances, the District would be exempt from competitive bidding requirements:

1. Purchases that are clearly and legitimately limited to a single source of supply.
2. Purchases involving special facilities or market conditions;
3. Purchases in the event of an emergency;
4. Purchases of insurance or bonds; and
5. Public works in the event of an emergency.

b. a. The waiver of competitive bidding requirements in Section 6(a) of this resolution may be by resolution or by the terms of a written District policy. If the District Board of commissioners elect to waive competitive bidding requirements by the terms of a written District policy, the contract and factual basis for the exception must be recorded and open to public inspection, immediately after the award of the contract. This requirement does not apply in the event of an emergency.

c. b. If a resolution is adopted by the District Board of Commissioners to waive competitive bidding requirements, the resolution must recite the factual basis for the exception. This requirement does not apply in the event of an emergency.

d. c. If an emergency exists, the District Board of Commissioners or its designee may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the District to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the District Board of Commissioners or its designee and duly entered of record no later than two weeks following the award of the contract.

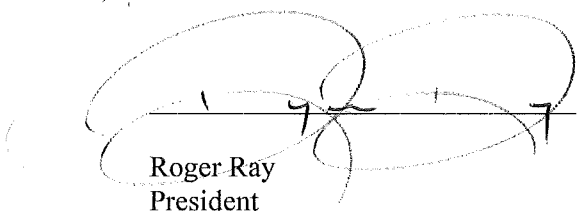
e. d. For the purpose of Section 6 of the resolution, an emergency means unforeseen circumstances beyond the control of the District that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Section 6 Formal Bidding. The District shall use formal competitive bidding in preference to the small works roster, when it determines that to be in the best interest of the District.

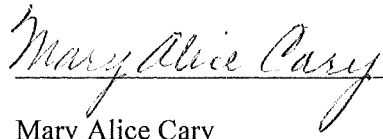
Section 7 Authority No commitments of funds will be allowed without budget authority or specific District Board of Commissioner's approval.

ADOPTED, by the Board of Commissioners of Hartstene Pointe Water and Sewer District, at a regular scheduled meeting on _____, 2009.

HARTSTENE POINTE WATER AND SEWER DISTRICT
Mason County, Washington



Roger Ray
President



Mary Alice Cary

Mary Alice Cary
Secretary



William Parisio
Commissioner