

**METHOW VALLEY IRRIGATION DISTRICT  
RESOLUTION 24. 14  
SMALL WORKS POLICY AND PROCEDURES**

WHEREAS RCW 39.04.151 through 154 and other laws regarding contracting for public works by authorized local governments allow certain contracts to be awarded using a small works roster process; and

WHEREAS the Methow Valley Irrigation District (MVID) is authorized by RCW 87.03.436(2) to use the small works roster process to award contracts; and

WHEREAS to be eligible to implement a small works roster and process, MVID is required to adopt a resolution, establish reporting procedures that are publicly available, and commit to providing the most practicable opportunities for small businesses when using Direct Contracting; and

WHEREAS to be eligible to use Direct Contracting on occasion, MVID is required to develop a Small Business Utilization Plan; and

WHEREAS, MVID's board of directors desires to repeal the district's existing small works policy and procedures (adopted April 8, 2019 with Resolution 19.06), and adopt a resolution that reflects current small works contracting regulations.

NOW, THEREFORE, MVID hereby resolves as follows:

**Section 1:** Resolution 19.06 is hereby repealed and is replaced with this Resolution.

**Section 2:** MVID hereby elects to use the statewide small works roster established under RCW 39.04.151(2) and administered by the Municipal Research and Services Center of Washington (MRSC).

**Section 3:** MVID has established the following procedures to use in managing procurement and awards of public works contracts using the statewide small works roster.

- A. Small Works, as defined by RCW 39.04.152, are projects for construction, building, renovation, remodeling, alteration, repair, or improvement of real property estimated to cost \$350,000 or less, not including Washington State sales tax.
- B. The statewide small works roster is a pre-established list of properly licensed contractors, registered to do business under selected project types and (work) categories.
- C. The small works process is an alternative to publicly advertising public works projects. Every small works contract is subject to the public works bidding, award, and compliance requirements of RCW 39.04 except as provided in RCW 39.04.151 through 154, this resolution, or the incorporated policies or procedures.
- D. MRSC Rosters will publish annual notification of MVID's desire to use the statewide small works roster and process and invite more businesses to apply. Interested businesses are encouraged to apply to the statewide small works roster at any time.

- E. Small Works bidding and award information will be entered into the statewide small works roster platform immediately upon conclusion of each small works roster award.
- F. Small Works bidding and award data will be part of MVID's procurement files and records and all documents will be available for review with MVID's secretary.

**Section 4:** MVID intends to use the direct contracting option (RCW 39.04.152(4)) whenever practicable for Small Works projects estimated to cost \$150,000 or less, not including Washington State sales tax. MVID has developed additional policies and procedures to ensure that MVID uses Direct Contracting in accordance with the spirit and intent of the statute. Those policies and procedures are set forth in the attached Schedule A and are hereby incorporated herein.

**Section 5:** Annually, MVID will appoint a Small Works Roster Program Manager. As the delegated authority, the Small Works Roster Program Manager will oversee and manage the district's Small Works Roster Program and, with support from the district's attorney, will be responsible for ensuring all necessary policies, procedures, templates, contracts or similar are developed and used in accordance with the applicable statutes and guidance provided by MRSC.

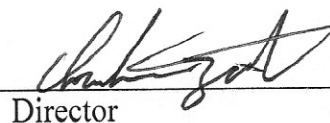
Further, the Small Works Roster Program Manager will be responsible for establishing and implementing MVID's Small Business Utilization Plan and reporting annually on the utilization and improvements needed to the policy or contracting processes to meet or exceed the established goals for small business utilization through Direct Contracting opportunities.

The Small Works Roster Program Manager will also be responsible for data collection, reporting, and similar on all activities, uses, and awards for small works and will ensure all information is provided to MRSC, the state, or the public as required or requested.

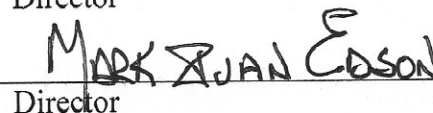
Passed and approved this 9 day of December 2024.

ATTEST:

  
Secretary

  
Director

Director

  
Director

**Schedule A**  
**Methow Valley Irrigation District**  
**Direct Contracting Policies and Procedures**

1. Intent: MVID intends to use the direct contracting option specified in RCW 39.04.152 whenever practicable for small works projects estimated to cost \$150,000 or less, not including Washington State sales tax. These direct contracting policies and procedures are intended to guide MVID's directors and staff in the use of the direct contracting process and ensure the district uses direct contracting in accordance with the spirit and intent of the statute.
2. Authority: RCW 39.04.152(1) states that any local government authorized to award contracts using the small works roster process under this section may award contracts using the direct contract provisions of this section. Irrigation districts are regulated by RCW 87.03, which authorizes use of the small works roster process to award contracts. RCW 87.03.436(2) states that "all contract projects, the estimated cost of which is less than the amount authorized, may be awarded using the small works roster process under RCW 39.04.151 through 39.04.154."
3. MVID will use MRSC's Small Works Roster Manual once MRSC has published a manual that has been revised to reflect Chapter 395, Laws of 2023, and changes made to RCW 39.04 following the 2023 legislative session.
4. For small public works projects with an estimated cost under \$150,000, not including Washington State sales tax, MVID may direct contract with small businesses as defined in Chapter 395, Laws of 2023, before direct contracting with other contractors on the appropriate small works roster without a competitive process, as follows:
  - a. If there are six or more contractors meeting the definition of small business on the applicable roster, and MVID chooses to direct contract, MVID must direct contract with one of those small businesses on the applicable roster that have indicated interest in performing work in the applicable geographical area. MVID must rotate through the contractors on the appropriate small works roster and must, when qualified contractors are available from the roster who may perform the work or deliver the services within the budget described in the notice or request for proposals, utilize different contractors on different projects.
  - b. If there are five or fewer contractors meeting the definition of small business on the applicable roster, MVID may direct contract with any contractor on the applicable roster.
  - c. It is the intent of the Washington State legislature to increase utilization of small, minority, women, and veteran-owned businesses. Before using direct contracting, MVID will adopt a small, minority, women, and veteran-owned business utilization plan and establish procedures for implementing chapter 395, Laws of 2023. MVID will notify small, minority, women, or veteran-owned businesses on the applicable roster when direct contracting is utilized.
  - d. When engaging in direct contracting, MVID may not favor certain contractors on the appropriate small works roster by repeatedly awarding contracts without documented attempts to direct contract with other contractors on the appropriate small works roster.
  - e. If MVID elects not to use the methods outlined in this subsection, it may not use direct contracting and must invite bids by electronically notifying all contractors on the applicable roster that have indicated interest in performing work in the applicable geographical area as described in RCW 39.04.152.

5. Procurement and award.
  - a. All small public works awards, regardless of value, must comply with RCW 39.04.152 and with the policies and procedures herein, including requirements related to direct contracting and invitations to bid.
  - b. MVID's watermaster shall have the authority to award public works contracts estimated to cost \$5,000 or less, not including Washington State sales tax, without board approval, provided that the board shall ratify the award by motion at the next scheduled board meeting.
  - c. For public works projects estimated to cost more than \$5,000, not including Washington State sales tax, MVID's board shall award contracts by resolution.
6. For small public works contracts under \$5,000, there is no requirement for retainage or performance bonds. Small public works contracts valued at more than \$5,000 shall be subject to performance bond requirements set forth in chapter 39.08 RCW and retainage requirements set forth in chapter 60.28 RCW, provided, however, that MVID may reduce or waive retainage requirements set forth in RCW 60.28.011(1)(a), thereby assuming the liability for the contractor's nonpayment of: (a) Laborers, mechanics, subcontractors, materialpersons, and suppliers; and (b) taxes, increases, and penalties pursuant to Titles 50, 51, and 82 RCW that may be due from the contractor for the project. Any such waiver will not affect MVID's rights to recover against the contractor for any payments made on the contractor's behalf. For small public works contracts awarded through a bid solicitation, notice of any retainage reduction or waiver must be provided in bid solicitations.
7. After an award is made, the bid quotations obtained shall be recorded, publicly available, and available by request.
8. Annually, MVID will publish on the district's web site a list of small works contracts awarded and contractors contacted for direct negotiation pursuant to RCW 39.04.200. Each entry on 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, and the date the contract was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.