

**METHOW VALLEY IRRIGATION DISTRICT
RESOLUTION 19.06
SMALL WORKS POLICY AND PROCEDURES**

WHEREAS, RCW 87.03.436 provides that an irrigation district may award contract projects, the estimated cost of which is less than three hundred thousand dollars (\$300,000), using the small works roster process under RCW 39.04.155; and,

WHEREAS, RCW 39.04.155 provides that a local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing subsection 39.04.155(2); and

WHEREAS, RCW 39.04.155 provides that procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster; and

WHEREAS, MVID's Board of Directors desires to use the small works roster procedure as outlined in Chapter 39.04 RCW and to establish procedures to be used for small works contracting, as defined by the above-cited sections of the Revised Code of Washington.

NOW, THEREFORE, BE IT RESOLVED, that MVID authorizes the use of the small works roster provisions provided in Chapter 39.04 RCW, including the limited public works process.

BE IT FURTHER RESOLVED, that the following small works roster procedures are established for use by MVID pursuant to RCW 87.03.436 and Chapter 39.04 RCW.

1. Cost. MVID 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, MVID may use the small works roster procedures for public works projects as set forth herein. Breaking 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.
2. Number of Rosters. MVID may create a single general small works roster, or may create separate small works rosters for different specialties or categories of anticipated work.
3. Contractors on Small Works Roster(s). The small works roster(s) shall consist of all eligible contractors who have requested to be on the roster(s), and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on one or more district rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with MVID as a condition of being placed on a roster or rosters. To be considered eligible, a contractor must submit to MVID a signed statement in accordance with RCW 9A.72.085 verifying under penalty of perjury that the contractor is in compliance with bidder responsibility criteria (1)(a) through (g) in RCW 39.04.350.
4. Publication. At least once a year, MVID shall publish in a newspaper of general circulation within the Methow Valley a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Eligible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records. MVID

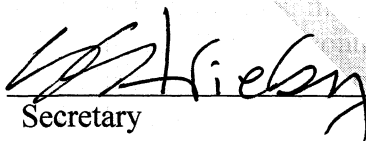
may require master contracts to be signed that become effective when a specific award is made using a small works roster.

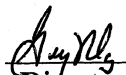
5. An interlocal contract or agreement between MVID and any state agencies or other local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the small works roster provisions.
6. Electronic rosters. As an alternative to paper and/or electronic rosters kept on file in the district office, MVID may use MRSC Rosters, a statewide electronic database developed and maintained by the Municipal Research and Services Center of Washington. The district may not use both rosters kept on file in the district office and MRSC rosters in any given time period; in any time period in which MRSC rosters are used, no other rosters may be used. In any time period in which MVID uses MRSC rosters, MRSC will be responsible for publication as described above.
7. A contract awarded from a small works roster need not be advertised.
8. Telephone, written, or electronic quotations. MVID 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 39.04.010, as follows:
 - a. 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.
 - b. 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. If the estimated cost of the work is from one hundred fifty thousand dollars to three hundred thousand dollars, MVID may choose to solicit quotations 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. MVID has the sole option of determining whether notice to the remaining contractors is made by:
 - i. Publishing notice in a legal newspaper in general circulation in the Methow Valley;
 - ii. Mailing a notice to those contractors; or
 - iii. Sending a notice to those contractors by email or other electronic means.
 - c. For purposes of this resolution, to "equitably distribute" means that MVID may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.
 - d. At the time quotations are invited, MVID's representative shall not inform a contractor of the terms or amount of any other contractor's quotation for the same project.
 - e. MVID's representative shall make a written record of all invitations for quotations and the responses to those invitations, including each contractor's quotation and any conditions imposed on the quotation.
 - f. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.


9. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars, MVID may award such a contract using the limited public works process provided under RCW 39.04.155, subsection (3). Public works projects awarded under said subsection (3) are exempt from the other requirements of the small works roster process provided above and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 87.03.435.
- a. For a limited public works project, MVID will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request. MVID shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the Methow Valley.
 - b. MVID shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four 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 type of work performed, and the date the contract was awarded.
 - c. For limited public works projects, MVID may waive the payment and 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 Title 82 RCW that may be due from the contractor for the limited public works project. However, MVID shall have the right of recovery against the contractor for any payments made on the contractor's behalf.
10. Award. The Watermaster or his/her designee shall present all telephone, written or electronic quotations and recommendation for award of the contract to the lowest responsible bidder to MVID's Board of Directors. However, for public works projects under \$10,000 the Watermaster shall have the authority to award public works contracts without Board of Directors approval, provided that the Board of Directors shall ratify the Watermaster's approval at the next scheduled Board of Directors meeting by motion. For public works projects over \$10,000 the Board of Directors shall award all public works contracts by resolution.

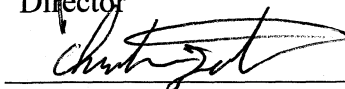
Passed and approved this 0th day of April, 2019.

ATTEST:


Secretary


Director


Director


Director