

PORT OF SILVERDALE
Resolution 2013-01

Small Works Roster Policy to Award Public Works Contracts

WHEREAS, RCW 39.04.155 requires that the Port of Silverdale (Port) adopt a resolution establishing specific procedures for implementing its small works roster process;

NOW, THEREFORE, THE COMMISSION OF THE PORT OF SILVERDALE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

The following small works roster procedures are established for use by the Port pursuant to RCW 53.08.120, RCW 53.08.130, RCW 53.08.135 and Chapter 39.04 RCW.

1. **Cost.** The Port need not comply with formal sealed bidding requirements 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, the Port of Silverdale may use its small works roster and procedures for public works projects as set forth herein. 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 of a contract that may be let using the small works roster process.
2. **Number of Rosters.** The Port may create a single general small works roster or may create a small works roster for different specialties or categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.
3. **Contractors on Small Works Roster(s).** The small works roster(s) shall consist of all responsible 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 a roster or rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the Port as a condition of being placed on a roster or rosters.
4. **Responsibility Defined.** The Chairman of the Port of Silverdale Commission or his designee may determine that a contractor is not eligible for placement on a small works roster if the contractor does not meet one or more of the following requirements. Responsible contractors must:
 - a. Have the ability, capacity and skill to perform work in the area covered by the roster or rosters;

- b. Have performed quality work on previous contracts or service agreements;
 - c. Be able to demonstrate previous and existing compliance with laws relating to public works, or the type of work or service covered by the roster or rosters; and
 - d. Have maintained a civil and professional work climate, free from harassment and intimidation, on job sites and with Port personnel.
5. **Publication.** At least once a year, the Port shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records. The Port may require master contracts to be signed that become effective when a specific award is made using a small works roster. An interlocal contract or agreement between the Port of Silverdale and 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. **Telephone or Written Quotations.** The Port 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, as follows:
- a. 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 of 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.
 - c. For purposes of this resolution, “equitably distribute” means that the Port may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. Until all bids are opened or published, and/or the bidding

process is closed, the Port's representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

- d. A written record shall be made by the Port's 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. A list of bid awards shall be posted and available to the public at least bi-monthly.
- e. At least once every year a list of the contracts awarded under that process is to be furnished to the Port of Silverdale Commission and made available to the general 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 it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

7. Determining Lowest Responsible Bidder. The Chairman of the Port of Silverdale Commission or his designee shall award the contract for the public work project to the lowest responsible responsive bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the Port of Silverdale Commission may call for new bids. In addition to price, the Port of Silverdale Commission shall take into account the following (as provided by RCW 43.19.1911 adopted by reference in RCW 39.04.155):

- a. Any preferences provided by law to Washington products and vendors [RCW 43.19.1911(7)];
- b. The quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery;
- c. The ability, capacity, and skill of the bidder to perform the contract [RCW 43.19.1911(9)];
- d. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- e. Whether the bidder can perform the contract within the time specified by the Port;
- f. The quality of the bidder's performance of previous contracts or services;
- g. The previous and existing compliance by the bidder with laws relating to the contract or services;


h. Such other information as may be secured having a bearing on the decision to award the contract.

8. **Award.** The Chairman of the Port of Silverdale Commission or his designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the Port of Silverdale Commission. However, for public works projects of \$25,000.00 or less, the Chairman shall have the authority to award public works contracts without the Port of Silverdale Commission's prior approval, provided that the Port of Silverdale Commission shall ratify the Chairman's approval at the next scheduled meeting of the Port of Silverdale Commission by means of the consent agenda. For public works project works projects over \$25,000.00, the Port of Silverdale Commission shall award all public works contracts by resolution.

ADOPTED by the Port of Silverdale Commission on March 21, 2013.

PORT OF SILVERDALE
KITSAP COUNTY, WASHINGTON

By:



Ed Scholfield, Chairman



Henry Aus, Commissioner



Lawrence Greaves, Commissioner