

## RESOLUTION NO. 1631

A RESOLUTION of the Port Commission of the Port of Pasco repealing Resolution No. 1273 and establishing modified procedures relating to public works contracting; and a small works roster process to award public works contracts.

**WHEREAS**, RCW 39.04.151 and 39.04.152 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and

**WHEREAS**, in order to be able to implement small works roster processes, the Port Commission is required by law to adopt a resolution establishing specific procedures;

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

Section 1. **Small Works Roster Procedure.** The following small works roster procedures are established for use by the Port of Pasco pursuant to RCW 53.08.120 and Chapter 39.04 RCW.

- 1.1 **Cost.** The Port of Pasco need not comply with formal sealed bidding procedures for the work, construction, alteration, repair, or improvement other than ordinary maintenance of real property where the estimated cost does not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), which includes the costs of labor, material, supplies, equipment and excludes sales and/or use taxes as applicable. Instead, the Port of Pasco may use the small works roster 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.
- 1.2 **Statewide Roster.** The Port of Pasco hereby adopts the state wide small works roster developed and maintained jointly by the Department of Commerce and the Municipal Research and Services Center of Washington (MRSC). Said small works roster must have features to filter the roster by different specialties, categories of anticipated work, or geographic areas served by contractors. All other roster requirements of RCW 39.04.151 will be fulfilled by MRSC.
- 1.3 **Written or Electronic Quotations.** The Port of Pasco shall obtain 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.
- 1.4 **Advertising.** 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 for architectural or engineering approvals as to quality and compliance with building codes.
- 1.5 **Notifications.** The Port of Pasco shall invite bids by notifying ALL contractors on the applicable roster that have indicated interest in performing work in the applicable geographical area. The Port will NOT use the direct contract procedure allowed for projects with an estimated cost less than \$150,000.
- 1.6 **Records.** A written record shall be made by the Port of Pasco 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.

Section 2. **Determining Lowest Responsible Bidder.** The Port of Pasco shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, or for other reasons it is not advisable in the Port's sole discretion to award the bid, all bids may be rejected and the Port of Pasco may call for new bids. RCW 39.04.010 requires that a bidder must (1) at the time of the bid submittal, have a certificate of registration in compliance with Chapter 18.27 RCW (Contractors Registration Statute) and the appropriate contractor's license; (2) have a current state unified business identifier number; (3) have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW and a state excise tax registration number as required in Title 82 RCW; and (4) not be disqualified from bidding on any

public works contract under RCW 39.06.010 or 39.12.065(3); other applicable requirements listed in 39.04.350.

Other factors in determining a "responsible bidder" are the following:


- 2.1 The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- 2.2 The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- 2.3 Whether the bidder can perform the contract within the time specified;
- 2.4 The quality of performance of previous contracts or services;
- 2.5 The previous and existing compliance by the bidder with laws relating to the contract or services;
- 2.6 Such other information as may be secured having a bearing on the decision to award the contract.

Section 3. **Award.** The Port Executive Director or his designee shall present all quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the Port of Pasco Commission, except those awards that the Executive Director can make without Commission approval pursuant to the Commission Policy Directive on Administrative Authority of the Executive Director and Department Heads.

ADOPTED this 24<sup>th</sup> day of July 2024.

PORT OF PASCO COMMISSION

  
Jean Ryckman, President

  
Jim Klindworth, Vice President

  
Vicki Gordon, Secretary