

WHATCOM COUNTY FIRE PROTECTION DISTRICT #4

Resolution 2024-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WHATCOM COUNTY FIRE PROTECTION DISTRICT NO. FOUR (DISTRICT) THAT AUTHORIZES AND PROVIDES FOR UTILIZATION OF A SMALL WORKS ROSTER OR ROSTERS, PURSUANT TO RCW 39.04.152, AND ESTABLISHING A PROCEDURE FOR SECURING TELEPHONE, WRITTEN OR ELECTRONIC QUOTATIONS FROM CONTRACTORS TO ASSURE COMPETITIVE PRICING AND AWARD OF CONTRACTS TO THE LOWEST RESPONSIBLE BIDDER, AND FURTHER AUTHORIZING THE USE OF A CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING OR OTHER SERVICES AND WITHDRAWING THE DISTRICT FROM ADMINISTERING THE SMALL WORKS ROSTER FOR WHATCOM COUNTY FIRE AGENCIES

WHEREAS, the State Legislature in RCW 39.04.152 provides a uniform process available to local government agencies for using a small works roster or rosters; and

WHEREAS, effective July 1, 2024, RCW 39.04.152 allows uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by any local government that is expressly authorized to use the provisions of RCW 39.04.152; and

WHEREAS, RCW 39.04.152 authorizes such local governments to award public works contracts through the small works roster or rosters for work with an estimated cost of no more than three hundred fifty thousand dollars (\$350,000), excluding sales tax; and

WHEREAS, the Board of the District desires to utilize, in accordance with applicable statutes, a small works roster or rosters to assure competitive pricing, while at the same time providing streamlined procedures for awarding public works contracts for the construction or improvement of fire stations or other buildings to the lowest responsible bidder; and

WHEREAS, the Board also wishes to provide provisions for contracting with consultants for services, including architectural, land surveying and engineering services.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

Section 1: District. The District hereby authorizes and directs the utilization of a small works roster or rosters for different categories of anticipated work, as administered pursuant to RCW 39.04.152.

Section 2: Interlocal Agreement. The District desires to enter into a contract with the Municipal Research and Services Center of Washington (MRSC) to adopt, for use by the District, of those statewide electronic databases for small public works roster and consulting services developed and maintained by MRSC and authorizes the District's Fire Chief or designee to sign that contract.

Section 3: Cost. The small works roster or rosters referred to in the two above sections may be used for public works contracts for amounts below \$350,000, excluding sales tax. For public works in excess of \$350,000, sealed bids must be used pursuant to statute. For amounts less than \$75,500 for a contract involving a single craft or trade, or for amounts less than \$150,000 for a contract involving more than a single craft or trade, the processes set forth in this resolution need not be used and more informal procedures are allowed, but a contract should still be executed. 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 or limited public works process.

Section 4: Determining the Lowest Responsible Bidder. When utilizing the small works roster process, the Board of the District shall award the contract for the public works project to the lowest responsible bidder as defined by law, 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 Board may call for new bids. A responsible bidder shall be a registered/licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350 and who meets any supplementary bidder responsibility criteria established by the District.

For purposes of this resolution, "lowest responsible bidder" means a bidder that meets the criteria under RCW [39.04.350](#) and has the lowest bid; provided, that if the district issues a written finding that the lowest bidder has delivered a project to the district within the last three years which was late, over budget, or did not meet specifications, and the district does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the district may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder.

Section 5: Presentation. The Fire Chief or designee of the Fire Chief shall present all telephone quotations/bids and recommendations for award of the contract to the lowest responsible bidder to the Board.

Invitations for bids or direct contract negotiation must include, at a minimum, an estimate for the scope of work including the nature of the work to be performed as well as the materials and equipment to be furnished. Detailed plans and specifications need not be included.

Section 6: Public Availability and Reporting

- (a) The District shall record quotations and make them publicly available after an award, as per RCW 39.04.152(6).
- (b) The District shall ensure the annual publication of a list of small works contracts awarded and contractors contacted for direct negotiation, as per RCW 39.04.152(7).
- (c) The District shall document good faith efforts to comply with Section 6 (a) and (b) herein annually, as specified in RCW 39.04.152(2).

Section 7: Direct Contracting. The District may directly contract with small businesses for projects under \$150,000 without competitive processes, as authorized by RCW 39.04.152(4)(b).

Section 8: Performance Bonds. Performance bonds shall not be required on work falling below \$5,000. 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, unless waived as authorized by law, pursuant to RCW 39.04.152 (5).

Section 9: Consulting Services.

- (a) **Consulting Services.** “Consulting services” are professional services that have a primarily intellectual output or product and include engineering, land surveying and architectural services as defined in RCW 39.80.020.
- (b) **Publication.** The District may avail itself of the use of MRSC Rosters for

purposes of obtaining consulting services, but will otherwise comply with RCW 39.80 when soliciting such services, in accordance with District policy.

Section 10: Fire Chief Authorization. The Fire Chief of the District is hereby authorized to implement such administrative procedures as may be necessary to carry out this directive.

Section 11: Withdrawal as Administrator. The District hereby withdraws from its role of administering the Small Works Roster for Whatcom County fire agencies.

Section 12: Effective Date. This resolution shall be in full force and effect upon its passage in accordance with law.

PASSED AND APPROVED THIS 17TH DAY OF JUNE 2024 BY THE BOARD OF FIRE COMMISSIONERS OF WHATCOM COUNTY FIRE PROTECTION DISTRICT #4.

ATTEST:

Steve Cooley, Chairman

Tim Johnson, Vice-Chairman

Mark Lann, Commissioner

Jason Van der Veen, Fire Chief

Jennie Sand, Board Secretary