

EXHIBIT B
3.08.095

3.08.095 Small works roster contract award process.

This section may be utilized in the acquisition of contractual services necessary to complete public works projects as allowed under RCW [36.32.250](#), and consistent with RCW [39.04.155](#). ~~In order to use a small works roster contract award process in lieu of formal sealed bidding, the county shall~~ **To use the small works roster contract award process provided for by this section the following procedures shall be followed:**

~~A. Publish at least twice each year in the official county newspaper a notice of the existence of the roster and solicit the names of contractors that are qualified for the requested categories of work. Notice shall be published at least once in each week for two consecutive weeks prior to the last date upon which response to the notice will be received, and may be published for as many additional publications as shall be considered in the county's interest.~~ **Publication.** At least once a year, the County or its designee, shall publish in a newspaper of general circulation within the County's jurisdiction a notice of the existence of a small works roster and solicit the names of contractors for the small works roster. Responsible contractors shall be added to the small works roster at any time that a contractor completes an online application provided by the County or its designee, and meets the minimum State requirements for roster listing.

~~B. In every case a certain category of work is to be accomplished under this section, all contractors responding to the above notice and indicating their qualification to perform the category of work proposed shall be contacted and provided an invitation to bid.~~ **Small Works Roster - Non- Limited Public Work Process. Written, or Electronic Bids.** The County shall obtain, written, or electronic bids 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 a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1). The County may establish supplementary bidder criteria under RCW 39.04.350 (2) to be considered in the process of awarding a contract.

1) An invitation to bid pursuant to a small works roster will not be advertised. Invitations for bids 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.

2) Bids will be invited from all appropriate contractors on the appropriate small works roster. As an alternative to the preceding requirement, 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. "Equitably distribute" means that the County may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from two hundred and fifty thousand dollars (\$250,000) up to the authorized threshold for use of the small works roster process in RCW 39.04 and the County elects to solicit bids from less than all the appropriate contractors on the appropriate small works roster pursuant to this sub-section, the County must notify the remaining contractors on the appropriate small works roster that bids on the work are being sought. The County has the sole option of determining whether their notice to the remaining contractors is made by:

- (a) publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
 - (b) mailing a notice to these contractors; or
 - (c) sending a notice to these contractors by facsimile or email.
- 3) At the time bids are solicited, the County representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;
- 4) A written record shall be made by the County representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bids obtained shall be recorded, open to public inspection, and available by telephone inquiry.

~~C. Include in the invitation to bid the date on which bids will be received, the scope and nature of work to be performed, the materials and equipment to be furnished, and, if not provided otherwise in the invitation to bid, where the detailed plans and specifications may be seen and obtained.~~ **Small Works Roster-**

Limited Public Works Process. The County may award a contract for work, construction, alteration, repair, or improvement projects using the limited public works process if the project cost is equal to or less than the amount established in RCW 39.04.155(3). For a limited public works project, the County will solicit electronic or written bids 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 bids shall be open to public inspection and available by electronic request.

For limited public works projects, the County 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, material

men, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the County shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The County shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 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.

~~D. Otherwise apply the provisions of WCC 3.08.090(B), (E), (F), (G), (H), (I), (J), and (M).~~ **Determining Lowest Responsible Bidder/Award.** Public works contracts under this section shall be awarded 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, all bids may be rejected and the County may call for new bids. A responsible bidder shall be a registered or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the County.

~~E. Forgo the advertisement of a contract awarded through use of the small works roster.~~ Unless otherwise addressed in this section, the provisions of WCC 3.08.090 (B), (E), (G), (H), (I), (J), and (M) shall apply. (Ord. 2016-032 Exh. A; Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A).