



# *Poulsbo Fire Department*

*Kitsap County Fire District #18*

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## **KITSAP COUNTY FIRE PROTECTION DISTRICT NO. 18**

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF KITSAP COUNTY FIRE DISTRICT #18 ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS, A CONSULTING SERVICES ROSTER FOR ARCHITECTUAL, ENGINEERING, AND OTHER PROFESSIONAL SERVICES, AND A VENDOR ROSTER FOR GOODS AND SERVICES NOT RELATED TO PUBLIC WORKS CONTRACTS.**

#### **RESOLUTION NUMBER 21-11**

- WHEREAS: RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and
- WHEREAS: RCW CH 39.80 and other laws regarding contracting for consulting services by municipalities allow certain contracts to be awarded by a consultant roster process; and
- WHEREAS: RCW 39.04.190, regarding purchase of materials, supplies, or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor roster process; and
- WHEREAS: In order to implement small works roster processes, the district is required by law to adopt a resolution establishing specific procedures;
- WHEREAS: RCW 39.80.030 requires that an agency publish in advance that agency's requirement for professional services and that one of the ways to accomplish that notification is to announce generally to the public its projected requirements for any category or type of professional services and request qualification statements to be kept on file with the agency; and
- THEREFORE,  
BE IT RESOLVED:
1. **Repeal of Prior Resolution:** Resolution No. 10-06 and all prior district resolutions pertaining to the matters covered herein are hereby repealed.
  2. **MRSC Rosters:** The district wishes to contract with the Municipal Research and Services Center (MRSC) of Washington to have its official rosters hosted in the online database established and maintained by MRSC for district use for small public works contracts,

consulting services and hereby authorizes the district's fire chief or designee to sign that certain contract with MRSC entitled "Washington Public Agency Contract/Small Works Roster and Consultant Roster".

3. **Small Public Works Roster-Work to Real Property:** The following small works roster procedures are established for use by the fire district pursuant to RCW 52.14.110 and RCW 39.04.155:
  - 3.1. **Work to Real Property-** The fire district 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 fifty thousand dollars (\$350,000.00), which includes the costs of labor, material, equipment, and sales and/or use taxes as applicable. Instead, the fire district may use the Small Public 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. Pursuant to RCW 52.14.110(2), neither the requirements for competitive bidding or the Small Public Works Roster procedure need be followed for any such work not exceeding the sum of thirty thousand dollars (\$30,000.00); in such cases, however, the fire district shall use its best efforts to achieve the lowest responsible price for such work.
  - 3.2. **Publication-** Pursuant to RCW 39.04.155(2)(a), at least once a year, MRSC shall, on behalf of the fire district, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the small works roster and solicit the names of contractors for the small works roster. MRSC shall add responsible contractors to the small works roster at any time that a contractor completes the online application provided by MRSC, and meets minimum state requirements for roster listing. The fire district may require a master contract or contract specific to the project be signed that becomes effective when a specific award is made using a small works roster.
  - 3.3. **Telephone or Written Quotations-** The fire district 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 a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and supplementary bidder criteria established by the fire district, as appropriate under RCW 39.04.350 (2).
    - 3.3.1. A contract awarded from a small works roster will 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.

a notice of the existence of vendor lists and solicit the names of vendors for the lists. In all cases, where bids are solicited, telephone or written quotations, or both, shall be sought from at least three different vendors whenever reasonably possible to assure a competitive price is established. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised.

5. **Consulting Services-** Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

5.1 **Publication-** At least once a year, MRSC shall, on behalf of the fire district, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the consulting services roster and solicit the names of consultants for the consulting services roster. MRSC shall add responsible consultants to the consulting services roster at any time that a consultant completes the online application provided by MRSC, uploads a Statement of Qualifications, and meets minimum state requirements for roster listing.

5.2 **Review and Selection of the Statement of Qualifications Proposals-** The fire district shall use the following process to select the most highly qualified Architectural or Engineering firm off of the Consulting Services Roster provided by MRSC to provide the required services:

- 5.2.1 The MRSC rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the fire district's projected requirements for any category or type of professional or other consulting services. The fire district reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by appropriate fire district departments.

3.3.2. 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. "Equitably distribute" means that the fire district 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 (\$250,000.00) up to the authorized threshold for use of the small works roster process of three hundred fifty thousand dollars (\$350,000.00) the fire district may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The fire district has the sole option of determining whether this notice to the remaining contractors is made by:

- (i) publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
- (ii) mailing a notice to these contractors; or
- (iii) sending a notice to these contractors by facsimile or email.

3.3.3. At the time bids are solicited, the fire district representative(s) shall not inform any contractor of the terms or amount of any other contractor's bid for the same project;

3.3.4. A written record shall be made by the responsible fire district 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 from any interested party or member of the public.

3.4. Limited Public Works Process- The fire district 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 fifty thousand dollars (\$50,000.00) established in RCW 39.04.155 (3). For a limited public works project, the fire district shall 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.

For limited public works projects, the fire district 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 fire district shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The fire district 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.

3.5. Determining Lowest Responsible Bidder- The Board of Fire Commissioners 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, all bids may be rejected and the Board of Fire Commissioners 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 fire district.

3.6. Award- The Fire Chief or designee shall present all bids and quotations and their recommendation for award of the contract to the Board of Fire Commissioners. The Board of Fire Commissioners shall consider all bids, quotations received, determine the lowest responsible bidder and award the contract.

4. Purchase of Materials, Supplies, or Equipment- The fire district is not required to use formal sealed bidding procedures to purchase materials, supplies, or equipment not connected to a public works project where the cost will not exceed the statutory threshold as listed below:

4.1 Goods Not Exceeding \$40,000.00 in Value- Pursuant to RCW 52.14.110(1), the fire district's purchase of any materials, supplies, or equipment, a formal sealed bid procedure shall not be required where the total cost thereof in any given transaction does not exceed the sum of forty thousand dollars (\$40,000.00). In such instances, however, the fire district shall endeavor to obtain the lowest possible reasonable price.

4.2 Cost of Goods between \$40,000.00 and \$75,000.00- In those instances where the fire district seeks to purchase materials, supplies, or equipment costing more than forty thousand dollars (\$40,000.00), but not exceeding seventy-five thousand dollars (\$75,000.00), it may use the process provided in RCW 39.04.190(2), the fire district or MRSC on its behalf, shall publish at least twice yearly in a newspaper of general circulation within the fire district's jurisdictional boundaries,


This resolution shall become effective immediately upon adoption and signature as provided by law.

Adopted this 8<sup>th</sup> day of December, 2021 at a regularly scheduled meeting of the KCFD #18 Board of Commissioners.


**APPROVED:**

  
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Commissioner David Ellingson


  
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Commissioner Darryl Milton

  
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Commissioner James Ingalls

  
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Commissioner Chris Quinn

  
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Commissioner Jeff Uberuaga

**ATTEST:**

  
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Lise Alkire, KCFD #18 Secretary to the Board