SMALL WORKS ROSTER

A guide for Washington’s local governments
Small Works Roster A guide for Washington's local governments

Acknowledgments
John Carpita, MRSC Public Works Consultant, is the principal author of this publication. Bob Meinig, MRSC Legal Consultant, provided content, legal review, and extraordinary proofreading skills.

A special thank you to the following review panel individuals who contributed their expertise:

Andres Staples, City Engineer, City of Liberty Lake
Ingrid Gaub, PE, Assistant City Engineer, City of Auburn
Jacob Sweeting, PE, Senior Project Engineer, City of Auburn
Linda Shilley, Contracting Specialist, Port of Olympia
Maria Mayhue, CPPO, Senior Buyer, City of Yakima/Yakima County Purchasing

Disclaimers
These small works roster (SWR) contracting guidelines are permissive, discretionary, and are applicable to all municipal corporations/agencies that have authority to use SWRs through their enabling statutes. Where the guide recommends particular practices, using such terms as “should” or “may,” the recommendation is permissive and not mandatory. In addition, agencies must also consider their own commission/council resolutions, policies, and procedures to determine what requirements are truly mandatory for a given contracting scenario. Case law, new regulations, or audit findings for one type of municipal corporation will not necessarily apply to all municipal corporations since enabling statutes may differ. In addition to your agency’s counsel, MRSC provides resources and individual consultation to assist you.

Copyright © 2014 by MRSC. All rights reserved. Except as permitted under the Copyright Act of 1976, no part of this publication may be reproduced or distributed in any form or by any means or stored in a database or retrieval system without the prior written permission of the publisher; however, governmental entities in the state of Washington are granted permission to reproduce and distribute this publication for official use.

MRSC
2601 Fourth Avenue, Suite 800
Seattle, WA 98121-1280
(206) 625-1300
(800) 933-6772

www.MRSC.org
www.MRCSRosters.org

October 2014
$30

Please note, our publications are updated frequently. To ensure you have the most accurate information, download the latest version of this publication from our website: www.mrsc.org/publications/publications.aspx.
Contents

4 Introduction
5 Quick Tips for Small Works Roster Success
6 Small Works Roster Statute Legislative History
10 Definitions
12 Maintenance vs. Public Works
14 Authorized Agencies and Bid Limits
16 Small Works Rosters
20 Shared Small Works Rosters
21 Guarantees, Bonds and Retainage
24 Sales Tax Issues
26 Prevailing Wages
28 Small Works Contracting in an Emergency
31 Really Small Public Works Projects
33 Cost Estimates
34 Public Works Contracting Summaries

Appendix A: Small Works Roster Statute Legislative History
Appendix B: Port of Olympia Small Works Roster Checklist
Appendix C: Model Small Works Roster Resolution
Appendix D: Model Small Public Works Roster and Vendor List Resolution
Appendix E: MRSC Project Closure/Retainage Guidelines
Appendix F: Sample Retainage Release Checklist
Appendix G: WAC 458-20-171 Matrix
Appendix H: April 2013 Notice of Completion for Projects Over $35K
Appendix I: Sample SWR Notifications
Introduction

This manual explains the Washington laws related to the use of a small public works roster for awarding public works contracts. This edition is published in two formats: this Small Works Roster guide in Adobe PDF format which can be viewed online and/or printed by the user; and an online version – that will be updated as new and better sample documents become available.
Quick Tips for Small Works Roster Success

So, you think your agency needs to do a small works roster (SWR) contract? Follow these quick tips for getting started.

1. **Does your projected need feel like a public works project?**
   Check out the Definitions (page 10), and Maintenance vs. Public Works (page 12).

2. **If it is a public works project, is it an emergency?**
   Check out Public Works Contracting in an Emergency (page 28).

3. **If it is a public works project, then what is the estimated cost?**
   Check out Cost Estimates (page 33), and then use the Public Works Contracting Flow Chart (page 8).

   - If the estimated cost exceeds $300,000, you cannot use the SWR process.
   - If the estimated cost is less than your agency’s Bid Limits (page 15), then you do not need to use the SWR process.

4. **Is your agency authorized to use the SWR process?**
   Check out Authorized Agencies (page 14).

5. **If your agency is authorized to use the SWR process:**
   Follow the checklist on page 7. Does your agency have its own SWR and/or has it considered a shared SWR with other nearby agencies or contracting with MRSC Rosters?

   - Has your agency adopted a SWR Resolution?
     See the Model Resolutions in Appendices B and C.

   - Does your SWR Resolution establish policies and procedures for registering and selecting contractors?

   - Does your SWR Resolution establish policies and procedures for requesting quotes and for awarding contracts?

6. **Does your agency have policies and procedures in place for administering SWR projects?**
   Use the SWR Contract Administration Checklist on page 9 and look at the sample procedure/policy documents online in the *Purchasing, Bidding, and Contract Management Sourcebook*.

   Another checklist is in Appendix B.
As shown in the table Small Works Roster Legislative History (see Appendix A), small works procedures began modestly in 1981, with a limit of $25,000. Only four specific state agencies were authorized to use the SWR. In 1991, counties were authorized, with a limit of $100,000. In 1993, the statute was revised to include “all authorized municipalities,” with cities being specifically authorized, in addition to counties. In 2000, the limit was raised to $200,000, uniformly for all authorized state agencies and municipalities. The Legislature raised the limit to $300,000 and changed corresponding notice requirements in Section 2(c), effective on July 26, 2009.
<table>
<thead>
<tr>
<th>Procedure or Document</th>
<th>Roster Adoption Checklist</th>
<th>Date</th>
<th>By</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option A – Agency Roster</strong></td>
<td>We will use our own roster</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council/commission has adopted a SWR for our agency</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Option B – Shared Roster</strong></td>
<td>We will share a roster with</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council/commission has adopted an interlocal agreement for a shared SWR. The agreement must identify a lead agency.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Option C – MRSC Rosters</strong></td>
<td>We will contract with MRSC Rosters</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council/commission has approved a contract with MRSC Rosters</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Roster Submittal Checklist (for Option A and B Lead Agency)**

<table>
<thead>
<tr>
<th>Application Form (Paper or Electronics)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact information, email, telephone, fax, address, and contact person(s)</td>
<td></td>
</tr>
<tr>
<td>Mandatory responsibility criteria per RCW 39.04.350(1)</td>
<td></td>
</tr>
<tr>
<td>Supplemental responsibility criteria per RCW 39.04.3502(2), experience, claims history, safety history, etc.</td>
<td></td>
</tr>
<tr>
<td>Insurance requirements</td>
<td></td>
</tr>
<tr>
<td>Bonding requirements</td>
<td></td>
</tr>
</tbody>
</table>

**Roster Implementation Checklist**

<table>
<thead>
<tr>
<th>Invitation to Bid (ITB) documents are to be available electronically on</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Agency website</td>
<td></td>
</tr>
<tr>
<td>• Builder’s Exchange website</td>
<td></td>
</tr>
<tr>
<td>• Other _____</td>
<td></td>
</tr>
<tr>
<td>ITB documents are to be available in paper form at</td>
<td></td>
</tr>
<tr>
<td>ITB notifications will be via email, fax, telephone, other</td>
<td></td>
</tr>
<tr>
<td>For contracts less than $150,000, ITBs are sent to all contractors in a given work category or ITBs are sent to only 5 contractors in a given work category</td>
<td></td>
</tr>
<tr>
<td>For contracts greater than $150,000, ITBs are sent to all contractors in a given work category or ITBs are sent to only 5 contractors in a given work category and we notify all other contractors in a given work category via email, or fax, or publish in paper, or USPS mail</td>
<td></td>
</tr>
<tr>
<td>For contracts less than $35,000 under the limited public works process, ITBs are sent to at least three (3) contractors in a given work category, and our agency will waive payment and performance bond requirements of chapter 39.08 RCW and the retainerage requirements of chapter 60.28 RCW</td>
<td></td>
</tr>
<tr>
<td>ITB responses will be accepted via email, fax, telephone, mail, other</td>
<td></td>
</tr>
<tr>
<td>Before a SWR contract is awarded, our _____ will check to be sure that the contractor meets all mandatory and supplemental responsibility criteria</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:** Use not applicable (NA) to mark those items that do not pertain to a given item. Be sure your agency is authorized to use SW.
Small Works Roster (SWR) Contracting Flow Chart

My contract will be for public works/maintenance.

Is my public works/maintenance contract estimated to cost over $300,000?

NO

Do the statutes authorize my agency to use the small works roster (SWR) process?

NO

My agency has created a SWR under RCW 39.04.155 and established policies and procedures for registering and selecting contractors and for awarding contracts.*

YES

Use formal competitive bid process, unless the estimated cost is less than your agency's statutory bid limits.

Verify that a contractor meets the mandatory bidder responsibility bidder criteria and any supplemental criteria under RCW 39.04.350 before awarding public works/maintenance contracts.

NO

If SWR project is estimated to cost less than $35,000, agency can elect to waive performance and payment bonds and retainage under RCW 39.04.155 (3).

Send ITBs to all contractors in a given works category OR at least 5 contractors at a time for any given SWR project.

If the SWR contract is estimated to cost between $150,000 and $300,000, and an agency sends ITBs to only 5 contractors at a time for any given SWR project, then the agency must notify all other contractors in a given work category.

Commission or council must issue a written finding of existence of an emergency within two weeks.

Emergency Public Works Contract

Waive competitive bidding

* As an alternative, your agency can subscribe to MRSC Rosters.
# SWR Contract Administration Checklist

**Project:**

**Contractor:**

<table>
<thead>
<tr>
<th><strong>Invitation to Bid (ITB)</strong></th>
<th><strong>Performed By</strong></th>
<th><strong>Number</strong></th>
<th><strong>Date/Verified</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>ITB Sent to All Contractors in the _____________ Subcategory</td>
<td>See ITB Email and Email/Fax/ List</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract Documents Posted at ________________</td>
<td>See Attached Webpage Printout</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Addendums ____ &amp; _____ Sent and Posted on ____ &amp; ____</td>
<td>See Email and Email/Fax/ List</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Quote Opening Date**

**Quotes Reviewed and Award of Contract Recommended**

**Commission/Council Approval**

**Verification of Low Bidder Minimum Qualifications**

| **Contractor Registration Number as of Bid Opening Date** |  |
| **Contractor Unified Business Identifier (UBI #)** |  |
| **Contractor Industrial Insurance Coverage** | Current? |
| **Contractor Employment Security Department Number** |  |
| **Contractor State Excise Tax Registration Number** |  |
| **Contractor Debarred** | Yes | No |
| **Supplemental Criteria Met (If applicable)** |  |

**Pre-Construction**

**Notice of Award**

**Insurance Certificates and Endorsements**

**Performance and Payment Bond**

**Intents to Pay Prevailing Wages (Contractor and All Subs)**

**Options for Retainage Stated or Retainage Bond Posted**

**Contract Signed by Contractor**

**Contract Signed by Agency**

**Contract Effective Date**

**Notice to Proceed Issued**

**Construction**

| **Pay Estimate No. 1** |  |
| **Pay Estimate No. 2** |  |
| **Pay Estimate No. 3** |  |
| **Change Orders ___, ____, ____** |  |
| **Final Pay Estimate** |  |
| **Punch List Prepared** |  |
| **Punch List Items Completed** |  |

**Contract Closeout**

| **Affidavits of Prevailing Wages Paid (Contractor and All Subs)** |  |
| **General _____, Sub. 1 _____, Sub. 2 _____, Sub. 3 _____** |  |
| **Notice of Completion of Public Works to Dept. of Revenue (>35k)** |  |
| **Dept. of Revenue Certificate of Payment of Excise Taxes (>35k)** |  |
| **Employment Securities Dept. Payroll Tax Liability Release** |  |
| **Dept. of L&I Industrial Insurance Web Page Check** |  |
| **Engineer’s Certificate of Completion** |  |
| **Legal Notice of Acceptance of Work (Optional)** |  |
| **Commissioner Acceptance** |  |
| **Completion of 45-Day Lien Filing Period from Acceptance** |  |
| **Release of Liens Filed During 45-Day Acceptance Period (If Any)** |  |
| **Retainage Released (must have all previous items verified)** |  |
| **Archive Files and As-Built Drawings** |  |
## Definitions

<table>
<thead>
<tr>
<th>Statutory</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Award</strong></td>
<td>The formal decision by the state or municipality notifying a responsible bidder with the lowest responsive bid of the state or municipality’s acceptance of the bid and intent to enter into a contract with the bidder. RCW 39.04.010.</td>
</tr>
<tr>
<td><strong>Contract</strong></td>
<td>A contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid, or a contract awarded under the small works roster process in RCW 39.04.155.</td>
</tr>
<tr>
<td><strong>Municipality</strong></td>
<td>Every city, county, town, port district, district, or other public agency authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts, or other districts authorized by law for the reclamation or development of waste or undeveloped lands.</td>
</tr>
<tr>
<td><strong>Responsible Bidder</strong></td>
<td>A contractor who meets the criteria in RCW 39.04.350.</td>
</tr>
<tr>
<td><strong>Public Works</strong></td>
<td>All work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is, by law, a lien or charge on any property therein. All public works, including maintenance when performed by contract, shall comply with chapter 39.12 RCW. “Public work” does not include work, construction, alteration, repair, or improvement performed under contracts entered into under RCW 36.102.060(4) or under development agreements entered into under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).</td>
</tr>
</tbody>
</table>
### Emergency
For purposes of this section "emergency" means unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. RCW 39.04.280(3).

<table>
<thead>
<tr>
<th>Other</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bid Limits</strong></td>
<td>Dollar amounts below which neither competitive bids, nor the small works roster process, are required for the purchase of equipment, supplies, or materials or for public works projects.</td>
</tr>
<tr>
<td><strong>Competitive Bids (CB)</strong></td>
<td>A competitive process following advertisement in designated legal newspapers and other media for equipment, supplies, material, and public works contracts open to all suppliers, vendors, and contractors, and in which price is the primary basis for consideration and contract award.</td>
</tr>
<tr>
<td><strong>Small Works Roster (SWR)</strong></td>
<td>A process through which there is competition for public works contracts following notification, normally through a request for quotes (RFQ), to some or all public works contractors who have requested placement on a roster kept by the local government agency.</td>
</tr>
<tr>
<td><strong>Invitation to Bid (ITB)</strong></td>
<td>A process through which written or electronic bids are solicited from contractors an agency’s small public works roster for public works contracts in which price is the primary basis for consideration and contract award.</td>
</tr>
<tr>
<td><strong>Small Works Contracts (SWC)</strong></td>
<td>A process through which written or electronic quotes are solicited from contractors for public works contracts with total estimated costs below the bid limits following notification as established by local agency policies, if any, and in which price is the primary basis for consideration and contract award.</td>
</tr>
<tr>
<td><strong>On-Call (Task Order) Contract</strong></td>
<td>An on-call (task order) contract, normally for maintenance or repair work, that does not specify a firm quantity of work to be performed (other than minimum or maximum quantities) and that provides for the issuance of orders for the performance of tasks (work orders) during the period of the contract.</td>
</tr>
<tr>
<td><strong>Public Agency Work or Day Labor Limits</strong></td>
<td>Limits set by the legislature on the amount of public works that can be accomplished using the agency’s own work force or by hiring day laborers. Limits are expressed as specific dollar amounts for single or multiple craft projects and/or as percentages of the public works or road fund budgets. The county road fund statutes have specific county forces road construction limits separate from a county’s general public work construction limits (Chapter 36.77 RCW).</td>
</tr>
</tbody>
</table>
 Maintenance vs. Public Works

There has been confusion over whether maintenance activities are considered public works in relation to public works bidding and prevailing wage statutes. In addition there has been confusion over the term “ordinary maintenance” as used in the definition of public works in RCW 39.04.010:

Public works means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract, shall comply with chapter 39.12 RCW.

Ordinary maintenance (work performed by agency forces) is not a public work and is not subject to either bid laws or prevailing wages. Maintenance performed by contract is subject to prevailing wages, but is it a public work and subject to bid laws and other public work regulations?

Neither of the terms “maintenance” or “ordinary maintenance” are defined in the statutes. A common dictionary entry reads “maintain means to keep in a condition of good repair or efficiency, to preserve or retain.” Maintenance is the act of maintaining.

In the context of prevailing wages, L&I has these definitions in the WACs.

WAC 296-127-010(7)(a)(iv) states:

The term "public work" shall include:
Maintenance, except ordinary maintenance as defined by (b)(iii) of this subsection, when performed by contract. Maintenance is defined as keeping existing facilities in good usable, operational condition.

WAC 296-127-010(7)(b)(iii) defines ordinary maintenance as:

work not performed by contract that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year), to service, check, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.

By these WAC definitions, again, ordinary maintenance is maintenance work not performed by contract. Work done by agency forces is not a public work and is not subject to bid laws or prevailing wages.

Maintenance and repair contracts seldom fit the statutory mold of public works projects of a fixed scope that are completed and closed out within a
A single time frame. Monthly contracts for routine maintenance or contracts for repairs that, while expected, cannot be predicted accurately, do not conform readily to performance and payment bond and retainage requirements or bid limits. The small size of maintenance contracts is also an issue, as bonding and retainage requirements are not practical in many instances for small businesses.

Treat any maintenance performed by contract (even though it is work that an agency may traditionally do), as a public work subject to both bid laws and prevailing wages.

Should maintenance, when performed by contract, be considered a public work?

- RCW 39.04.010 states: “All public works, including maintenance when performed by contract shall comply with chapter 39.12 RCW (prevailing wage statutes).”

- In the context of regulations enforcing chapter 39.12 RCW, WAC 296-127-010(7) (a)(iv) states that a public work includes “maintenance…when performed by contract.”

- So clearly, both public works and maintenance by contract are subject to payment of prevailing wages.

- But, should all the other “baggage” (bid bonds, performance and payment bonds, retainage, bid limits, etc.) of public works contracts apply to maintenance by contract?

- Did Labor & Industries exceed their authority in developing the WAC definition of a public work?

- The important court case (City of Spokane v. Department of Labor and Industries, 100 Wn. App. 805 (2000) states:

  Upon certification of the case to the Court of Appeals for direct review, the court affirms the Director’s decision, holding that the maintenance work was "public work" within the meaning of the prevailing wage law and that it did not fall within the statutory exception for "ordinary maintenance."

- This statement seems to support the supposition that maintenance is subject to prevailing wages, but not necessarily to other public works requirements, except that a subsequent passage states:

  We hold that the Director did not err in deciding that AMS work [maintenance] is "public work" subject to prevailing wage law.

- So what is the safest bet for agencies?

  Treat any maintenance performed by contract (even though it is work that an agency may traditionally do), as a public work subject to both bid laws and prevailing wages.

It should be noted that sometime there is a fine line between what is considered maintenance and things that are considered a service (not subject to public works or prevailing wage statutes). MRSC’s Contracting for Services publication has more detailed information under the Purchased Services Definition heading (page 29).
Authorized Agencies and Bid Limits

As noted in the previous section, SWRs may be used “by state agencies and by any local government that is expressly authorized.” RCW 39.04.155(1). The initial step in using a small works roster is to determine if your agency is the type of agency that may use a small works roster process. A small works roster may be used by jurisdictions that are expressly authorized to use a small works roster in lieu of bidding requirements or jurisdictions that do not have bid law requirements for public works projects. Of course, each agency must also comply with any locally adopted procedures for public works projects. If you are not certain if you can use a small works roster, check with your own legal counsel or the legal consultants at MRSC.

If a project is estimated to cost over $300,000, a formal competitive bid process is required. If a project is estimated to cost under $300,000, an authorized local government may use the SWR process. If the estimated project cost is below the agency’s bid limits, the agency may construct the project (subject to individual agency purchasing policies):

- by use of agency crews (counties have different restrictions for road projects)
- by interlocal agreement with another agency
- by contract with private contractor

### Public Works Bid Limit Summary for Authorized Agencies

<table>
<thead>
<tr>
<th></th>
<th>Bid Advertisement Required</th>
<th>Formal Public Bid Opening Required</th>
<th>Bidding Open To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bids – $300,000 and over</td>
<td>Yes</td>
<td>Yes</td>
<td>All licensed contractors</td>
</tr>
<tr>
<td>Quotes – Bid limits to $300,000 (if SWR is used)</td>
<td>No</td>
<td>No</td>
<td>Licensed contractors on SWR</td>
</tr>
<tr>
<td>Quotes – Below bid limits</td>
<td>No</td>
<td>No</td>
<td>Selected licensed contractors</td>
</tr>
</tbody>
</table>
Contracting bid limits and day labor limits for selected agencies are shown below:

<table>
<thead>
<tr>
<th>Agency</th>
<th>RCW</th>
<th>Contracting Bid Limits</th>
<th>Day/Agency Labor Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>First class cities</td>
<td>RCW 35.22.620</td>
<td>None, see City Bidding Book, page 7</td>
<td>$45K, $90K</td>
</tr>
<tr>
<td>Code cities, second class cities and towns</td>
<td>RCW 35.23.352</td>
<td>$40K, $65K</td>
<td>$40K, $65K</td>
</tr>
<tr>
<td>Counties over 400K</td>
<td>RCW 36.32.235 and 250</td>
<td>$40K</td>
<td>$45K, $90K, (see County Bidding Book, page 6)</td>
</tr>
<tr>
<td>Counties under 400K</td>
<td>RCW 36.32.240 and 250</td>
<td>$40K</td>
<td>None (see County Bidding Book, page 6)</td>
</tr>
<tr>
<td>Water and sewer districts</td>
<td>RCW 57.08.050</td>
<td>$20K</td>
<td>$20K</td>
</tr>
<tr>
<td>Fire districts</td>
<td>RCW 52.14.110</td>
<td>$20K</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Port districts</td>
<td>RCW 53.08.120</td>
<td>$300K</td>
<td>Agency policies</td>
</tr>
<tr>
<td>Public utility districts</td>
<td>RCW 54.04.070</td>
<td>$25K</td>
<td>$150K of material</td>
</tr>
<tr>
<td>Public hospital districts</td>
<td>RCW 70.44.140</td>
<td>$75K</td>
<td>$75K</td>
</tr>
<tr>
<td>Housing authorities</td>
<td>RCW 35.82.070</td>
<td>Agency policies</td>
<td>Agency policies</td>
</tr>
<tr>
<td>School districts</td>
<td>RCW 28A.335.190</td>
<td>$100K</td>
<td>$75K</td>
</tr>
<tr>
<td>Metropolitan park districts</td>
<td>RCW 35.61.135</td>
<td>$20K</td>
<td>$20K</td>
</tr>
</tbody>
</table>
Small Works Rosters

The following section is based on language in RCW 39.04.155. For the purposes of this section, “agency” means either a state agency or an authorized local government.

Exemption from Advertisement Requirements
Public works projects awarded under SWR and Limited Public Works Projects (LPWP) processes are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

Bid Splitting
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 SWR and LPWP processes.

Creation of a Small Public Works Roster and Annual Advertisements
RCW 39.04.155 presents uniform provisions for the award of 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 these provisions (see Authorized Agencies and Bid Limits). These provisions may be used in lieu of other procedures (i.e. competitive bids) to award contracts for such work with an estimated cost of $300,000 or less.

- In addition, any local government authorized to award contracts using the SWR process may award contracts with an estimated cost of less than $35,000 using the limited public works process under RCW 39.04.155(3) of this section.
- A local government may create a single general small works roster, or may create small works rosters for different specialties or categories of anticipated work. Rosters may make distinctions between contractors based upon different geographic areas served by the contractor.
- Small works rosters are to consist of all responsible contractors who have requested to be on the list and, where required by law, are properly licensed or registered to do work in Washington State.
- A local government may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters.
Local governments are to publish a notice of the existence of the roster or rosters in a newspaper of general circulation within the jurisdiction and solicit the names of contractors for such roster or rosters. In addition, responsible contractors must be added to an appropriate roster or rosters at any time they submit a written request and necessary records.

Keeping Your Roster Up-to-Date

After contractors submit an initial application, an agency should require them to update their information yearly. The agency also may want to “purge” contractors that do not respond within a given time frame (say 30-60 days) after the updated information is requested. To avoid undue paperwork, the agency can limit the number of times a year that it sends out the request for updated information to every quarter or semiannually, for those contractors whose anniversary date falls within the past three or six months.

Before awarding a contract, an agency should check to see if the contractors still meet the minimum requirements of RCW 39.04.350(1):

1. Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:
   a. At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;
   b. Have a current state unified business identifier number;
   c. If applicable, 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
   d. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).
   e. If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;

RCW 39.04.350(2) allows an agency to establish relevant supplemental bidder responsibility criteria if warranted. Most small public works roster projects do not warrant development and use of supplemental criteria. For more information and sample criteria contact the MRSC Public Works Consultant and/or go to Suggested Guidelines to Bidder Responsibility/Approved by CPARB 10/11/07.

- RCW 39.04.155(2)(a) allows agencies to establish “master” contracts with one or many contractors that become effective when a specific award is made using a small works roster. The master contract would have general and special conditions, with the scope and dollar amounts added at the time of
contracting. These contracts are usually for maintenance or smaller repair projects.

**Solicitations under Small Works Roster Contract Procedures**

- A local government is to establish procedures for securing telephone, written, or electronic quotations from contractors on an 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.

- Requests for bids (ITBs) 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 subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

**Practical Considerations**

1. An ideal scenario using the flexibility granted by the SWR statutes is to post the bidding/contract documents on the agency’s website or on a service provider’s (such as Builders Exchange, Daily Journal of Commerce, etc.) website and send a short email to all contractors in the appropriate SWR category asking them to look at the online documents and submit an electronic, written, or faxed quote by a given date and time. [See Appendix H for sample notifications]

2. Notifications and postings must emphasize that bids will be accepted only from contractors on the agency’s small works roster.

3. Then it should be decided when the contractor must be on the roster for his/her bid to be considered. Some agencies accept a contractor’s bid if they are on the roster by the bid due date. Other agencies will only accept a bid if the contractor is on the SWR at the time that the notification is sent out.

4. Sealed bids are not required. Most agencies do not accept electronic quotes, however, because there is no formal signature on the bid unless a certified digital signature is required. One way around that issue is to have the contractor create a PDF file and include a signature. If the contractor has the apparent low quote, the agency can then ask the contractor to submit a signed paper copy prior to its notice of award.

5. All of the bids should be collected and presented at the same time to the appropriate agency person(s) for consideration, determination of the lowest responsible bidder, and award of the contract.

6. The governing body may delegate authority to award bids of certain amount(s) to an officer of the agency. Most often, there is a requirement that the municipality ratify the officer’s approval at the next scheduled governing body meeting.

7. Statutory requirements for advertising for a public works project in formal bid processes (typically 13 days in advance of bid opening) do not apply to a small works roster or limited public works process. Advertising is not required. However, depending on the complexity of the project, 7 to 14 days (or longer) should be allowed for contractors to submit a proposal so that they have adequate time to properly research the specifications.

8. ITBs may be sent to all contractors in the appropriate small works roster category. 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 an agency soliciting quotes may not favor certain contractors over other contractors who perform similar services.

9. However, if the estimated cost of the work is from $150,000 to $300,000, an agency that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the roster that quotations on the work are being sought. At the agency’s sole option, it can accomplish this notice by: publishing notice in a legal newspaper in general circulation in the area
where the work is to be done; mailing a notice to these contractors; or sending a notice to these contractors by fax or other electronic means. If a contractor is not on an original (short) solicitation list and hears about a project that is estimated at more than $150,000 through the notification process above, the agency is obligated to accept his/her bid.

10 Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

**Limited Public Works Projects**  
**RCW 39.04.155**

- An authorized local government may award a contract for work, construction, alteration, repair, or improvement projects estimated to cost less than $35,000 using the limited public works project (LPWP) process provided under this statute.

- For LPWPs, an agency is to solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and must award the contract to the lowest responsible bidder as defined under RCW 39.04.010.

- An agency is to attempt to distribute opportunities for LPWPs equitably among contractors willing to perform in the geographic area of the work.

- After an award is made, the quotations must be open to public inspection and available by electronic request.

- An agency is to maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the LPWP 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.

- For LPWPs, an agency 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 persons, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the LPWP.

- However, the agency has the right of recovery against the contractor for any payments made on the contractor's behalf.

**Small Business Incentives**  
**RCW 39.04.155**

- An agency may use the limited public works process of RCW 39.04.155(3) to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

- A agency may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under $250,000 annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

**Practical Considerations**

1 If an agency contacts five firms on its small works roster, but receives less than five quotes, it is acceptable to award to the contractor with the lowest of those quotes received.

2 Bid guarantees are not required for SWR projects, but may be desirable for larger projects as the firm with the low quote may refuse the work after the bids of the other contractors are known, or fail to put reasonable effort into the bid preparation.

3 A small works roster does not eliminate the need for contract documents, performance and payment bond, contract, specifications, retainage, etc., unless the agency is using the LPWP process provided under RCW 39.04.155(3).
Shared Small Works Rosters

The statutes allow agencies to share rosters between multiple agencies. The small works roster process applies to shared rosters the same as for individual rosters, but agencies may choose to share a roster in order to reduce the operational costs of maintaining a roster and have access to a broader pool of contractors.

There are two ways to share a small public works roster: entering into an interlocal contract or using a roster service provider.

Interlocal Contract
A large city or county may make its SWR available to other nearby agencies. Note that RCW 39.04.155(2)(b) requires that agencies entering into an interlocal contract must “clearly identify the lead entity that is responsible for implementing the provisions of this subsection.” In other words, the lead entity is the agency that will be posting the annual legal notice and maintaining the roster. For example, Vancouver had been the lead agency for an interlocal shared roster with Clark County and a number of agencies in Clark County.

Roster Service Provider
An agency also has an option of joining a roster service provider who will maintain their roster. For example, MRSC Rosters is a shared small public works and consultant roster online database for Washington agencies to join. MRSC Rosters posts the annual legal notice on behalf of all participating agencies and maintains the roster.

In the above approaches, either the lead agency or service provider takes the initial responsibility for ensuring that contractors on the roster meet the minimum qualifications of RCW 39.04.350(1) and any supplemental criteria. When a partnering or subscribing agency selects a contractor from a shared roster, it must verify that a contractor meets the mandatory (and any supplemental) responsibility criteria of RCW 39.04.350 before awarding the contract.
Guarantees, Bonds and Retainage

Bid Guarantees

A bid guarantee is used to discourage bidders from failing to enter into a contract if it is awarded to them. The awarded bidder forfeits the guarantee amount should they decline to enter into a contract. Unlike performance and payment bonds, which are required uniformly of all agencies for all public works contracts, bid guarantee requirements are set in an agency’s enabling statutes, many of which do not require a bid guarantee. For cities and counties, for example:

- **RCW 35.23.352(1)** says (for code cities and second class cities and towns): “Each bid shall be accompanied by a bid proposal deposit in the form of a cashier’s check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit.”

- **RCW 36.32.250** says (for counties): “No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier’s check, or certified check in an amount equal to five percent of the amount of the bid proposed.”

- First class cities do not have a direct requirement for bid bonds in their statutes (RCW 35.22.620), but almost all cities require them.

- Port districts, in RCW 53.08.130, are required to request a five percent proposal deposit, as are water/sewer districts in RCW 57.08.050.

- School districts and fire districts have no apparent bid bond requirement.

MRSC has advised that bid guarantees are not required for SWR contracts by either cities or counties, but has not done a similar analysis for other types of agencies.

Retainage and Performance Bonds

Retainage is that amount of money withheld from a contractor for a public improvement or work until completion and/or acceptance of the contract. A performance bond is a guarantee by a surety that the contractor, or the surety itself, will complete a project. Similarly, a surety is to guarantee payment of laborers, materialmen, etc., under the contract.

For public works projects, a municipal government must withhold retainage and must also have a contractor’s performance and payment bond on file. For public works contracts under $35,000, these requirements may be waived completely under the limited public works process in RCW 39.04.155(3).
• RCW 60.28.011 requires municipal governments to withhold five percent of money due the contractor – exclusive of sales taxes, per a DOR Tax memo – for a public improvement or work until completion and/or acceptance of the contract. This money is to be set aside as a trust fund for the protection and payment of anyone who performs labor, provides materials, supplies, or equipment or subcontracts to the prime contractor. In addition, the state Department of Revenue (DOR), state Employment Security Department (ESD), and state Department of Labor and Industries (L&I) all have lien rights against this fund for payment of unpaid taxes under Titles 82 (excise taxes), 50 (industrial insurance), and 51 (unemployment compensation) RCW, respectively. Priority of claims against the retainage is:

1. Workers not paid prevailing wages
2. Department of Revenue – taxes due on the public works project
3. Department of Revenue – taxes due on other public works projects
4. ESD and L&I for taxes due on the public works project
5. Subcontractors and suppliers on the public works project
6. Other taxes due (ESD, L&I for taxes due on other projects and/or other taxes)
7. The agency

• Public improvement contracts funded in whole or in part by federal transportation funds must rely upon the contract bond as referred to in chapter 39.08 RCW for the protection and payment of: (i) The claims of any person or persons arising under the contract to the extent such claims are provided for in RCW 39.08.010; and (ii) the state with respect to taxes, increases, and penalties incurred on the public improvement project under Titles 50, 51, and 82 RCW which may be due. The contract bond must remain in full force and effect until, at a minimum, all claims filed in compliance with chapter 39.08 RCW are resolved.

• RCW 60.28.011(4) describes three options for placement of retained funds until they are released to the contractor. Most agencies require the contractor to indicate his/her preference on a form at the time the contract is signed.

• RCW 60.28.011(6) allows a contractor to submit a retainage bond for all or any portion of the contract retainage in a form acceptable to the agency and from a bonding company meeting standards established by the public body.

• An agency normally withholds funds in the amount of five percent of each partial payment or monthly progress payment, which are then deposited in the designated account. Note that the maximum retainage is five percent. If it becomes obvious, during the contract, that subcontractors, materials men, or laborers are not being paid appropriately and that liens are filed in amounts exceeding the retained amount, the agency cannot withhold additional retainage.

• At any time (RCW 60.28.011(3)), the contractor may request that the contract retainage be reduced to 100 percent of the remaining contract.

   After completion of all contract work, other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract. Sixty days thereafter, the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.
Sixty days after completion of all contract work, the public body must release, and pay in full, the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

**Subcontractor Payment**

If an agency hears that subcontractors haven’t been paid, it should listen sympathetically and bring this knowledge to the attention of the contractor. As the agency has no contractual relationship with subcontractors, etc., it cannot pay them directly. At this point, consultation with the agency’s legal counsel is essential. One tactic is to have the contractor deliver cashier’s checks to the agency, to be mailed to claimants at the same time the contractor receives his progress payments. This should assure that subcontractors receive timely payment.

RCW 39.08.010 requires municipal governments to call for a performance and payment bond. The bond is to be issued by a surety company licensed to do business in Washington. It is to be conditioned on the contractor’s performance of all the provisions of the contract and payment of all laborers, mechanics, and subcontractors and materialmen, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work. State agencies (DOR, L&I, ESD) have no direct claim against the bond.

- The penalty for failure to call for a performance and payment bond (RCW 39.08.015) is that the municipal corporation is liable to the persons mentioned in RCW 39.08.010 to the full extent and for the full amount of all such debts so contracted by such contractor.

- Required performance and payment bonds are normally furnished on agency supplied forms. This form, or any proposed substitute form, should be reviewed by the agency’s legal counsel and risk manager before the contract is signed.

- RCW 39.08.010 states that on contracts of $35,000 or less – at the option of the contractor – the agency may, in lieu of a performance and payment bond, retain 50 percent of the contract amount for a period of 30 days after date of final acceptance, or until receipt of all necessary releases from the Department of Revenue and the Department of Labor and Industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later.

- RCW 39.08.030 provides that the performance and payment bond will be in the amount of 100 percent of the contract amount, except that cities and towns may, by ordinance, fix and determine the amount of the bond. However, the bond set by ordinance cannot be for less than 25 percent of the contract amount.

- RCW 39.08.030 also provides that anyone who has a claim against the bond must file such a claim within 30 days from, and after, the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, officer, or body acting for the agency.
Sales Tax Issues

Sales taxes apply to every sale of tangible personal property (and some services) to all persons, including local governments. For purposes of determining whether a purchase or project exceeds an agency’s bid limits, sales tax must be included when determining the cost of a public work, or when calculating the cost of materials, supplies, and equipment purchased separately from a public work. However, there are some sales and use tax exemptions for certain public works projects. The exemptions include:

- Labor and services rendered for the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle owned by a city or town which is used primarily for pedestrian or vehicle traffic. Materials used in constructing these projects are not exempt from the sales and use tax. RCW 82.04.050(8).

- Labor and services for the processing and handling of sand, gravel, and rock taken from city and/or county pits and quarries when the material is for public road projects. RCW 82.08.0275.

MRSC has prepared a table – WAC 458-20-171 & 171 Matrix (Appendix G) – that summarizes DOR regulations regarding sales and use tax applicability to public works contracts. For almost all local government public works contracts, the sales and use tax issue boils down to this:

*Does the contractor include sales and use taxes, as applicable, in his/her unit prices or lump sum bid or does the agency include a line item in the contract for sales tax, either on the whole amount or on items not included in the exemptions?*

**Practical Considerations**

1. When developing contract documents, it may be useful, in the bid proposal (bid item listing), to group those items that are subject to sales tax. Then, in a separate line item labeled “sales tax,” reference that group, making it clear that in all other bid items, sales and use taxes, as applicable, are to be included in the unit price or lump sum bid.

2. If an agency furnishes materials to a contractor for use in public works contract, it either must have paid applicable sales tax on the items furnished, or must specifically instruct the contractor to pay use taxes on the items.

3. Labor and services in the construction of a pedestrian pathway in a park are probably not exempt from sales and use tax. RCW 82.04.050(7) does exempt any "street, place, road . . . easement, right of way . . . which is used or to be used primarily for foot or vehicular traffic." However, the Department of Revenue believes that any such path or sidewalk must be in the street right-of-
way to qualify for the exemption. Similarly, unless a public parking lot is used for mass transit, it is not exempt.

The Department of Revenue has a very good online discussion of taxes due on public roads construction at http://dor.wa.gov/content/doingbusiness/businesses/types/industry/construction/default.aspx#PublicRoadConstruction.
Payment of prevailing wages under chapter 39.12 RCW in Washington State applies to all public works contracts accomplished through competitive bidding or the small works roster. It also applies to smaller public works contracts for which the contractor was simply chosen for any number of good reasons, and to maintenance contracts of any nature and for any amount.

Prevailing Wage Principles

- Contractor must be told in advance that prevailing wages must be paid to all employees who work on the contract.

- Prevailing wages in effect for the contract must be included in the contract documents.

- Contractor must file a Statement of Intent to Pay Prevailing Wages with the Industrial Statistician of the Department of Labor and Industries (L&I). The agency must have a copy of the L&I-approved Statement of Intent before it can make payments under the contract.

- After completion of the contract, the contractor must file an Affidavit of Wages Paid with L&I’s Industrial Statistician. The agency must have a copy of the L&I-approved Affidavit before it can release the contract retainage. DLIS has automated this process so that Intents and Affidavits can be filed online and an agency can be notified automatically if desired. An agency can check the contractor’s filing status online at any time.

- For contracts under $2,500, RCW 39.12.040 and WAC 296-127-050 provide that the Statement and Affidavit (no fees) may be combined and payment made by the agency without prior DLIS approval. For contracts under $35,000 where the limited public works process under RCW 39.04.155(3) is followed, a different combined form (for which fees are required) can be used.

- If a contract’s funding includes both state and federal funds, both sets of prevailing wage rates and reporting requirements must be met. The higher of the two wage rates must be paid. Do not assume that L&I and the U.S. Department of Labor will accept each other’s paperwork, or that they coordinate their efforts.

- Have your field inspectors note all employees, by name and work performed, who appear on the job site. Have them ask to see apprenticeship cards and note if journeymen are present. Have someone meet, at least monthly, on a random basis with contractor/subcontractor employees to check
payroll stubs against the prevailing wage rates.

Note the MRSC Project Closure/Retainage Release Guidelines in Appendix E and sample Retainage Release Checklist in Appendix F. Also, note Appendix I: April 2013 Notice of Completion for Projects Over $35,000.

**Prevailing Wage Program Changes Effective April 1, 2013**

If all of the affidavits are not listed on the NOC, the NOC will be returned to the public agency. Previously, if L&I received a NOC and could not find an Affidavit of Wages Paid on file for all contractors, L&I would attempt to reach the contractors and remind them to file. This time-consuming effort caused significant delays for other customers.

In an effort to speed up the process, L&I changed its practice on April 1, 2013, and returns any NOC that does not list all corresponding affidavit numbers for the project. L&I will notify the public agency and provide information as to what the problem is, how to resubmit the NOC, and request they inform the general contractor of the issue.
Small Works Contracting in an Emergency

Competitive bidding is not required when an emergency exists; however, in making emergency contracts, an agency should strive for the highest level of competition that is practical under the circumstances.

**Washington State Statutes**

Two types of emergencies are envisioned in the statutes: declared (federal or state) disasters under chapter 38.52 RCW and emergencies (agency declared) under RCW 39.04.280. When a federal or state declaration of emergency is made, a local agency should pass a resolution acknowledging the federal or state declaration and invoking RCW 39.04.280.

In 1998, RCW 39.04.280 was added to chapter 39.04 RCW. This RCW provides uniform exemptions to municipal competitive bidding requirements when awarding contracts for public works and purchases. Note that statutes governing a specific type of municipality may also include other exemptions from competitive bidding requirements.

An emergency is defined, uniformly for all classes and types of municipalities, as unforeseen circumstances beyond the control of the municipality that either: (1) present a real, immediate threat to the proper performance of essential functions; or (2) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Competitive bidding procedures for public works contracts may be waived under the above circumstances by adopting either a resolution at the time of contracting, or by written policies beforehand. A resolution must state the factual basis for the exception. If written policies are used to waive competitive bidding requirements, the contract and the factual basis for the exception must be recorded and open to public inspection immediately after the contract is awarded.

Note the following scenario:

Late Friday afternoon, Paul McCartney, your Sewer Superintendent, reports a serious sewer main break on Penny Lane. It needs to be fixed immediately to protect the Yellow Submarine deli, and other businesses, from obvious health threats. The estimated cost, including applicable sales and use taxes, is $65,000. (What if the estimated cost is $305,000?) Led Zeppelin Construction (LZC) and his utility subcontractor, Gary Puckett, are working nearby on a private project, and are willing and able to help.

_Even though LZC is close, you may want to see if there are contractors on your SWR who can mobilize almost as fast, as they may already have insurance certificates, etc. on file._
What things do not need to happen before LZC begins work?

No contract document set, no advertisement, no bid opening, no formal award, etc.

Do you need to get bids before they start?

No, although it is a good idea to get agreement as to a general plan of work before the contractor starts. Material sources and costs should be identified, so there are no surprises when the bills are due. If time allows, unit prices for completed major blocks of work should be negotiated and sales tax issues, if any, should be identified.

If not, how do you track and pay for force account work?

If force account work is the only practical way to proceed get the contractor to agree to use Section 109.6 of the current edition of the Standard Specifications (SS) for Road, Bridge and Municipal Construction (WSDOT/APWA).

Should you have a contract in place beforehand?

Try to have a standard, short form, contract readily available. However, a fully executed contract is not needed before the contractor starts work.

Do you need a performance and payment bond?

Yes, just as soon as you can get one!

How soon do you need a certificate of insurance naming the agency as additional insured?

ASAP, but, practically speaking, as soon as the contractor’s insurance carrier can get it to you.

How much insurance do you need?

If your agency does not have standard insurance requirements, Section 1-07.18 (APWA Supplement) of the SS can be used.

Do prevailing wages apply?

Yes!

When do you tell the contractor prevailing wages need to be paid and how much need to be paid?

Before the contractor starts work. Download prevailing wages for anticipated worker classifications from the L&I website.

Can the contractor start work without an approved Intent to Pay prevailing wages?

Yes, but they can’t be paid until your agency receives an approved Intent to Pay form from L&I.

Do you need to withhold retainage?

Yes.

Do you need to notify the Department of Revenue, Employment Security Department, and Industrial Insurance Division?

You need to send a Notice of Completion (NOC) to all three agencies if the contract is over $35,000. Use the most current version of the NOC.

What action, and when, does your council/commission/board need to take in regard to this project?

RCW 39.04.280(2)(b) says:

If an emergency exists, the person or persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made.
by the governing body or its designee, and duly entered of record, no later than two weeks following the award of the contract.

Washington State’s Emergency Management Department (EMD) is responsible for coordinating national disaster recovery and local government efforts in the event of a declared (federal or state) disaster under chapter 38.52 RCW, and has an informative publication on its website (www.emd.wa.gov) titled *Disaster Assistance Guide for Local Governments*. Note this excerpt from Section I, Chapter 1:

Local jurisdictions **must** keep accurate operations and financial records from the onset of the disaster. An accountant or bookkeeper in the local EOC is an invaluable asset in assisting with necessary fiscal records. It is strongly recommended to establish standing charge codes for emergencies before incidents occur to make it easier for local costs to be accurately documented right from the start of any incident – even if it does not become a federally-declared emergency or disaster.

Local officials, by resolution, make a local proclamation or declaration of emergency to authorize use of local resources, the expenditure of local funds, and to waive the usual bidding process for goods and services.
Really Small Public Works Projects

The term “Really Small Public Works Projects” is an MRSC convention. There are no statutory references. See Bid Limit Numbers table. For projects less than the bid limits, there is no requirement to seek multiple quotes, but most agencies do so anyway – down to some practical limit, which varies by agency. Kirkland, for example, allows informal (single) bids for projects less than $7,500, as does Woodland. Certainly, for projects less than $2,500, all but the most conservative agencies should allow their staff to simply call up someone, get a quick written or documented telephone bid, and, if the bid is reasonable, tell them to go do the work.

<table>
<thead>
<tr>
<th>Bid Limit Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Competitive Bids</td>
</tr>
<tr>
<td>Small Public Works Roster (SWR) Bids</td>
</tr>
<tr>
<td>Multiple Craft Bid Limit (SWR Optional)</td>
</tr>
<tr>
<td>Single Craft Bid Limit (SWR Optional)</td>
</tr>
<tr>
<td>Practical No Bid Limit</td>
</tr>
<tr>
<td>Really Practical No Bid Limit</td>
</tr>
</tbody>
</table>

Intents and affidavits required for all contracts, regardless of size.

The above discussion covers only the methods of getting (or not getting) bids or quotes. The other element to consider is whether to require performance and payment bonds and retainage for all contracts. Above $35,000, a city has no choice: it must require both. The two statutory allowances for not requiring one or the other for projects less than $35,000 are shown in the table called Retainage/Bonding/Closeout for Projects Less Than $35K.

<table>
<thead>
<tr>
<th>Retainage/Bonding/Closeout for Projects Less Than $35K</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCW 39.04.155(3) Limited Public Works Project – Can waive Retainage and/or P/P Bonds*</td>
</tr>
<tr>
<td>*Must have and use SPWR</td>
</tr>
<tr>
<td>RCW 39.08.010 Waive P/P Bonds and Hold 50% Retainage until 30 days after completion**</td>
</tr>
<tr>
<td>**At contractor’s option</td>
</tr>
<tr>
<td>Notices of Completion to DOR, H, ESD are not required</td>
</tr>
</tbody>
</table>

Again, there are practical thresholds of contract cost below which it is too cumbersome to ask for bonds and retainage. Very few agencies will waive both, except for really small contracts. Most contractors opt (for projects less than $35K) to waive the bond requirement and do 30 days and 50 percent retainage. This is the time frame in which most agencies actually process payments. Again, for projects less than $2,500, all but the most conservative agencies should allow their staff to simply call up someone, get a quick written or docu-
mented telephone quote, and, if the quote sounds reasonable, tell them to go do the work – and allow them to waive both bonds and retainage. The dollar volume of risk for these contracts is minimal to begin with, and there are safeguards (example: requiring paid invoices for supplies and materials to be attached to the project invoice) that an agency can use to protect itself.
Cost Estimates

Before a project is advertised, or quotes sought under SWR processes, an engineer’s (cost) estimate is needed. For larger projects this needs to be by a registered professional engineer. For smaller projects, an estimate by knowledgeable staff will suffice. For really small projects a tradesman’s estimate may suffice. Note that RCW 39.04.020 requires that “plans, specifications, or both thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board, or agency.”

RCW 39.04.040 requires that “work to be done shall be executed in accordance with such plans and specifications unless supplemental plans and specifications of the alterations to be made therein shall be made and filed in the office where the original plans and specifications are filed.”

For bidding purposes, cost estimates should include all construction related work, but not engineering/architectural design fees, contract administration costs, and construction inspection/testing.

Also note these statutes:

RCW 39.04.050 Contents of original estimates.

Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit, allowed for the completion of the work and the estimated dates of commencement and completion.

RCW 39.04.060 Supplemental estimates.

Supplemental estimates shall show the estimated increase or decrease in the total quantities of each class, in the unit cost of each class, in the total cost for each class and in the total cost of the work as shown by the original estimate, together with any change in the time limit and in the estimated dates of commencing and completing the work.

Following bid opening and award, the total contract price becomes the new theoretical project cost, but is itself subject to change. The final contract price paid reflects differences between estimated and actual quantities, added features, contractor claims, and unforeseen conditions. A useful graphic representation of the above points follows, Project Cost Parameters, provided courtesy of APWA and published in Section 7 of Management of Public Works Construction Projects, by James L. Martin, P.E. [APWA, 1999]. This graphic, or an adaptation thereof, can be helpful in explaining progressive changes in estimated project costs to elected officials and others. Essential, also, is a summary of the project scope as it may have changed from that envisioned at the CIP/CFP or conceptual stage, and from bid award to completion.
Public Works Contracting Summaries

Competitively Bid Public Works (CBPW) Projects
Also known as “Design-Bid-Build.”
- Over $300,000 (but can be for smaller projects)
- Formal advertisement
- Bid guarantees
- Sealed bids
- Public bid opening
- Formal award
- P/P bonds required
- Retainage required
- Payment of prevailing wages

Limited Public Works (LPW) Projects
- Under $35,000
- No advertisement required, just notice to SWR
- Bid guarantees optional
- Electronic, faxed, or telephone quotes allowed
- Informal quote opening(s)
- Award can be delegated
- P/P bonds can be waived
- Retainage can be waived
- Payment of prevailing wages

Small Works Roster (SWR) Projects
- Under $300,000
- No advertisement required, just notice to SWR
- Bid guarantees optional
- Electronic, faxed, or telephone quotes allowed
- Informal bid opening(s)
- Award can be delegated
- P/P bonds required
- Retainage required
- Payment of prevailing wages

Really Small Public Works Projects
Less than an agency’s bid limits.
- Under agency’s bid limits
- No SWR required
- No advertisement required
- Bid guarantees optional
- Electronic, faxed, or telephone quotes allowed
- Informal bid opening(s)
- Award can be delegated
- Payment of prevailing wages
- P/P bonds and retainage may not be needed
  - If single payment will be made after work is completed
PROJECT COST PARAMETERS
“Design – Bid – Build”

FROM Management of Public Works Construction, by James L. Martin, P.E., APWA, 1999
Used with Permission
Appendix A: Small Works Roster Statute
Legislative History
### Appendix A - Small Works Roster Statute Legislative History

<table>
<thead>
<tr>
<th>Year</th>
<th>State</th>
<th>Statute</th>
<th>Limit</th>
<th>Local Governments</th>
<th>Statute</th>
<th>Limit</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1982</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$25,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Only General Admin., Fisheries, Game and Park and Recreation Departments.</td>
</tr>
<tr>
<td>1983</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$25,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1984</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$25,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1985</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$25,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1986</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$25,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1987</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$50,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1988</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$50,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1989</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$50,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1990</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$50,000</td>
<td>No</td>
<td>None</td>
<td>N/A</td>
<td>Same 4 agencies</td>
</tr>
<tr>
<td>1991</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$50,000</td>
<td>Counties</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; Counties</td>
</tr>
<tr>
<td>1992</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$50,000</td>
<td>Counties</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; Counties</td>
</tr>
<tr>
<td>1993</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$50,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; authorized municipalities.</td>
</tr>
<tr>
<td>1994</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$100,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; authorized municipalities.</td>
</tr>
<tr>
<td>1995</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$100,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; authorized municipalities.</td>
</tr>
<tr>
<td>1996</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$100,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; authorized municipalities.</td>
</tr>
<tr>
<td>1997</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$100,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; authorized municipalities.</td>
</tr>
<tr>
<td>1998</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$100,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Same 4 agencies &amp; authorized municipalities.</td>
</tr>
<tr>
<td>1999</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$100,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$100,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2000</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2001</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities. Added limited public works projects (RCW 39.04.155(3)).</td>
</tr>
<tr>
<td>2002</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2003</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2004</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2005</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2006</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2007</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities. Optional small business procedures authorized (RCW 39.04.155(5)).</td>
</tr>
<tr>
<td>2008</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$200,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$200,000</td>
<td>Authorized agencies &amp; municipalities.</td>
</tr>
<tr>
<td>2009</td>
<td>Yes</td>
<td>39.04.150</td>
<td>$300,000</td>
<td>As Authorized</td>
<td>39.04.155</td>
<td>$300,000</td>
<td>Authorized agencies &amp; municipalities. Raised limit to $300,000.</td>
</tr>
</tbody>
</table>
Appendix B: Port of Olympia Small Works Roster Checklist
Port of Olympia Small Works Roster Checklist

PREVAILING WAGE & SMALL WORKS ROSTER CHECKLIST FOR PUBLIC CONTRACTS $35,000-200,000 ($300,000)

BID PROCESS
1. Invite for quotations all or at least five contractors from the small works roster. Document date of invite, contractor and name of person spoke to. All invites shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished.

2. Award the contract to the lowest responsible bidder. (Per RCW 43.19.1911) (No longer in effect)

3. Provide contractor with a list of the current prevailing wages during the bid process. (Rates are available at www.lni.wa.gov/prevailingwage.com)

4. If project was awarded more than 6 months after the bid date, obtain the prevailing wages for the time contract was executed.

5. Obtain insurance in the amount requested in the invite/contract/proposal (Port should be named additional insured)

*note: please notify all bidders who the contract was awarded to

THE CONTRACT
6. Contract/proposal/invite must state that the contractor will pay prevailing wages (The stated amount may not be less than the prevailing wage rate.)

7. Ensure contractor is properly licensed or registered in the state before awarding contract.

PAYMENT/PERFORMANCE BOND AND INSURANCE
8. Obtain from the Contractor, a Payment and Performance Bond issued by a Surety company in the full amount of the contract. Bond shall state that the contractor shall faithfully perform all the provisions of the contract and pay all laborers, mechanics, and Subcontractors and materialmen, and suppliers.

9. Obtain insurance in the full amount of the contract and ensure there is proper liability coverage as per contract/proposal/invite. (Port should be named additional insured)

PREVAILING WAGES
10. The contractor must submit the Statement of Intent to the Port approved by L&I before any payments are made.

SUBSTANTIAL COMPLETION AND COMPLETION
11. Upon notification by the contractor that the project is complete, the Project Manager and A/E firm will inspect the construction project with the record drawings. Submittal of warranty documents and maintenance and operation manuals should be completed before the final inspection schedule. Warranty submittals should be carefully reviewed by the Project Manager and A/E.

12. Project Manager and A/E shall complete a notice that the following items have been completed and reviewed and submit to Executive Director:
   a. Final inspection and any findings;
   b. A punchlist of work items remaining to be completed;
   c. Any submittal items remaining;
d. A specific reservation of any work which is not completed or any claim or issue outstanding:
e. Whether the Port assumes responsibility for security, maintenance, heat, utilities, risk of loss, and insurance;
f. Whether the warranty period commences; and
g. A time frame, usually thirty days, for receipt of record drawings.

13. Completion triggers the lien filing periods under the retainage and performance and payment bonds. The Project Manager will present to the Executive Director the resolution for the Commission to accept the work as complete. The Project Manager will ensure before submitting resolution to the Executive Director that the punch list items are complete, receipt and approval of final invoice by Project Manager and A/E, release of liens from the contractor of all suppliers and subcontractors and the amounts paid to each, completed record drawings showing all changes made during the construction.

14. The Project Manager and A/E will send the contractor a notice of completion which identifies the date of completion, identifies the retainage lien filing period as forty-five days after the date of completion; identifies the bond lien filing period as thirty-five days after the date of completion and identifies the assessment of liquidated damages, if any.

**PROCESSING PAYMENT**

15. Contractor must submit payment voucher that includes a description of work performed and payment amount requested.

16. Affidavit of Wages Paid and review the Department of L&I website must be completed before final payment to contractor (5% retainage)

17. All documents listed above must be given to the Port Auditor before payment.

18. Port must file a Notice of Completion with Dept. of Revenue as per RCW 60.28.50

19. No longer then 60 Days after completion of the contract work, the Port must release and pay all amounts retained so long as all liens have been released and the Port has received the Letter of Release from Dept of Revenue, check website for contractor L&I.

**I HAVE COMPLIED WITH ALL OF THE ABOVE**

(signature of employee bidding contract)

**REVIEWED BY THE DIRECTOR OF FINANCE-AUDITOR**
PREVAILING WAGE & SMALL WORKS ROSTER CHECKLIST
FOR PUBLIC CONTRACTS $2500 - $35,000

BID PROCESS
1. Invite for quotations all or at least five contractors from the small works roster. Document date of invite, contractor and name of person spoken to. All invites shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished.

2. Award the contract to the lowest responsible bidder. (Per RCW 43.19.1911) (no longer in effect)

3. Provide contractor with a list of the current prevailing wages during the bid process. (Rates are available at www.lni.wa.gov/prevailingwage.com)

4. If project was awarded more than 6 months after the bid date, obtain the prevailing wages for the time contract was executed.

5. Obtain insurance in the amount requested in the invite/contract/proposal (Port should be named additional insured)

  *note: please notify all bidders who the contract was awarded to

THE CONTRACT
6. Contract/proposal/invite must state that the contractor will pay prevailing wages (The stated amount may not be less than the prevailing wage rate.)

7. Ensure contractor is properly licensed or registered in the state before awarding contract.

PAYMENT/PERFORMANCE BOND AND INSURANCE
8. Obtain from the Contractor, a Payment and Performance Bond issued by a Surety company. Bond shall state that the contractor shall faithfully perform all the provisions of the contract and pay all laborers, mechanics, and Subcontractors and materialmen, and suppliers. This is required for contracts $25,000 or more. Contracts under $25,000 will have a 50% retainage if performance bond is not obtained.

PREVAILING WAGES
9. The contractor must submit the Statement of Intent to the Port approved by L&I before any payments made.

PROCESSING PAYMENT
10. Contractor must submit payment voucher that includes a description of work performed and payment amount requested.

11. Affidavit of Wages Paid and review of the Department of L&I website before final payment to contractor

12. All documents listed above must be given to the Port Auditor before payment.

13. Port must file a Notice of Completion with Dept. of Revenue if over $20,000 as per RCW 60.28.050

14. No longer then 60 Days after completion of the contract work, the Port must release and pay all amounts retained so long no liens have been filed and the Port has reviewed the Dept. of L&I site and Dept. of Revenue letter or release if over $20,000 site for non-compliance by contractor.

I HAVE COMPLIED WITH ALL OF THE ABOVE

(signature of employee bidding contract)

REVIEVED BY THE DIRECTOR OF FINANCE-AUDITOR
Appendix C: Model Small Works Roster
Resolution
A RESOLUTION OF THE [governing body] OF [name of agency], WASHINGTON, ON THE SUBJECT OF ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS.

WHEREAS, in order to be able to implement small works roster processes of RCW 39.04.155, the [type of agency] is required by law to adopt a resolution establishing specific procedures;

NOW, THEREFORE, THE [governing body] OF [name of agency], WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Resolution No. ________ is hereby repealed.
Section 2. The following small works roster procedures are established for use by the [type of agency] pursuant to [RCW cite-see table] and RCW 39.04.155.

1. **Cost.** The [type of agency] 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 Thousand Dollars ($300,000.00), or the current statutory limit in RCW 39.04.155, which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the [type of agency] 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.

2. **Number of Rosters.** The [type of agency] 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 [type of agency] as a condition of being placed on a roster or rosters.

4. **Publication.** At least once a year, the [type of agency] 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 [type of agency] 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 [name of agency] 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.

5. **Electronic Rosters.** In addition to paper and/or electronic rosters kept on file in the appropriate department, the [type of agency] may also use that state wide electronic database developed and maintained by the Municipal Research and Services Center of Washington (MRSC Rosters).

6. **Telephone or Written Quotations.** The [type of agency] 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 39.04.010 and RCW 39.04.350, 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 for 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.

If the estimated cost of the work is from one hundred fifty thousand dollars ($150,000) to three hundred thousand dollars ($300,000), the [type of agency] may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The [type of agency] 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 other electronic means.

c) For purposes of this resolution, "equitably distribute" means that the [type of agency] may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the [type of agency] 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 [type of agency] 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.

7. **Limited Public Works Process.** If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars ($35,000), the [type of agency] may award such a contract using the limited public works process provided under RCW 39.04.155(3). For limited public works project, the [type of agency] will 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 and RCW 39.04.350. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the [type of agency] 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, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the [type of agency] shall have the right of recovery against the contractor for any payments made on the contractor's behalf.
The [type of agency] shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four (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.

8. **Small Business Incentives (RCW 39.04.155(5))**
An agency may use the limited public works process of RCW 39.04.155(3) to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return. An agency may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars ($250,000) annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

9. **Determining Lowest Responsible Bidder.** The [governing body] 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 [governing body] may call for new bids. A responsible bidder will be a contractor who meets the mandatory requirements of RCW 39.04.350(1) and any supplemental bidder responsibility criteria established for the project under RCW 39.04.350 (2).

10. **Award.** All of the telephone bids or quotations shall be collected and presented at the same time to the [governing body] for consideration, determination of the lowest responsible bidder, and award of the contract.

OR [If the governing body delegates the authority to award bids of certain amount(s) to an officer of the agency.]

10. **Award.** The [executive officer] or his designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the [governing body]. However, for public works projects under $__________, the [executive officer] shall have the authority to award public works contracts without [governing body] approval, provided that the [governing body] shall ratify the [executive officer]'s approval at the next scheduled [governing body] meeting by means of the consent agenda. For public works projects over $__________, the [governing body] shall award all public works contracts by resolution.

PASSED this _____ day of __________, 20__ and signed in authentication of its passage this _____ day of __________, 20__.

______________________________________________
[executive officer]

ATTEST: 

APPROVED AS TO FORM:

______________________________________________
[type of agency]  CLERK  ATTORNEY
Appendix D: Model Small Public Works Roster and Vendor List Resolution
Appendix D

MODEL VENDOR LIST

AND

SMALL WORKS ROSTER RESOLUTION

Resolution No. ____

<table>
<thead>
<tr>
<th>Agency</th>
<th>RCW Cites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties and County Roads</td>
<td>RCW 36.32.235, RCW 36.32.240, RCW 36.32.245, RCW 36.32.250, RCW 36.77.075</td>
</tr>
<tr>
<td>First Class Cities</td>
<td>RCW 35.22.620</td>
</tr>
<tr>
<td>Code Cities, Second Class Cities, and Towns</td>
<td>RCW 35.23.352</td>
</tr>
<tr>
<td>Community and Technical Colleges</td>
<td>RCW 28B.50.330</td>
</tr>
<tr>
<td>Fire Protection Districts</td>
<td>RCW 52.14.110</td>
</tr>
<tr>
<td>Higher Education</td>
<td>RCW 28B.10.350</td>
</tr>
<tr>
<td>Housing Authorities</td>
<td>RCW 35.82.076</td>
</tr>
<tr>
<td>Port Districts</td>
<td>RCW 53.08.120, RCW 53.08.135</td>
</tr>
<tr>
<td>Public Hospital Districts</td>
<td>RCW 70.44.140</td>
</tr>
<tr>
<td>Public Utility Districts</td>
<td>RCW 54.04.070 &amp; RCW 54.04.082</td>
</tr>
<tr>
<td>School Districts</td>
<td>RCW 28A.335.190</td>
</tr>
<tr>
<td>Water-Sewer Districts</td>
<td>RCW 57.08.050</td>
</tr>
</tbody>
</table>

A RESOLUTION OF THE [governing body] OF [name of agency], WASHINGTON, repealing Resolution No.____________ and establishing new procedures relating to purchasing and public works contracting; establishing a vendor list process for the purchasing of supplies, materials, and equipment and a small works roster process to award public works contracts.
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 list process; and

WHEREAS, the RCW 39.04.155, allows certain public works contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement vendor list and small public works roster processes, the [type of agency] is required by law to adopt a resolution establishing specific procedures;

NOW, THEREFORE, THE [governing body] OF [name of agency], WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Purchase of materials, supplies or equipment not connected to a public works project in an amount of $____ or less. The [type of agency] is not required to use informal or formal sealed bidding procedures or the procedures set forth in this resolution to purchase materials, supplies, or equipment for the purchase of any materials, supplies of equipment where the cost of same will not exceed __________. The [type of agency] will attempt to obtain the lowest practical price for such goods and services.

Section 2. The following vendor list procedures are established for use by the [type of agency] pursuant to [RCW cite-see table] and RCW 39.04.190. Purchase of materials, supplies or equipment not connected to a public works project in an amount between $____ and $______.

1. Publication Of Notice. At least twice a year, the [type of agency] shall publish, in the [type of agency]’s official newspaper, notice of the existence of a roster(s) of vendors for materials, supplies, and equipment, and shall solicit names of vendors for the roster.

2. Electronic Rosters. In addition to paper and/or electronic vendor lists kept on file in the appropriate department, the [type of agency] may also use that state wide electronic database developed and maintained jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington (MRSC Rosters).

3 Telephone Quotations. The [type of agency] shall use the following process to obtain telephone quotations from vendors for the purchase of materials, supplies, or equipment:

a. A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;

b. A [type of agency] representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone solicitation quotations from the vendors for the required materials, supplies, or equipment;

c. The [type of agency] representative shall not share telephone quotation from one vendor with other vendors solicited for the bid on the materials, supplies, or equipment;

b. A written record shall be made by the [type of agency] representative of each vendor’s bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;
e. The [type of agency] representative shall present to the [governing body] all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.

4. **Determining the Lowest Responsible Bidder.** The [type of agency] shall purchase the materials, supplies or equipment from the lowest responsible bidder, provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the [type of agency] may call for new bids.

5. **Award.** [governing body] shall review quotations and recommendation by city staff and award the contract to the lowest responsible bidder. A written record of each vendor’s quotations shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

6. **Posting.** A list of all contracts awarded under these procedures shall be posted at [type of agency] main administrative offices once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded.

**Section 3.** The following small works roster procedures are established for use by the [type of agency] pursuant to [RCW cite-see table] and RCW 39.04.155.

1. **Cost.** The [type of agency] 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 Thousand Dollars ($300,000.00), or the current statutory limit in RCW 39.04.155, which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the [type of agency] 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.

2. **Number of Rosters.** The [type of agency] 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 [type of agency] as a condition of being placed on a roster or rosters.

4. **Publication.** At least once a year, the [type of agency] 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 [type of agency] 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 [name of agency] 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.

5. Electronic Rosters. In addition to paper and/or electronic rosters kept on file in the appropriate department, the [type of agency] may also use that state wide electronic database developed and maintained by the Municipal Research and Services Center of Washington (MRSC Rosters).

6. Telephone or Written Quotations. The [type of agency] 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 39.04.010 and RCW 39.04.350, 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 for 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.

If the estimated cost of the work is from one hundred fifty thousand dollars ($150,000) to three hundred thousand dollars ($300,000), the [type of agency] may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The [type of agency] 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 other electronic means.

c) For purposes of this resolution, "equitably distribute" means that the [type of agency] may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the [type of agency] 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 [type of agency] 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.

7. **Limited Public Works Process.** If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars ($35,000), the [type of agency] may award such a contract using the limited public works process provided under RCW 39.04.155(3). For limited public works project, the [type of agency] will 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 and RCW 39.04.350. After an award is made, the quotations shall be open to public inspection and available by electronic request.

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

The [type of agency] shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four (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.

8. **Small Business Incentives (RCW 39.04.155(5))**

An agency may use the limited public works process of RCW 39.04.155(3) to solicit and award small works roster contracts small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return. An agency may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars ($250,000) annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

9. **Determining Lowest Responsible Bidder.** The [governing body] 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 [governing body] may call for new bids. A responsible bidder will be a contractor who meets the mandatory requirements of RCW 39.04.350(1) and any supplemental bidder responsibility criteria established for the project under RCW 39.04.350 (2).

10. **Award.** All of the telephone bids or quotations shall be collected and presented at the same time to the [governing body] for consideration, determination of the lowest responsible bidder, and award of the contract.

OR [If the governing body delegates the authority to award bids of certain amount(s) to an officer of the agency.]
10. **Award.** The [executive officer] or his designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the [governing body]. However, for public works projects under $___________, the [executive officer] shall have the authority to award public works contracts without [governing body] approval, provided that the [governing body] shall ratify the [executive officer]’s approval at the next scheduled [governing body] meeting by means of the consent agenda. For public works projects over $___________, the [governing body] shall award all public works contracts by resolution.

PASSED this _____ day of ________, 20__ and signed in authentication of its passage this _____ day of ________, 20__. 

______________________________  
[executive officer]

ATTEST:  
APPROVED AS TO FORM:

______________________________  
[type of agency]  CLERK  
______________________________  
ATTORNEY
**MRSC Project Closure/Retainage Release Guidelines (Reviewed April 2014)**

<table>
<thead>
<tr>
<th>Contract Amount</th>
<th>Require in Contract (also See Note 1)</th>
<th>Needed for Project Closeout Files (Before Releasing Retainage) (Also See Note 9)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Performance and Payment Bonds</td>
<td>Retainage</td>
</tr>
<tr>
<td>Over $ 35,000</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>$35,000 or less</td>
<td>Can Waive (See Notes 2 &amp; 7)</td>
<td>Can Waive (See Notes 2 &amp; 7)</td>
</tr>
<tr>
<td>Limited PW Process</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$35,000 or less</td>
<td>Can Waive (See Note 3)</td>
<td>50% Retainage (See Note 3)</td>
</tr>
<tr>
<td>$ 2,500 or less</td>
<td>May Not Be Needed (10)</td>
<td>May Not Be Needed (10)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. Contract documents must require that prevailing wages must be paid and must contain the prevailing wages applicable to the project, regardless of contract amount.

2. RCW 39.04.155 (3) allows a local government to waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW. To use this limited public works process an authorized local government must solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster. A SWR process is required.

3. RCW 39.08.010 states that on contracts of thirty-five thousand dollars or less (Chapter 210, 2007 Laws) - at the option of the contractor - the agency may, in lieu of a performance and payment bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from DOR and L&I and settlement of any liens filed under chapter 60.28 RCW, whichever is later.

4. City files Notice of Completion of Project with DOR and will receive Certificate of Payment of Excise Taxes from DOR for the project. DOR may also demand payment for unpaid excise taxes on other projects per Chapter 423, 2009 Session Laws. NOC and Certificate not required for projects under $35,000.

5. Contractor files Intent to Pay Prevailing Wages and Affidavit of Wages Paid with L & I. The public agency will receive approved Intent and Affidavit forms from the Contractor. L & I sends the forms to the Contractor who in turn sends them to the public agency. Or the agency can view them online.

6. City files Notice of Completion of Project with L&I, which issues ‘Release’ from liability for industrial insurance premiums for the project. L&I may also demand payment for unpaid premiums on other projects per Chapter 243, 2009 Session Laws. NOC and Release not required for projects under $35,000.

7. RCW 39.12.040 (2) allows the local government agency to process combined Intent and Affidavit short forms and forward them to L & I monthly. If the agency chooses not to use this process, see Notes 5 & 6. Chapter 210, 2007 Laws allows use of this form for contracts up to $35,000 if RCW 39.04.155 (3) is followed.

8. DOR forwards Notice of Completion to ESD. ESD issues Certificate of Payment of employment security contributions, penalties and interest. ESD may also demand payment for unpaid excise taxes on other projects per Chapter 423, 2009 Session Laws. NOC and Certificate not required for projects under $35,000.

9. RCW 60.28.011(3)(b) states that “Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.” (But not chapter 50.24 RCW.). Therefore, an agency should release retained funds, less the amount of any claims by laborers, suppliers and subcontractors, at the end of sixty (60) days to avoid possible ramifications under the Prompt Pay Act (RCW 39.76). If Certificate from DOR and approved Affidavits from L&I per notes 4-6 are not available at that time, contact your agency attorney. An agency should also try to have the ESD Certificate in its files as well. See MRSC Contract Closeout Paperwork and Deadline Summary also.

10. Unless an agency waives bonding and/or retainage (B/R) under the Notes 2 and 3 scenarios, both are theoretically required, even for very small projects. However, as a practical matter, payment for small projects is usually well after completion and – in effect – there is a 100% retainage for 2-4 weeks, so there is very little risk if an agency does not require B/R. Be sure, as much as practical, that suppliers have been paid and that an approved Affidavit of Wages Paid from the contractor is on file.
Appendix F: Sample Retainage Release Checklist
## RETAINAGE RELEASE
### CHECKLIST

### Basic Information

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Project #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor’s Name:</td>
<td></td>
</tr>
</tbody>
</table>

### Retainage Status

- [ ] Escrow Agreement
- [ ] Agency Holding Retainage
- [ ] Retainage Bond

### Dates

<table>
<thead>
<tr>
<th>Substantial Completion Date</th>
<th>Final Acceptance Date</th>
<th>45 Days from Final Acceptance</th>
</tr>
</thead>
</table>

### Documentation Required

<table>
<thead>
<tr>
<th>Description</th>
<th>Responsible Party:</th>
<th>Date Recvd or Compltd:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acceptance Notices</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- [ ] Final Acceptance Letter (to Contractor)</td>
<td>CPO Contracts</td>
<td></td>
</tr>
<tr>
<td>- [ ] Notice of Completion of Public Works Contract to DOR</td>
<td>CPO Accounting</td>
<td></td>
</tr>
<tr>
<td>- [ ] Notice of Completion of Public Works Contract to ESD</td>
<td>CPO Accounting</td>
<td></td>
</tr>
<tr>
<td>- [ ] Notice of Completion of Public Works Contract to L&amp;I</td>
<td>CPO Accounting</td>
<td></td>
</tr>
<tr>
<td><strong>Releases from State Agencies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- [ ] Department of Revenue</td>
<td>Revenue</td>
<td></td>
</tr>
<tr>
<td>Certificate of Payment of State Excise Taxes by Public Works Contractor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- [ ] Employment Security Department</td>
<td>Employment Security</td>
<td></td>
</tr>
<tr>
<td>Certificate of Payment of Contribution, Penalties &amp; Interest on Public Works Contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- [ ] Department of Labor and Industries Release</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractor</td>
<td>All Subcontractors</td>
<td></td>
</tr>
<tr>
<td><strong>Prevailing Wages</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- [ ] Statements of Intent to Pay Prevailing Wages</td>
<td>Contractor</td>
<td>All Subcontractors</td>
</tr>
<tr>
<td>- [ ] Affidavits of Wages Paid</td>
<td>Contractor</td>
<td>All Subcontractors</td>
</tr>
<tr>
<td><strong>Claims and Liens Against the Retainage and Payment Bond</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- [ ] Type of Action*</td>
<td></td>
<td>Amount</td>
</tr>
</tbody>
</table>

*Claim, Renewal, Release
Appendix G: WAC 458-20-171 Matrix
<table>
<thead>
<tr>
<th>Applicable B&amp;O, Use Taxes and Sales Taxes Are to be Included in (Unit) Bid Prices for: (Rule 171)</th>
<th>Sales Tax Added to (Unit) Bid Prices for: (Rule 170)</th>
</tr>
</thead>
</table>
| building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic, either as a prime contractor or as a subcontractor. It does not include persons who merely sell or deliver road materials to such contractors or to the public authority whose property is being improved. It also does not include persons who construct streets, roads, etc. owned by the state of Washington. (See WAC 458-20-170 for the tax liability of such persons.)

The term "building, repairing or improving of a publicly owned street, place, road, etc.," includes clearing, grading, graveling, oiling, paving and the cleaning thereof; the constructing of tunnels, guard rails, fences, walks and drainage facilities, the planting of trees, shrubs and flowers therein, the placing of street and road signs, the striping of roadways, and the painting of bridges and trestles; it also includes the mining, sorting, crushing, screening, washing and hauling of sand, gravel, and rock taken from a public pit or quarry.

doors used primarily by ferry boats operated in connection with a street, road or highway, (and which is owned by a municipal corporation or political subdivision of the state or by the United States)

doors and walks which are not open to the public generally, but which may be restricted to use by the military or by employees of a department or instrumentality of the United States.

includes any contract for the readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of building, repairing or improving a street, place, road, etc., which is owned by a municipal corporation or political subdivision of the state or by the United States, the cost of which readjustment, reconstruction, or relocation is the responsibility of the public authority whose street, place, road, etc., is being built, repaired or improved. It also includes building or repairing mass transportation facilities owned by a municipal corporation or political subdivision of the state or by the United States.

railroads, wharves, moorings, hallways, catwalks, or runways, aprons or taxiways for the landing, take-off or movement of airplanes within airports or landing fields;

ferry boats purchased by the state or municipal corporations are exempt from retail sales taxes (WAC 458-20-189(6)(f))

constructing of water mains, telephone, telegraph, electrical power, or other conduits or lines in or above streets or roads, unless such power lines become a part of a street or road lighting system as aforesaid

constructing of a drainage system in streets and roads, even though such system is also used for the carrying of sewage: Provided, That the drainage facilities are sufficient for disposal of the normal runoff of surface waters from the particular streets and roads in which the system is constructed or an ordinance authorizing the construction of a combined sewer system is incorporated by reference in the contract and the contract or specifications clearly indicate that the system is designed and intended for the disposal of the normal runoff of surface waters from the streets and roads in which the system is constructed.

constructing of sewage disposal facilities, nor the installing of sewer pipes for sanitation, unless the installation thereof is within, and a part of, a street or road drainage system.

includes any contract for the readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of building, repairing or improving a street, place, road, etc., which is owned by a municipal corporation or political subdivision of the state or by the United States, the cost of which readjustment, reconstruction, or relocation is the responsibility of the public authority whose street, place, road, etc., is being built, repaired or improved. It also includes building or repairing mass transportation facilities owned by a municipal corporation or political subdivision of the state or by the United States.

includes any contract for the readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of building, repairing or improving a street, place, road, etc., which is owned by a municipal corporation or political subdivision of the state or by the United States, the cost of which readjustment, reconstruction, or relocation is the responsibility of the public authority whose street, place, road, etc., is being built, repaired or improved. It also includes building or repairing mass transportation facilities owned by a municipal corporation or political subdivision of the state or by the United States.
WAC 458-20-171 Building, repairing or improving streets, roads, etc., which are owned by a municipal corporation or political subdivision of the state or by the United States and which are used primarily for foot or vehicular traffic.

Definitions

As used herein:
The word "contractor" means a person engaged in the business of building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic, either as a prime contractor or as a subcontractor. It does not include persons who merely sell or deliver road materials to such contractors or to the public authority whose property is being improved. It also does not include persons who construct streets, roads, etc. owned by the state of Washington. (See WAC 458-20-170 for the tax liability of such persons.)

The term "street, place, road, highway, etc." is used in the ordinary sense that the combination of such words implies. It includes docks used primarily by ferry boats operated in connection with a street, road or highway, but does not include railroads, wharves, moorings, hallways, catwalks, or runways, aprons or taxiways for the landing, take-off or movement of airplanes within airports or landing fields; nor does it include ferry boats, even though the ferry be operated in connection with a street, road or highway. It includes roads and walks which are not open to the public generally, but which may be restricted to use by the military or by employees of a department or instrumentality of the United States.

The word "place" means only an area similar to a street or pedestrian walk, such as thoroughfares in various cities designated "places" for the purpose of preserving the continuity of street names or house numbers; generally, a street of shorter length than others.

The term "building, repairing or improving of a publicly owned street, place, road, etc." includes clearing, grading, graveling, oiling, paving and the cleaning thereof; the constructing of tunnels, guard rails, fences, walks and drainage facilities, the planting of trees, shrubs and flowers therein, the placing of street and road signs, the striping of roadsides, and the painting of bridges and trestles; it also includes the mining, sorting, crushing, screening, washing and hauling of sand, gravel, and rock from a public pit or quarry. It also includes the constructing of road and street lighting systems, even though portions of such systems also are used for purposes other than street and road lighting; also the constructing of a drainage system in streets and roads, even though such system is also used for the carrying of sewage. Provided, That the drainage facilities are sufficient for disposal of the normal runoff of surface waters from the particular streets and roads in which the system is constructed or an ordinance authorizing the construction of a combined sewer system is incorporated by reference in the contract and the contract or specifications clearly indicate that the system is designed and intended for the disposal of the normal runoff of surface waters from the streets and roads in which the system is constructed.

The term includes any contract for the readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of building, repairing or improving a street, place, road, etc., which is owned by a municipal corporation or political subdivision of the state or by the United States, the cost of which readjustment, reconstruction, or relocation is the responsibility of the public authority whose street, place, road, etc., is being built, repaired or improved. It also includes building or repairing mass transportation facilities owned by a municipal corporation or political subdivision of the state or by the United States.

Except as provided above, the term does not include the constructing of water mains, telephone, telegraph, electrical power, or other conduits or lines in or above streets or roads, unless such power lines become a part of a street or road lighting system as aforesaid; nor does it include the constructing of sewage disposal facilities, nor the installing of sewer pipes for sanitation, unless the installation thereof is within, and a part of, a street or road drainage system.

Business and Occupation Tax

Such contractors are taxable under the public road construction classification upon their total contract price.

The business and occupation tax does not apply to the cost of or charge made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel, and rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or city and such sand, gravel or rock is

(a) Stockpiled in said pit or quarry for placement on the street, road, or highway by the county or city itself using its own employees, or
(b) Placed on the street, road, or highway by the county or city itself using its own employees, or
(c) Sold by the county or city at actual cost to another county or city for road use.

Retail Sales Tax

The retail sales tax applies upon the sale to such contractors of all materials including prefabricated and precast items, equipment and supplies used or consumed in the performance of such contracts.

The retail sales tax does not apply upon any portion of the charge made by such contractors.

The sales tax does not apply to charges made for labor and services which are exempt from business tax as indicated above.

Use Tax

The use tax applies to the use by all contractors of all materials including prefabricated and precast items, equipment and supplies upon which the retail sales tax has not been paid. This tax also applies in respect to articles produced or manufactured by them for commercial use. (See WAC 458-20-134.)

The use tax does not apply in respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is either (1) stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself (i.e., by its own employees), or (2) sold by the county or city to a county or a city at actual cost for placement on a street, road, place, or highway owned by the county or city. This exemption shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as here indicated.

(For lien of unpaid taxes on the retained percentage withheld on public improvement contract, see WAC 458-20-217.)

[Order ET 71-1, § 458-20-171, filed 7/22/71; Order ET 70-3, § 458-20-171 (Rule 171), filed 5/29/70, effective 7/1/70.]
Appendix H: April 2013 Notice of Completion for Projects Over $35K
NOTICE OF COMPLETION OF PUBLIC WORKS CONTRACT

Contractor's UBI Number: ______________________  Date: ______________________

<table>
<thead>
<tr>
<th>Name &amp; Address of Public Agency</th>
<th>Department Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Assigned to:</td>
</tr>
<tr>
<td></td>
<td>Date Assigned:</td>
</tr>
</tbody>
</table>

UBI Number: ______________________

Notice is hereby given relative to the completion of contract or project described below

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Contract Number</th>
<th>Job Order Contracting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

Description of Work Done/Include Jobsite Address(es)

Federally funded road transportation project? □ Yes □ No

Contractor's Name

Contractor Address

If Retainage is Bonded, List Surety's Name (or attach a copy)

Surety Agent's Address

<table>
<thead>
<tr>
<th>Date Contract Awarded</th>
<th>Date Work Commenced</th>
<th>Date Work Completed</th>
<th>Date Work Accepted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Contract Amount $ ______________________

Additions (+) $ ______________________

Reductions (-) $ ______________________

Sub-Total $ ______________________

Liquidated Damages $ ______________________

Amount Disbursed $ ______________________

Amount Retained $ ______________________

Amount of Sales Tax Paid at ______________________

(If various rates apply, please send a breakdown) $ ______________________

TOTAL $ ______________________

TOTAL $ ______________________

NOTE: These two totals must be equal

Please List all Subcontractors and Sub-tiers Below:

<table>
<thead>
<tr>
<th>Subcontractor's Name:</th>
<th>UBI Number: (Required)</th>
<th>Affidavit ID*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

F215-038-000 07-2012

REV 31 0020e (07/06/12)
Please List all Subcontractors and Sub-tiers Below:

<table>
<thead>
<tr>
<th>Subcontractor's Name</th>
<th>UBI Number: (Required)</th>
<th>Affidavit ID*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: The Disbursing Officer must submit this completed notice immediately after acceptance of the work done under this contract. NO PAYMENT SHALL BE MADE FROM RETAINED FUNDS until receipt of all release certificates.

Affidavit ID* - Provide known ones at this time. No LNI release will be granted until all affidavits are completed.

Submitting Form: Please submit the completed form to all three agencies below. For a faster response, please submit by e-mail.

Contact Name: ___________________________ Title: ___________________________
Email Address: __________________________ Phone Number: ____________________

For tax assistance or to request this document in an alternate format, visit http://dor.wa.gov or call 1-800-647-7706.
Teletype (TTY) users may call (360) 705-6718.
Appendix I: Sample SWR Notifications
Small Works Rosters Invitation to Bid

Research Request Summary
This Research Request Summary is a response to a request from a local government agency in Washington State for research and information filed with John Carpita, Public Works Consultant for the Municipal Research and Services Center (MRSC).

On occasion, it is necessary to post these requests to appropriate APWA National infoNOW communities and/or a cross section of Washington State city and county public works officials and special districts and other groups to gather sample documents or best practices. John summarizes these responses for the benefit of the inquiring party. As many of these responses are of general interest and, invariably, people who respond want copies of the information, he also posts the responses on the Forum web page of the Washington State American Public Works Association Chapter for the benefit of the greater Washington State public works community.

You can email John at jcarpita@mrsc.org with information requests or suggestions for research of use to the Washington State public works community. If your agency or company has done research or gathered information of general interest, please send it to John for possible posting on this Forum page.

Research Request Statement
What do you say in the Invitation to Bid (ITB) for a small works roster project?

How do you send the ITB to contractors on the roster?

Where do you post the contract documents, assuming that you do so instead of having the contractors pick up a copy from the agency offices?

Responses from:
  Kittitas County
  Auburn
  Camas
  Mill Creek
  Sammamish
  La Center
  Port of Vancouver
  Blaine
  Sumner
  Port Townsend
NOTICE TO CONTRACTORS

DEPARTMENT OF PUBLIC WORKS
KITTITAS COUNTY
ELLENSBURG, WASHINGTON

CALL FOR BIDS

NOTICE IS HEREBY GIVEN that sealed bids will be received and publicly opened and read by the Kittitas County Department of Public Works, 411 North Ruby, Suite 1, Ellensburg, Washington at 10:00 a.m., Monday, February 24th, 2014, at the Department of Public Works, for the following:

RESCUE BOAT FACILITY PROJECT AT VANTAGE

Bid proposals submitted by mail shall be addressed to:

Kittitas County Department of Public Works
411 North Ruby, Suite 1
Ellensburg, Washington 98926

All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier’s check or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should successful bidder fail to enter into the contract within the time stated, the bid proposal deposit shall be forfeited to Kittitas County.

Plans and specifications may be obtained electronically at Builders Exchange of Washington (http://www.bxwa.com/). Informational copies of maps, plans and specifications are on file for inspection at the Kittitas County Department of Public Works in Ellensburg, Washington.

Kittitas County reserves the right to reject any and all bids, to waive informalities in the quote, and to accept the quote deemed in the best interest to Kittitas County.

The Kittitas County Department of Public Works hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

The improvement for which bids will be received is described below:

Construction of the Rescue Boat Facility in accordance with the Contract Plans and Contract Specifications.
NOTICE TO CONTRACTORS

BIDDING CLARIFICATION

To be eligible to bid the Rescue Boat Facility Project at Vantage, the Contractor must be a current member of the Kittitas County Small Works Roster, as of February 4th, 2014.

For Contractors interested in being added to the Kittitas County Small Works Roster for future projects, the application is available at the Kittitas County website at the following address: http://www.co.kittitas.wa.us/auditor/vendor/small-work-application.aspx
Auburn Response

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ingrid Gaub</td>
<td>(253) 804-3113</td>
<td><a href="mailto:igaub@auburnwa.gov">igaub@auburnwa.gov</a></td>
</tr>
</tbody>
</table>

Questions
What language do you use in the Invitation to Bid (ITB) for a small works roster project? Here is our sample ITB

**SMALL WORKS INVITATION FOR BIDS** (NO Federal funds used)

**CITY OF AUBURN**

**PROJECT NO. CPXXXX, CONTRACT NO. XX-XX**

**PROJECT NAME**

Your firm has been selected from the Municipal Research and Services Center (MRSC) and City of Auburn Small Works Roster as a qualified bidder for the construction of Project CPXXXX. The Office of the City Clerk will receive sealed bids at the Auburn City Hall, 25 West Main Street, Auburn, Washington until **11:00 AM spring or fall? PST is first Sunday in November to 2nd Sunday in March on month_day_year**, and will then and there be opened and publicly read aloud at the City Hall. All bids shall be filed with the City Clerk on or before the time set for bid opening.

The major items of work include start sentence with a small letter and end without punctuation. The proposed bid range for the project is from $50,000 to $100,000. The entire project, including cleanup, shall be physically completed within XXX working days. Start sentence with capital and end with punctuation.

All bid proposals shall be accompanied by a bid deposit in cash, certified check, cashier’s check or proposal bond (surety bond) in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into such Contract and furnish satisfactory Contract bond within the time stated in the Bid Documents, the bid deposit shall be forfeited to the City of Auburn.

Disadvantaged, Minority, and Women’s Business Enterprises are encouraged to respond. The City of Auburn does not discriminate on the grounds of race, color, religion, national origin, sex, sexual orientation, age or handicap in consideration for a project award.

The Plans, Specifications, Addenda, Bidders List, and Bid Proposal Package for this project are available exclusively through the City of Auburn’s online plan room. Access is provided by going to Builders Exchange of Washington (http://www.bxwa.com) and clicking on: “Posted Projects”; “Small Public Works Roster”; and “City of Auburn”. The Username and Password for this project are $$$$$$$ and $$$$$$$, respectively. Bidders are encouraged to “Register” in order to receive automatic email notification of future addenda. This online plan room provides bidders with fully usable online documents, with the ability to download, print to your own printer, order document sets from numerous reprographic sources, and a free online digitizer/take-off tool. Contact Builders Exchange of Washington at 425.258.1303 should you require assistance.

The City reserves the right to reject any and all bids, waive technicalities or irregularities and to accept any bid if such action is believed to be for the best interest of the City of Auburn.

If you have any questions regarding this project, please contact this office at (253) 931-3010.

City of Auburn
Public Works Department
25 West Main Street
How do you send the ITB to contractors on the roster?
We use a program called GovDelivery which is a mass mail program. We use the email addresses provided by the contractors in their MRSC Roster.
Where do you post the contract documents, assuming that you do so instead of having the contractors pick up a copy from the agency offices?
Currently the City posts on BXWA but password protects the documents so that only those with the invitation can get to the documents. However, the City is currently investigating other options for this then BXWA.
**Camas Response**

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ronda Syverson</td>
<td>(360) 817-7256</td>
<td><a href="mailto:rsyverson@cityofcamas.us">rsyverson@cityofcamas.us</a></td>
</tr>
</tbody>
</table>

**Questions**

What language do you use in the Invitation to Bid (ITB) for a small works roster project? Please see the attached Call for Bids.

How do you send the ITB to contractors on the roster?
- We send a Call for Bids to all contractors under a given category via USPS
- We typically send a Request for Quotes to five or more (unless there are fewer on the Roster) contractors via email

Where do you post the contract documents, assuming that you do so instead of having the contractors pick up a copy from the agency offices?
- We do not post bid documents for Small Works Roster projects
- We typically have contractors pick up a copy and we build the plan holders list accordingly
- If there are only a few contractors in the work category, we send them all a bid packet and all are placed on the plan holders list

**CALL FOR BIDS**

**CITY OF CAMAS COMMUNITY DEVELOPMENT DEPARTMENT**

**CITY PROJECT NO. SS-578**

**2013 NW LAKE ROAD WETLAND INVASIVE SPECIES REMOVAL**

Sealed bids will be received by the City of Camas, Office of the Finance Department, 616 NE 4th Avenue, Camas, Washington, until **10:00 A.M., on Monday, March 11, 2013**, and will then and there be publicly read for the construction of the improvement. Eligible bidders shall be listed on the City of Camas 2012 Small Works Roster for Landscaping.

All bid proposals shall be accompanied by a bid proposal deposit in cash, certified check, cashier’s check, or surety bond in an amount equal to five percent (5%) of the amount of such bid proposal. Should the successful bidder fail to enter into such contract and furnish satisfactory performance bond within the time stated in the specifications, the bid proposal deposit shall be forfeited to the City of Camas.

Bid packages may be picked up in the Community Development Department located at 616 NE 4th Avenue, Camas, Washington as of **Monday, February 25, 2013, after 10:00 a.m.** The first set of Plans and Specifications will be offered at no charge. Additional copies will be $25.00 plus tax.

The improvement for which bids will be received follows:

**Bid opening on Monday, March 11, 2013, at 10:00 a.m.**

This contract will cover work in the wetland area described below:
The NW Lake Road wetland area is located on the north side of NW Lake Road, east of NW Friberg-Strunk, adjacent to the Dwyer Creek Crossing. The total wetland area is approximately 6.3 acres. The areas of work are accessible from the east via a gate at the northwest corner of the stormwater facility and from the southwest off of NW Lake Road.

Pre-Bid Site Visit: Tuesday, February 26, 2013, at 9:00 a.m.
Location: Storm facility access gate on NW Lake Road
(The storm facility is located east of Friberg-Strunk Road, north side of NW Lake Road)

The invasive species removal shall take place quarterly throughout 2013, and shall be sufficient to prevent flowering or seed-set of invasive species at the site. The first removal period shall be conducted in April, with subsequent removal periods to be conducted in June, August, and October. Any proposed deviations from this schedule must be approved in writing by a City-appointed representative from BergerABAM in advance of change. The Contractor shall be required to meet with the City’s representative prior to, and at the completion of each removal period. Removal of invasive species shall include: Himalayan blackberry, Canada thistle, Bull thistle, Reed canarygrass, and Periwinkle. All work will include materials, labor, and other requirements as outlined or inferred, in the contract documents for the removal of invasive species.

The Contractor is obligated to pay Prevailing Wages as determined by the Washington State Department of Labor and Industries Prevailing Wages, Rates for Clark County, for Landscape Construction, Laborer, effective March 11, 2013.

For questions please contact City of Camas, Anita Ashton, (360) 817-7231 or via email aashton@cityofcamas.us

The City of Camas reserves the right to reject any or all proposals if found to be higher than the estimated cost and to waive any formality or technicality in any proposal in the interest of the City.

Per City of Camas Ordinance No. 2626, as a condition for the award or renewal of any contract after January 1, 2012, the Contractor shall enroll in the E-Verify program through the United States Department of Homeland Security and thereafter shall provide the City with a copy of the Memorandum of Understanding (issued by Homeland Security), submitted with their bid proposal, affirming their enrollment and participation in the program. The Contractor shall be required to continue their participation in the program throughout the course of their contract with the City. Prime contractors shall require and verify that each of their subcontractors and lower tiered subcontractors are also enrolled and participants in the E-Verify program. This is intended to be used exclusively for employees hired after award and for the duration of the contract with the City of Camas. Please go to the Engineering page of the City of Camas web site at www.cityofcamas.us for additional information and to view Ordinance No. 2626.

E-Verify, is an Internet based system operated by the Department of Homeland Security in partnership with the Social Security Administration at no charge. E-Verify has been determined to be a suitable means for determining employment eligibility of new hires and the validity of their Social Security numbers. Please visit the Department of Homeland Security’s web site at http://www.dhs.gov/index.shtm and select E-Verify to learn more or to enroll in this program.
In an effort to maximize the creation of American jobs and restoring economic growth, the City of Camas encourages the use of products and services that are made in the United States of America whenever and wherever possible.

The City of Camas encourages the solicitation and recruitment, to the extent possible, of certified minority-owned (MBE) and women-owned (WBE) and emerging small (ESB) businesses in construction of this project. The City of Camas is an Equal Opportunity Employer.

As provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987, the contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment.

________________________________________________
Joan M. Durgin, City Clerk
INVITATION TO BID
April 3, 2013

The City of Mill Creek extends this invitation to bid on the 2013 Concrete Replacement Program to selected contractors listed with the MRSC Small Works Roster.

Project Description

The project is located at many sites around the City of Mill Creek, Washington, 98012. This Project primarily consists of: removal and replacement of concrete sidewalk and curb, ADA ramp construction, grading work, expansion joint rehabilitation, TESC measures, traffic control and minor paving, signage and striping work.

The engineer’s estimated cost of the work is approximately $145,000. Please note the required time of completion in Sections 1-07.16(1) and 1-08.5 of the Special Provisions.

Bid Opening

Bids must be completed and received at City Hall, 15728 Main Street, Mill Creek, Washington, 98012, on or before the following time (City clock) to be considered valid. Bids will subsequently be opened and publicly read. Bids may be mailed or delivered in person. Electronic or faxed bids will not be accepted. Note that a bid bond is not required.

Date: Tuesday, April 16, 2013
Time: 10:00 AM

The City of Mill Creek reserves the right to reject any and all Bids, for any or no reason, and to waive irregularities and informalities in the bidding process to make the award to the lowest responsive Bidder.

Bidder Responsibility

All Bidders must meet the mandatory and supplemental bidder responsibility criteria as set out in the Bid Form and Contract Documents.
Contract Documents

To view a low resolution set of the plans or the planholders list visit the City of Mill Creek’s website www.cityofmillcreek.com under Departments/PublicWorks/City Project Bid Information. Complete digital documents are available at www.questcdn.com. Bidders can download the plan documents for $10.00. Enter project number 2590649 in the website’s project search page. Bidders must register with QuestCDN to download or print the documents. Contact QuestCDN at 952-233-1632 or info@questcdn.com for assistance in free membership registration or with questions about downloading or printing documents.

Please contact Scott Smith, City Engineer, at 425-921-5708 or at scott@cityofmillcreek.com for any questions. Thank you for your interest in this project.
We send out the ITB using the eCityGov Shared Procurement Portal. Depending on the size of the project we will either host the contract documents on the City website (small projects under $100,000) or use Builder’s Exchange.

Hi John,
The attached notice to contractors was sent out to contractors on the Small Works Roster. The e-mail message is pasted below:

From: Jeff Brauns  
Sent: Thursday, September 26, 2013 5:40 PM  
To:  
Cc:  
Subject: Request for Bids - SE 14th St. Extension Project  

Message:  
The City of Sammamish wishes to solicit bids for the improvement of SE 14th Street from the Lawson Park Development to 248th Avenue SE, a distance of approximately 1000 feet. The project includes pavement widening, storm water infrastructure, cement concrete curb and gutter, cement concrete sidewalks, gravel sidewalks, permanent signing, channelization, hydroseeding, surveying, traffic control and other work.  

Sealed bids are due by 2:00 p.m. on October 10, 2013. Please see the attached Notice to Contractors for additional information. Plans and specifications are available on the City of Sammamish website at the links below.  

Thank you,  
Jeff Brauns, P.E.  
City Engineer, City of Sammamish  
425-295-0561  
Attachment: View Document

Since this invitation was limited to contractors on the Small Works Roster, we included the following statement on the ITB posted on the City website:  

This project is being bid through the Small Works Contracting Process. Contractors who bid on this project must be registered on the Small Works Roster by the time that bids are due. Contractors who wish to bid on this project and are not yet registered may register by going to the following website and following the instructions for submitting an application.  

https://sharedprocurementportal.com/roster/
NOTICE TO CONTRACTORS

CITY OF SAMMAMISH
SE 14th Street Extension Project

Sealed proposals will be received by the City Clerk up to 2:00 p.m. (local time) on September 26, 2013, for furnishing the necessary labor, materials, equipment, tools, and guarantees thereof to construct the SE 14th Street Extension Project. Bids received after the time and date listed above will not be considered.

Sealed proposals should be addressed to the following:

City of Sammamish
801 228th Avenue SE
Sammamish, WA 98075
Attn: City Clerk

This Contract provides for the improvement of SE 14th Street in the City of Sammamish, King County, from the Lawson Park Development to 248th Avenue SE. The project includes pavement widening, storm water infrastructure, cement concrete curb and gutter, drainage swale, gravel sidewalks, permanent signing, channelization, hydroseeding, surveying, traffic control and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications.

The work shall be completed within thirty (30) working days after the commencement date stated in the Notice to Proceed. All bidding and construction shall be performed in compliance with the Contract Documents for this project and any addenda issued thereto which are on file at the office of the City Clerk, City Hall, City of Sammamish, Washington.

At the time and date stated above, the proposals will be publicly opened and read aloud. Proposals are to be submitted only on the form provided with the Specifications. All Proposals must be accompanied by a certified check, cashier’s check, money order, or bid bond payable to the “City of Sammamish” of value not less than five percent (5%) of the total amount bid.

Contract Provisions and Plans are available on City website www.sammamish.us. For assistance please contact Jeff Brauns by phone at 425-295-0561 or by email at jbrauns@sammamish.us.

Funding for this Project will be provided by the City of Sammamish. The City of Sammamish expressly reserves the right to reject any or all bids and to waive minor irregularities or informalities and to further make award of the Project to the lowest responsive, responsible bidder as it best serves the interest of the City.

Melonie Anderson
City Clerk
La Center Response

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ingrid Gaub</td>
<td>(360) 263-7665</td>
<td><a href="mailto:nhansen@ci.lacenter.wa.us">nhansen@ci.lacenter.wa.us</a></td>
</tr>
</tbody>
</table>

What language do you use in the Invitation to Bid (ITB) for a small works roster project?  
**Attached is a sample invitation to bid for one of our recent small works projects.**

How do you send the ITB to contractors on the roster?  
**We utilize the MRSC Small Works Roster so typically I select the type of work to be completed and send out a mass email to the contractors who signed up for that type of work.**

Where do you post the contract documents, assuming that you do so instead of having the contractors pick up a copy from the agency offices?  
**We always post notice of the bid documents on our City website. Depending on the complexity of the project and if we need to maintain an official bidders list (usually if we anticipate there is a good chance we will have to issue an addendum). If we need a bidders list we utilize the SW Washington Contractor’s Association’s Plan Center. They let us post our jobs for free. Interested bidders are allowed to sign up to view our documents for free and can indicate if they are planning on bidding on the project. In addition to the City website, we advertise in our local paper and if we need to reach a broader audience we publish in the Daily Journal of Commerce.**

---

**REQUEST FOR BID**

**2014 Guardrail Repairs**

Notice is hereby given that bids will be received by the City of La Center, **until 3:00 pm February 20, 2014**. Proposals received after this time will not be considered.

Bid proposals shall be received at 214 E 4th Street, La Center, WA 98629, Fax 360-263-7666 or by email to Naomi Hansen at nhansen@ci.lacenter.wa.us.

The City of La Center is an Equal Opportunity Employer. For clarifications, it is requested that questions be submitted by fax or email Attention: Bid for 2014 Guardrail Repairs at 360.263.7666 or nhansen@ci.lacenter.wa.us. The City of La Center reserves the right under applicable law to reject or waive procedural irregularities to reject any and all bids and to terminate the selection process at anytime if, at its sole discretion, determines such action would be in the best interests of the City.

A pre-bid conference will be held on Thursday February 13, 2014 at 10:00 am. The meeting will start at the Public Works Office located at 419 E Cedar Ave, La Center, WA 98629 than proceed touring the
damaged guardrail. Please contact La Center City Engineer, Tony Cooper at 360-263-2889 or by email at coopercity.lacenter.wa.us if you have any questions.

**Project Description**
The contract will provide for guardrail repairs within the City of La Center through the 2014 calendar year. Currently there is damaged guardrail along La Center Road and NW Paradise Point Road. There are twenty eight (28) panels of guardrail for a total of 350 LF of guardrail installation, one (1) TL2-End treatment and one (1) Fleet 350 end treatment requiring repair. The City of La Center has purchased all materials including necessary posts and hardware. This contract is for the labor and equipment necessary for installation of guardrail, posts and end treatments according the WSDOT standards and ensuring proper traffic control is in place.

Oncall – The contract will provide for guardrail repairs with the City of La Center through the 2014 calendar year. The City of La Center will provide materials. The contractor will provide all labor and equipment as well as traffic control. The bids for oncall guardrail and terminal installation will be kept on file for 1-year following award of this contract.

The contractor will repair guardrail damage within fifteen (15) working days of receiving written notice to proceed from the City of La Center.

**Special Provisions**
WSDOT 2012 Standard Specification and Standard Plans shall be followed for removal and installation of guardrail and terminal sections. WSDOT standard plans applicable to installation of the guardrail and terminal sections and traffic control are in Appendix A. The contractor is responsible to use additional standard plans details as necessary to install the guardrail and terminal sections to WSDOT Standard Specifications.

Also incorporated into the Contract Documents by reference are:

**Section 1-09 Measurement and Payment**
**Section 8-01 Erosion Control and Water Pollution Control**

The sections will be modified as follows:

Section 1-09.7 Mobilization and Section 8-01 Erosion Control and Water Pollution Control shall be included as one bid item.

The City of La Center Standards for Erosion Control Section 5 of the Engineering Standards for Construction shall be used.

**Payment**

Payment for Mobilization per WSDOT Standards and Erosion Control Measures per the City of La Center standards shall be paid per lump sum bid item and shall include all labor and materials to complete the items.

**On-call: Traffic Control, Mobilization & Erosion Control**
The sections will be modified as follows:

Section 1-09.7 Mobilization, Section 1-10 Temporary Traffic Control, Section 8-01 Erosion Control and Water Pollution Control shall be included as one bid item.

The City of La Center Standards for Erosion Control Section 5 of the Engineering Standards for Construction shall be used.

Payment

Payment for Mobilization and Temporary Traffic Control per WSDOT Standards and Erosion Control Measures per the City of La Center standards shall be paid per lump sum bid item and shall include all labor and materials to complete the items.

The contractor shall follow section 8-11 Guardrail as modified as follows

Section 8-11 Guardrail

8-11.3(1)D Removing Guardrail and Guardrail Anchor
The first paragraph shall be modified as follows:

Removal of guardrail shall include removal of the rail elements, timber blocks, posts transition sections, terminal sections, and hardware. The existing posts, timber blocks and hardware, that are not damaged, may be salvaged and reused for new guardrail installation.

8.11 Measurement
Measurement shall be modified as follows:

Measurement of removal and installation of guardrail will be measured by lineal foot as measured along the line of guardrail removed and installed including transition sections, expansion sections, guardrail anchor rail elements and terminal sections.

On-call: Guardrail Repair
The contractor will be required to submit a price per lineal foot to remove and install guardrail per these special provisions and WSDOT 2012 Standard Specifications and standard plans for future on-call installation services.

8.11 Measurement
Measurement shall be modified as follows:

Measurement of removal and installation of guardrail will be measured by lineal foot as measured along the line of guardrail removed and installed including transition sections, expansion sections, guardrail anchor rail elements.
On-call: Terminal and Anchor Installation “End Treatment Repair”
The contractor will be required to submit a price per each to remove and install terminal sections per these special provisions and WSDOT 2012 Standard Specifications and standard plans for future on-call installation services. The contractor shall follow section 8-11.3(1)C Terminal and Anchor Installation

8.11 Measurement of On-call Terminal and Anchor Installation “End Treatment Repair”
Measurement shall be modified follows:
Measurement of removal and installation of terminal and anchor sections will be measured per each of terminal sections removed.

Appendix A

Standard Plans Included
C-1
C-1b sheet 1
C-1b sheet 2
C-1c
C-2
C-2k
C-4b
C-4e
C-6 sheet 1
C-6 sheet 2
C-6c
C-7
K-20.40-00 Traffic Control Plan

Bid Details
Area 1: Seven areas along the in-boud (eastbound) and outbound (westbound) lanes of traffic on NW La Center Road.
  26 – Panels @ 12’ 6” each equaling 325 lineal feet of guardrail
  5 - Spacer Blocks
  2 - Posts
  1 – TL2 End Treatment

Area 2: One area on NW Paradise Point Road
  2 – Panels @ 12’ 6” each equaling 25 lineal feet of guardrail.
  3 – Spacer Blocks
  3 – Posts
  1 – Fleet 350 End Treatment for Terminal and Anchor Installation

Requirements
Bidders must be on the MRSC Small Works Roster and possess a City of La Center business license prior to contract award. State of Washington Prevailing Wage is applicable to this work.

Bidder's Qualifications
Bidders shall be qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The City reserves the right to take whatever action it deems necessary to ascertain the ability of the bidder to perform the work satisfactorily.

A. **Mandatory Bidder Responsibility Criteria:** It is the intent of Owner to award a contract to the lowest responsible bidder. Pursuant to RCW 39.04.350(1), before award, the bidder must meet the following bidder responsibility criteria to be considered a responsible bidder. Each Bidder may be required by the Owner to submit documentation demonstrating compliance with the criteria. Each Bidder must have the following at the time the bid is submitted:

1. Have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. Shall be active and in good standing with the Washington State Secretary of State's Office, the Department of Revenue and the Department of Labor & Industries;
4. If applicable:
   - Have Industrial Insurance (workers' compensation) coverage for the bidder’s employees working in Washington, as required in Title 51 RCW;
   - Have a Washington Employment Security Department number, as required in Title 50 RCW;
   - Have a Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
5. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).

A. **Supplemental Bidder Responsibility Criteria:** In addition to the mandatory bidder responsibility criteria referenced above, each bidder must also meet the following supplemental bidder responsibility criteria applicable to the Project. With its Bid Proposal, each Bidder shall be required by to submit documentation demonstrating they meet the following supplemental bidder criteria.

1. Has your company done at least three guardrail repair/construction projects of a comparable size ($5,000 or more) either as a subcontractor or general contractor in the past five years?
2. Provide a list of all such projects for the past five years, along with agency contact information for each project.
3. A responsible contractor is one for which we have verified by contract with said agencies that the company has in fact completed five projects in the past 5 years.

If the Owner determines the low bidder does not meet the bidder responsibility criteria above and is therefore not a responsible bidder, the Owner shall notify the bidder in writing with the reasons for its termination. If the bidder disagrees with this determination, it may appeal the determination within 24 hours of receipt of the Owner's determination by presenting additional information to the Owner. The Owner will consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the Owner will not execute a contract with...
any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

**Wage Law Intents and Affidavits**

If awarded the project, the contractor and each subcontractor shall complete or have on file a current "Statement of Intent to Pay Prevailing Wages" (Form L&I Number F700-029-000) before payment will be made for work performed. An "Affidavit of Wages Paid" (Form L&I Number F700-007-000) shall be required upon final acceptance of the public works project by the City. These forms are available from Washington State Department of Labor & Industries and can be filed electronically at:


The applicable prevailing wages for this project have an effective date of 2/20/2014 and are available electronically from the Washington State Department of Labor & Industries and can be found at:

https://fortress.wa.gov/Lni/wagelookup/prvWagelookup.aspx

All work will be conducted within Clark County. A copy of the effective wage reports are available in the Public Works office located at 419 E Cedar Ave, Suite A201, La Center, WA 98629. A copy will be mailed to interested contractors upon request.

**Insurance**

(1) **General Requirements**

A. The Contractor shall obtain the insurance described in this section from insurers approved by the State Insurance Commissioner pursuant to RCW Title 48. The insurance must be provided by an insurer with a rating of A-: VII or higher in the A.M. Best's Key Rating Guide, which is licensed to do business in the state of Washington (or issued as a surplus line by a Washington Surplus lines broker). The Contracting Agency reserves the right to approve or reject the insurance provided, based on the insurer (including financial condition), terms and coverage, the Certificate of Insurance, and/or endorsements.

B. The Contractor shall keep this insurance in force during the term of the contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated (see C. below).

C. If any insurance policy is written on a claims made form, its retroactive date, and that of all subsequent renewals, shall be no later than the effective date of this Contract. The policy shall state that coverage is claims made, and state the retroactive date. Claims-made form coverage shall be maintained by the Contractor for a minimum of 36 months following the Final Completion or earlier termination of this contract, and the Contractor shall annually provide the Contracting Agency with proof of renewal. If renewal of the claims made form of coverage becomes unavailable, or economically prohibitive, the Contractor shall purchase an extended reporting period ("tail") or execute another form of guarantee acceptable to the Contracting Agency to assure financial responsibility for liability for services performed.

D. The insurance policies shall contain a “cross liability” provision.
E. The Contractor’s and all subcontractors’ insurance coverage shall be primary and non-contributory insurance as respects the Contracting Agency’s insurance, self-insurance, or insurance pool coverage.

F. All insurance policies and Certificates of Insurance shall include a requirement providing for a minimum of 30 days prior written notice to the Contracting Agency of any cancellation in any insurance policy.

G. Upon request, the Contractor shall forward to the Contracting Agency a full and certified copy of the insurance policy(s).

H. The Contractor shall not begin work under the contract until the required insurance has been obtained and approved by the Contracting Agency.

I. Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the Contracting Agency may, after giving five business days notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the Contracting Agency on demand, or at the sole discretion of the Contracting Agency, offset against funds due the Contractor from the Contracting Agency.

J. All costs for insurance shall be incidental to and included in the unit or lump sum prices of the contract and no additional payment will be made.

(2) Additional Insured
All insurance policies, with the exception of Professional Liability and Workers Compensation, shall name the following listed entities as additional insured(s):

- The City of La Center and its officers, elected officials, employees, agents, and volunteers

The above-listed entities shall be additional insured(s) for the full available limits of liability maintained by the Contractor, whether primary, excess, contingent or otherwise, irrespective of whether such limits maintained by the Contractor are greater than those required by this Contract, and irrespective of whether the Certificate of Insurance provided by the Contractor pursuant to 1-07.18(3) describes limits lower than those maintained by the Contractor.

(3) Subcontractors
Contractor shall ensure that each subcontractor of every tier obtains and maintains at a minimum the insurance coverage’s listed in (5)A and (5)B. Upon request of the Contracting Agency, the Contractor shall provide evidence of such insurance.

(4) Evidence of Insurance
The Contractor shall deliver to the Contracting Agency a Certificate(s) of Insurance and endorsements for each policy of insurance meeting the requirements set forth herein when the Contractor delivers the signed Contract for the work. The certificate and endorsements must conform to the following requirements:

1. An ACORD certificate or a form determined by the Contracting Agency to be equivalent.
2. Copies of all endorsements naming Contracting Agency and all other entities listed in (2) as Additional Insured(s), showing the policy number. The Contractor may submit a copy of any blanket additional insured clause from its policies instead of a separate endorsement. A statement of additional insured status on an ACORD Certificate of Insurance shall **not** satisfy this requirement.

3. Any other amendatory endorsements to show the coverage required herein.

(5) **Coverages and Limits**
The insurance shall provide the minimum coverage’s and limits set forth below. Providing coverage in these stated minimum limits shall not be construed to relieve the Contractor from liability in excess of such limits. All deductibles and self-insured retentions must be disclosed and are subject to approval by the Contracting Agency. The cost of any claim payments falling within the deductible shall be the responsibility of the Contractor.

(5)A **Commercial General Liability**
A policy of Commercial General Liability Insurance, including:

- Per project aggregate
- Premises/Operations Liability
- Products/Completed Operations – for a period of one year following final acceptance of the work.
- Personal/Advertising Injury
- Contractual Liability
- Independent Contractors Liability
- Stop Gap / Employers’ Liability
- Explosion, Collapse, or Underground Property Damage (XCU)
- Blasting (only required when the Contractor’s work under this Contract includes exposures to which this specified coverage responds)

Such policy must provide the following minimum limits:

- $1,000,000 Each Occurrence
- $2,000,000 General Aggregate
- $1,000,000 Products & Completed Operations Aggregate
- $1,000,000 Personal & Advertising Injury, each offence

Stop Gap / Employers’ Liability

- $1,000,000 Each Accident
- $1,000,000 Disease - Policy Limit
- $1,000,000 Disease - Each Employee

(5)B **Automobile Liability**
Automobile Liability for owned, non-owned, hired, and leased vehicles, with an MCS 90 endorsement and a CA 9948 endorsement attached if “pollutants” are to be transported. Such policy(ies) must provide the following minimum limit:

- $1,000,000 combined single limit
(5)C Workers’ Compensation
The Contractor shall comply with Workers’ Compensation coverage as required by the Industrial
Insurance laws of the state of Washington.

BID PROPOSAL FORM

TO: City of La Center
214 East 4th Street
La Center, Washington 98629

FROM: Bidder
__________________________
Address__________________________

Telephone ______________________

The undersigned, as bidder, declares that we have examined all of the contract documents and that we
will contract with the City of La Center to do everything necessary to complete the work as outlined on
the plans and specifications for the 2014 Guardrail Repairs.

We acknowledge that addenda numbers _____ to _____ have been delivered to us and have been
examined as part of the contract documents. We agree that the Qualification of Bidder shall form a
part of this proposal.

If our BID is accepted, we agree to furnish the performance bond and the required evidences of
insurance within seven (7) calendar days after receiving written notice of the award of contract.

We further agree, if our BID is accepted and a contract for performance of work is entered into with
the City of La Center, to so plan the work and to prosecute it with such diligence that all of the work
shall be completed within the time period stated in the contract. We understand that the City of La
Center reserves the right to reject any or all bids and to determine which proposal is, in the judgment
of the City of La Center, the lowest responsible bid, and which proposal, if any, should be accepted in
the best interests of the City of La Center and that the City of La Center also reserves the right to waive
any informalities in any proposal or bid.

We further state that we have not, either directly or indirectly, entered into any agreement,
participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in
connection with such contract.

Bidder agrees that the work will be completed within fourteen (14) working days after the date when
the notice to proceed is received from the City of La Center.
We propose to perform the work at the prices listed in the following bid schedule(s):

Notes:
(1) The City reserves the right to adjust the scope of this work to match available funds.
(2) The City reserves the right to reject any or all bids.
(3) The table below provides a list of items required to complete the project. It is the contractor’s responsibility to complete the project scope to all required standards and specifications.

(4) The City reserves the right to include the Alternative Bid Item as part of the total bid price.

### 014 GUARDRAIL REPAIR BID PROPOSAL:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Std Spec</th>
<th>Description</th>
<th>Est. Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1-09, 8-01</td>
<td>Mobilization &amp; Erosion Control</td>
<td>1</td>
<td>L.S.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>8-11</td>
<td>Area 1: La Center Road</td>
<td>325</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>8-11</td>
<td>Area 2: NW Paradise Point Road</td>
<td>25</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>1-10</td>
<td>Traffic Control</td>
<td>1</td>
<td>L.S.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>8-11</td>
<td>On-call: Guardrail Repair</td>
<td>-</td>
<td>LF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>8-11</td>
<td>On-call: End Treatment Repair</td>
<td>-</td>
<td>EA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>1-09, 10, 8-01</td>
<td>On-call: Traffic Control, Mobilization &amp; Erosion Control</td>
<td>1</td>
<td>L.S.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Sales Tax @ 8.4%**

**Grand Total Bid** $
taken any action in restraint of free competitive bidding in connection with the project or
which this proposal is submitted.

2. That by signing the signature page of this proposal, I am deemed to have signed and have
agreed to the provisions of this declaration.

NOTES:

1. This proposal form is not transferable and any alteration of the firm’s name entered hereon
without prior permission from the Public Works Director will be cause for considering the
proposal irregular and subsequent rejection of the bid.

SIGNATURE

Date: ___________________  Proper Name of Bidder

Contractor’s License No.: ______________________________________________

By: ________________________________________________________________

Address

City  State  Zip
MANDATORY BIDDER RESPONSIBILITY CHECKLIST

This form shall be completed in its entirety and submitted with the bid. Failure to submit and meet the requirements as stated in the instruction to bidders shall be grounds for rejection of the bid. The City of La Center will be the sole judge in determining if the prospective contractor meets the minimum experience requirements.

Contractor

Name:
_____________________________________________________________________________

Address:
_____________________________________________________________________________

Phone: ____________________________  Contact Person: ____________________________

Contractor Registration

Contractor’s Licence Number: _______________________ Experation Date: _______________

Washington Unified Business Identifier (UBI) Number:
___________________________________________________________________________

In active and good standing with:

Washington State Secretary of State's Office: □ Yes □ No
Department of Revenue: □ Yes □ No
Department of Labor & Industries: □ Yes □ No

If applicable:

Have Industrial Insurance (workers' compensation) coverage for the bidder's employees working in Washington. □ Yes □ No Number: ____________________________

Have a Washington Employment Security Department number. □ Yes □ No Number: ____________________________

Have a Washington Department of Revenue state excise tax registration number. □ Yes □ No
Disqualified from bidding on any public works contract. ☐ Yes ☐ No

SUPPLEMENTAL BIDDER RESPONSIBILITY CRITERIA

This form shall be completed in its entirety and submitted with the bid. Failure to submit and meet the requirements as stated in the instruction to bidders shall be grounds for rejection of the bid. The City of La Center will be the sole judge in determining if the prospective contractor meets the minimum experience requirements.

**Contractor**

Name:
_____________________________________________________________________________

Address:
_____________________________________________________________________________

Phone: ____________________________ Contact Person: ____________________________

**Project # 1**

Project Name:
_____________________________________________________________________________

Contractor Name: ____________________________ Awarded Contract Amount: ____________

Project Description:
_____________________________________________________________________________

_____________________________________________________________________________

Owner: _________________________________ Contact Person: ____________________________

Awarded Contract Amount: ________________ Completion Date: ______________

**Project # 2**
Project Name: __________________________________________________________

Contractor Name: _________________________  Awarded Contract Amount: ____________

Project Description: ______________________________________________________

___________________________________________________________________________

___________________________________________________________________________

________________________________________________________

Owner: ____________________________  Contact Person: ____________________________

Awarded Contract Amount: ________________  Completion Date: _________________

Project # 3

Project Name: __________________________________________________________

Contractor Name: _________________________  Awarded Contract Amount: ____________

Project Description: ______________________________________________________

___________________________________________________________________________

___________________________________________________________________________

________________________________________________________

Owner: ____________________________  Contact Person: ____________________________

Awarded Contract Amount: ________________  Completion Date: _________________

APPENDIX A
STANDARD PLANS
Port of Vancouver Response

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dawn Egbert</td>
<td>(360) 992-1102</td>
<td><a href="mailto:degbert@portvanusa.com">degbert@portvanusa.com</a></td>
</tr>
</tbody>
</table>

Questions
What language do you use in the Invitation to Bid (ITB) for a small works roster project? For Small works projects $35,000-$299,999.99.

Port of Vancouver USA
REQUEST FOR QUOTATION
QUOTATION NO.
OPENING 2:00 P.M.
DATE

PLEASE QUOTE ON THE FOLLOWING:
The following project will be accomplished as a SMALL WORKS PROJECT and will be subject to prevailing wage laws. All quotations must be submitted on this form. This is not an order. Please read all information on the instruction page before preparing quotation. All bidders must meet the requirements of the Small Works Roster prior to award. Apparent low bidders must meet the requirement of the Small Works Contract (attached) within 10 days of the quote opening.

PROJECT: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Work shall be completed XXX.
All responses to quotations must be received by the Contracts Department no later than 2:00 p.m. on Thursday, July 1, 2014.
Quotations regarding this project should be submitted on eBid through the Port of Vancouver eBid System website, http://www.portvanusa.com/about/doing-business-with-the-port

Dawn Egbert,
Contract Manager

To return quotation, place in an envelope with the following information on the outside of the envelope.

CONTRACTS
Port of Vancouver
3103 NW Lower River Road
Vancouver, WA 98660
QUOTATION #
Opening at 2:00 p.m.
XXX X, 2014

HOW DO YOU SEND THE ITB TO CONTRACTORS ON THE ROSTER? Our roster is in our eBid System and a notification goes out from this system. www.ebidexchange.com/portvanusa
Where do you post the contract documents, assuming that you do so instead of having the contractors pick up a copy from the agency offices? On our ebid system.
Solicitation 14-01 - Documents
Building 1955 Relocation
Bids Due Date/Time: 2/20/2014 2:00:00 PM Pacific

Selected Folder Solicitation 14-01 Documents [Total 3 files, 122.84 MB]

- Addendum 1 - Bid 14-01 Building 1955 Relocation.pdf 2/10/2014 1:08 MB
- Bid 14-01 Building 1955 Relocation Prebid Site In.pdf 2/20/2014 2.16 MB
- Bid 14-01 Building 1955 Relocation.pdf 1/28/2014 121.61 MB
Blaine Response

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karla Flaming</td>
<td>(360) 332-8820</td>
<td><a href="mailto:tedh@ci.sumner.wa.us">tedh@ci.sumner.wa.us</a></td>
</tr>
</tbody>
</table>

Questions
What language do you use in the Invitation to Bid (ITB) for a small works roster project?

INVITATION TO BID
CITY OF BLAINE

Sealed bid proposals will be received by the City of Blaine at Blaine Public Works, 1200 Yew Avenue, Blaine, Washington, 98230, (360) 332-8820, until 10:00 a.m., Thursday March 20, 2014, and will then and there be opened and publicly read.

The improvements consist of:

***INSERT SCOPE OF WORK***

Specific requirements and specifications are attached.

The engineer’s estimate is between $?????

A pre-bid inspection of the ***INSERT PROJECT NAME*** can be provided by appointment. To schedule a pre-bid inspection, please contact Ravyn Whitewolf at 360-332-8820 or rwhitewolf@cityofblaine.com.

All proposals must be upon regular blank forms and must be accompanied by a certified check, cashier’s check, cash, money order or bid bond payable to the City of Blaine in an amount equal to or exceeding five percent (5%) of the total bid. No other form of bid security is acceptable. A one hundred percent (100%) contract surety bond will be required. All bidders and subcontractors shall have a contractor’s license to work in the State of Washington.

The City of Blaine reserves the right to postpone making the award for a reasonable length of time, accept a proposal of the bidder submitting lowest responsible bid, to reject any or all bids, republish the call for bids, revise or cancel the work to be performed, to waive irregularities not affecting substantial rights, or do the work otherwise, if the best interest of the City of Blaine is served thereby. The City of Blaine also reserves the right to postpone the bid award for a period of thirty (30) calendar days after bid opening, except that upon mutual consent of the lowest responsible bidder and the City of Blaine, the 30 calendar day limit may be extended to allow approval of the bid award.

How do you send the ITB to contractors on the roster? **Via email**
Where do you post the contract documents, assuming that you do so instead of having the contractors pick up a copy from the agency offices? **depends on the size of project and is included in the ITB**
Sumner Response

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles “Ted” Hill, PE</td>
<td>(253) 299-5703</td>
<td><a href="mailto:tedh@ci.sumner.wa.us">tedh@ci.sumner.wa.us</a></td>
</tr>
</tbody>
</table>

We send the ITB via email to the companies we find under the category we feel fits our project. We then send the contract documents to the contractors via email as well and we allow them to come pick-up if they cannot print themselves. We also send the bid results to all parties that bid the project.

CITY OF SUMNER
1104 Maple Street, Suite 260
Sumner, Washington  98390-1423
253.299.5700 • Fax: 253.299.5539

Public Works Department
William L. Pugh P.E, Director

SMALL PUBLIC WORKS PROJECT

Prevailing Wages Are Required To Be Paid

INVITATION TO BID

The City of Sumner is releasing a Small Public Works Project. As a contractor on the Small Works Roster, you are invited to express interest on this project.

Project Title:

Brief Scope of Work:

Estimated Release Date: ______

Bid Due Date (Subject to Change): ______

Please fax this page back to 253.299.5539 in order to express your interest in this project. Circle either Yes or No and return by ______. If interested in the project, the “Request for Quotation” package will be mailed to you. If your response is no or if you do not respond, you will be removed from the list for this project. You remain on the Small Works Roster and remain eligible for future opportunities regardless of your response.

If you require additional information or answers to any questions please call  at 253. or by email at .
Name of Company: ________________________________

Your Name: ________________________________

Are you interested in quoting on this project? YES NO

A formal bid opening will not be held. Upon selection of a contractor, a summary of all bids received for this project will be available on the City of Sumner website at www.ci.sumner.wa.us. Projects involving a cost or fee of $35,000 or more for multiple trades, and $20,000 or more for a single trade will be awarded by the City Council of Sumner at their next regular meeting following the date of bids received.
Port Townsend Response

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catherine McNabb</td>
<td>(360) 379-5089</td>
<td><a href="mailto:cmcnabb@ci.port-townsend.wa.us">cmcnabb@ci.port-townsend.wa.us</a></td>
</tr>
</tbody>
</table>

I will respond to your questions below but let me preface this by saying that we use our Roster as sourcing and screening as much as anything. We try to use only vendors that are on the roster, even for small jobs, since they have been somewhat vetted. The smaller jobs that don’t actually require a process are the ones we most use. So I will respond explaining the process for both types of bids.

What language do you use in the Invitation to Bid (ITB) for a small works roster project?

For projects over 45k we use language in the ITB page of the bid document much as we would for an advertised bid. For a smaller project we would tell them in an email we are soliciting quotes.

How do you send the ITB to contractors on the roster?

We run a query for the category and usually send an email to everyone on the list if it is a formal Small Works Roster process. The email informs them that as a contractor on our roster they are being informed of the bidding opportunity. I keep a copy of the spreadsheet of all contractors that were invited to submit a bid. I usually send just a brief description of the scope of work and request they email me if they are interested in bidding. If the project is towards the upper limit we post it to Builder’s Exchange and tell them to download the documents from there and ask them to register as a bidder.

For the small jobs that do not require a SWR process we usually email all the local contractors on our roster.

Where do you post the contract documents, assuming that you do so instead of having the contractors pick up a copy from the agency offices?

If it is a quick and dirty document set I usually just email it to them. If it is a computer hog of a document we post it to Builder’s Exchange. We always keep a copy in the office so anyone wishing to come by can review them here.