

Lincoln County Public Works

Statement of Policy

Regarding: Purchasing Procedures

Proposed: January 1, 1997

Adopted: May 19, 1997

Revised: May 6, 2002

Revised October 2009

Revised February 16, 2010

Road Resolution No. 2512

The purpose of this statement of policy is to outline the purchasing procedures for Lincoln County Public Works in accordance with the requirements of the Revised Code of Washington (RCW) regarding the use of a Vendor List and a Small Works Roster.

For the purpose of this Statement of Policy "County Representative" shall be construed to include all supervisors, managers, and department heads.

PURCHASES BELOW \$5,000

Advertisement and formal sealed bidding for purchases of materials, supplies, equipment, or services not connected to a public works project in an amount of \$5,000 or less are hereby dispensed with by order of the Lincoln County Board of County Commissioners as authorized by RCW 36.32.245(3). The Public Works Department will attempt to obtain the lowest practical price for such goods and services.

VENDORS LIST

PURCHASES OF MATERIALS, SUPPLIES, EQUIPMENT, AND SERVICES BETWEEN \$5,000 AND \$25,000

Advertisement and formal sealed bidding may be dispensed with for purchases of materials, supplies, equipment, or services costing between \$5,000.00 and \$25,000.00 by order of the Lincoln County Board of County Commissioners as authorized by RCW 39.04.190. Purchases are eligible to be processed under the following procedures:

Publication of Notice: At least twice per year, the Public Works Director shall publish in the official county newspaper and/or newspaper(s) of general circulation within the county, a notice of the existence of vendor lists for categories of goods and services that have been established and are being maintained, and the requirements of supplying notice of interest. The vendor lists shall be maintained at the Public Works Office. Approved Vendors may be added to the list at any time. Vendors shall be removed from the list upon their request, or discovery by the County that the vendor is no longer in business, or has failed to respond to quote requests. All pre-qualified vendor applications shall expire on January 1, and must be resubmitted each year. Lincoln County Public Works reserves the right to purge the Vendors List and Small Works Rosters lists every

24 months to remove outdated or obsolete information, and to avoid unnecessary and lengthy outdated lists.

- A) ELECTRONIC ROSTERS: Lincoln County Public Works may also use the statewide electronic database developed and maintained jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington (MRSC Rosters).
- B) PROCESS: Lincoln County Public Works shall use the following process to obtain quotations from vendors for the purchase of materials, supplies, equipment, or services. Any contract awarded under this subsection need not be advertised.
1. A quotation request form (Attachment A) shall be completed by each Public Works representative overseeing or making a request for quotations.
 2. A written description shall be drafted of the specific materials, supplies, equipment, or services to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;
 3. Specifications may be delivered either verbally for standard items or by mail, email, fax or personal delivery for items requiring detailed specifications;
 4. The Public Works representative shall make a good faith effort to contact at least three (3) of the vendors from the appropriate roster category for the item being quoted, if possible, to ensure a competitive process and that the County receives the maximum benefit;
 5. The Public Works representative shall not share telephone quotation from one vendor with other vendors solicited for the bid on the materials, supplies, equipment, or service;
 6. The Public Works representative shall document the quotes received on a County approved quotation request form, recommend acceptance of a quote and submit to their manager for approval prior to the notification of award to the vendor;
 7. Award: The Manager shall review quotations and recommendation by the Public Works representative and award the sale to the lowest responsible quote, provided that whenever there is reason to believe that the lowest acceptable quote is not the best price obtainable, all quotes may be rejected and Public Works may call for new quotes. The Public Works Department, in determining the lowest responsible quote, may take in consideration the factors listed in RCW 43.19.1911(9) and/or the following factors summarized:

In determining "lowest responsible quote", in addition to price, the following elements shall be given consideration:

- (a) The ability, capacity, and skill of the vendor to perform the sale or provide the service required;
- (b) The character, integrity, reputation, judgment, experience, and efficiency of the vendor;
- (c) Whether the vendor can complete performance within the time specified;

- (d) The quality of performance of previous awards for materials, supplies, equipment and/or services;
 - (e) The previous and existing compliance by the vendor with laws relating to the awards or services;
 - (f) Such other information as may be secured having a bearing on the decision to award the quote: PROVIDED, That in considering quotes for purchase, manufacture, or lease, and in determining the "lowest responsible quote," whenever there is reason to believe that applying the "life cycle costing" technique to quote evaluation would result in lowest total cost to Public Works, first consideration shall be given to the quote with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to Public Works over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner.
8. Immediately after the award, all bid quotations secured must be recorded and made open to public inspection. This information must also be available to those who inquire by telephone.
 9. Posting: At least every two months, the Public Works Director shall post a list of contracts awarded pursuant to this section valued at more than \$5,000 but not more than \$25,000 at the Public Works Administrative Office and/or on the County's Web Site. The list must contain the name of the vendor, the amount of the contract, a brief description of the items purchased, and the date of the award.
- C) EXCEPTION – The foregoing shall not apply if it has been determined that the Public Works Department seeks a single source product or vendor or a declaration of emergency has been declared by the Board of County Commissioners.

SMALL WORKS ROSTER

PUBLIC WORKS PROJECTS – VALUE BELOW \$40,000

Advertisement and competitive bidding for public works projects below \$40,000 are hereby dispensed with by order of the Lincoln County Board of County Commissioners as authorized by RCW 36.32.250. The Public Works Department will attempt to obtain the lowest practical price. Immediately after the award is made, the quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. The paying of prevailing wages is required for public works projects valued below \$40,000.

PUBLIC WORKS PROJECTS – ESTIMATED VALUE \$40,000 to \$300,000

The following small works roster procedures are established for use by Lincoln County Public Works pursuant to RCW 39.04.155 and RCW 36.77.075, or as may be amended, are hereby adopted by the Lincoln County Board of County Commissioners in lieu of the requirements for formal sealed bidding. Public work shall mean

all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the County as defined in RCW 39.04.010. Performance bonds and the paying of prevailing wages are required on small works roster projects. The small works roster procedure is as follows:

- A) PUBLICATION OF NOTICE: At least once per year, the Public Works Director shall publish in the official county newspaper and/or newspapers of general circulation within the county, a notice of the existence of a small works roster and solicit the names of contractors who can perform the types of work for different specialties and/or categories of work that have been established and are being maintained, and the requirements of supplying notice of interest. In addition, contractors shall be added to the roster at any time, upon their request or agreement to be placed thereon. Where applicable, the County may make distinctions between contractors based upon different geographic areas served by the contractor.
- B) The small works roster shall be compiled by, and maintained at the Public Works Office. Contractors shall be removed from the list upon their request, or discovery by the County that the contractor is no longer in business, or has failed to respond to bid requests. The County shall purge non-responsive contractors from the list every two years to avoid old and outdated information.
- C) The Public Works Department may also use the state wide electronic database developed and maintained jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington.
- D) The Public Works Department 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 quote, as defined in RCW 43.19.1911(9), as follows:
 - 1. 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. A contract awarded from a small works roster need not be advertised.
 - 2. The specifications shall designate a specific time when quotations are due to be received by the Public Works Department. Proposals received after the specified time and date will not be considered as viable.
 - 3. 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 (5) 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.
 - 4. If the estimated cost of the work is from one hundred fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), the County may choose to solicit quotes 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 County has the sole option of determining whether this notice to the remaining contractors is made by:

- a. Publishing notice in a legal newspaper in general circulation in the area where the work is done;
 - b. Mailing a notice to these contractors; or
 - c. Sending a notice to these contractors by facsimile or other electronic means.
5. At the time quotes are solicited, the County representative shall not inform a contractor of the terms or amount of any other contractor's quote for the same project.
 6. Once a Contractor has been afforded an opportunity to submit a quotation, that contractor shall not be offered another opportunity until all other appropriate contractors have been afforded an opportunity to submit a quote.
 7. Immediately after an award is made, the quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.
 8. A written record shall be made by the County representative of each contractor's quote on the project and of any conditions imposed on the quote. The quotes received will be documented on the quote request form, a recommendation of acceptance of a quote will be made and the form submitted to the Department Head for approval prior to the notification of award to the contractor.
 9. Upon notifying the successful contractor a contract will be prepared and executed by the Board of County Commissioners prior to commencement of the work. A notation of the work start date should be indicated on the quotation request form and copies distributed as indicated on the form.
 10. The County shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four 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.

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 County may award such a contract using the limited public works process provided under RCW 39.04.155, subsection (3), as per the following:

- A) For limited public works project, the County 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 quote as defined under RCW 43.19.1911(9). After an award is made, the quotations shall be open to public inspection and available by electronic request.

- B) For limited public works projects, the County may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the County shall have the right of recovery against the contractor for any payments made on the contractor's behalf.
- C) After an award is made, the quotations shall be open to public inspection and available by telephone and/or electronic request.
- D) The County shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work.
- E) The County shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four 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.

COMPETITIVE BIDDING REQUIREMENTS – EXEMPTIONS

Exemptions from competitive bidding requirements as authorized under RCW 39.04.280 as may be amended.

Competitive bidding requirements may be waived by the County for:

- (a) Purchases that are clearly and legitimately limited to a single source of supply;
- (b) Purchases involving special facilities or market conditions;
- (c) Purchases in the event of an emergency;
- (d) Purchases of insurance or bonds; and
- (e) Public works in the event of an emergency.

SINGLE SOURCE OR SPECIAL FACILITIES, SERVICES, OR MARKET CONDITIONS

Purchases which are clearly and legitimately limited to a single known source of supply, and purchases involving special facilities, services, or market conditions may be acquired through direct negotiation with a single vendor. The County will attempt to negotiate and obtain the best overall price.

EMERGENCY PURCHASES DEFINED

“Emergency” is defined as “unforeseen circumstances beyond the control of the County that either:

- (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in the material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.”

USED EQUIPMENT

The purchase of used equipment from private vendors is considered to be a purchase falling within the exceptions set forth as Single Source or Special Facilities purchases. The Public Works Department shall be responsible to determine what used equipment is available on the market and properly record this search. Any

purchase request must fully justify the acquisition of used equipment.

AUCTIONS/SURPLUS PROPERTY

The Public Works Department may purchase any supplies, materials or equipment at auctions conducted by the government of the United States or any agency thereof, any agency of Washington State, any municipality or other government agency, or any private party without being subject to formal bidding requirements, if the items can be obtained at a competitive price.

MUTIPLE AWARDS FOR ROAD MAINTENANCE MATERIALS

Multiple awards for the purchase of road maintenance materials shall adhere to RCW 36.32.256 as amended. When calling for quotes, and/or competitive bids for the procurement of road maintenance materials, the County may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The County may re-advertise for additional bidders and vendors if it deems it necessary in the public interest.

ELECTRONIC DATA PROCESSING AND TELECOMMUNICATIONS SYSTEMS – COMPETITIVE NEGOTIATION

The County may acquire electronic data processing or telecommunication equipment, software, or services through competitive negotiation rather than through competitive bidding as authorized under RCW 39.04.270 as amended.

PROFESSIONAL SERVICE CONTRACTS

Procurement of professional and personal services will be in accordance with RCW 39.80 and RCW 39.29, as amended.

GENERAL REQUIREMENTS

A list of all awards under the Vendors List process must be posted at least every two months. The list of all contracts awarded for the previous 24 month period under the Small Works Process shall be posted at the Public Works Office. The lists shall contain the name of the contractor or vendor, the amount of the award, a brief description of the type of work performed or items purchased and the date it was awarded. The list shall also state where the bids/and or quotations for these contracts are available for public inspection.

RESPONSIBLE BIDDER

Before awarding a public works contract, a contractor must meet the required criteria to be considered and qualified. The contractor must:

1. Have a certificate of registration in compliance with RCW 18.27 at time of bid submittal.
2. Have a current state unified business identifier number.
3. If applicable, have industrial insurance coverage for employees working in Washington as required in Title 51 RCW, employment security department number as required in Title 50 RCW, and state excise tax registration number as required in Title 82 RCW.
4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3).

The County must provide in writing the reasons why a contractor is determined to not be responsible. The contractor may appeal the determination within the time period specified in the bidding documents by presenting additional information to the County. The County must consider the additional information before issuing its final determination. If the final determination affirms that the contractor is not responsible, the County may not execute a contract with any other contractor until two business days after the contractor determined to be not responsible has received the final determination.

SUPPLEMENTAL CRITERIA FOR DETERMINING RESPONSIBILITY

In addition, the County may adopt relevant supplemental criteria for determining contractor responsibility applicable to a particular project which the contractor must meet. Supplemental criteria for determining contractor responsibility, including the basis for evaluation and the deadline for appealing a determination that a contractor is not responsible, must be provided in the invitation to quote or quote documents. A potential bidder may request that the County modify the supplemental criteria if the request is done in a timely manner before the quote submittal deadline. The County must evaluate the information submitted by the potential contractor and respond before the quote submittal deadline. If the evaluation results in a change of the criteria, the County must issue an addendum to the quote documents identifying the new criteria. If the contractor fails to supply information required concerning responsibility within the time and manner specified in the quote documents, the County may base its determination of responsibility upon any available information related to the supplemental criteria or may find the contractor not responsible.

DATED at Davenport, Washington this 16 th day of February 2010.



ATTEST:

Clerk of the Board - Shelly Johnston

By: Marci Patterson
Deputy Clerk of the Board -
Marci Patterson

BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, WASHINGTON

Scott M. Hutsell
Chairman - Scott Hutsell

Dennis D. Bly
Member - Dennis Bly

Ted Hopkins
Member - Ted Hopkins

PURCHASE QUOTATION REQUEST FORM

Date:		Supervisor:		
Category:		Item Quoted:		
Specifications:				
Date Quotes Due:		Time Due:		
Request for Quotes Made by:	Phone	Fax	Mail	Hand
Vendor:	Contact:	Unit Price	Units	Total Price
Lowest and Best Quote Meeting all Specifications:				
Recommendation: Date:				
I hereby recommend that Lincoln County purchase the above identified item from the vendor identified above as supplying the lowest and best quote. I further certify that all considered quotes were received prior to the stated due date and time.				
Signed:		Title:		
Recommendation Approved: Date:				
The above recommendation is hereby approved for the purchase of the item(s) identified.				
Signed:		Title:		
Purchase Order Issued:		Expected Delivery Date:		

Upon completion of this form and notification of award to the vendor, copies of this form shall be delivered to all signatories and also to Accounting.

PROPOSAL REQUEST FORM

Date:		Completed By:		
Category:		Project Identification:		
Project Description:				
Date Proposals Due:		Time Due:		
Addendums:				
Request for Quotes Made by:	Phone	Fax	Mail	Hand
Contractor:	Contact:	Unit Price	Total Price	
Lowest and Best Proposal Meeting all Specifications:				
Date Contract Executed:		Performance Bond Attached: Y N		
Date Work Began:		Date Work Completed:		
Recommendation: Date:				
I hereby recommend that Lincoln County award the above identified project to the contractor identified above as supplying the lowest and best proposal, subsequent to executing a contract and providing a performance bond. I further certify that all considered proposals were received prior to the stated due date and time.				
Signed:			Title:	
Recommendation Approved: Date:				
The above recommendation is hereby approved for the award of the contract for the project identified.				
Signed:			Title:	

Upon completion of this form and notification of award to the vendor, copies of this form shall be delivered to all signatories and also to Accounting.

Less than \$300,000.

SMALL WORKS ROSTER

NOTICE IS HEREBY GIVEN that Lincoln County is creating a Small Works Roster in accordance with the applicable Revised Code of Washington (RCW) Chapters, for the following categories of work:

1. Road Construction/Maintenance

- checkbox All Phases of Construction/Maintenance
checkbox Bituminous Service Treatments (Class A or D)
checkbox Crushed Surfacing Haul and Processing
checkbox Drilling and Blasting
checkbox Dust Control
checkbox Earthwork and Grading
checkbox Erosion Control/Repair
checkbox Fence Construction
checkbox Guardrail/Traffic Barrier Construction
checkbox Hot Mix Asphalt (HMA) Placement
checkbox Pavement Markings
checkbox Traffic Control
checkbox Trucking (gravel, fill, etc.)
checkbox Other (specify)

2. Bridge Construction/Maintenance

- checkbox All Phases of Construction/Maintenance
checkbox Backfilling Superstructure
checkbox Channel Work
checkbox Concrete Substructure/Superstructure
checkbox Erosion Control/Repair
checkbox Removal of Structures/Obstructions
checkbox Rip Rap/Channel Protection
checkbox Steel Superstructure
checkbox Other (specify)

3. Public Buildings

- checkbox Alarms/Systems
checkbox Electrical
checkbox Flooring
checkbox General Building Construction/Repairs
checkbox HVAC Installation/Repair Maintenance
checkbox Insulation
checkbox Janitorial Service
checkbox Painting
checkbox Plumbing
checkbox Roofing
checkbox Other (specify)

4. Technical Services

- checkbox Architectural Services
checkbox CADD and Mapping
checkbox Construction Management & Inspection
checkbox Engineering Services
checkbox Environmental Services
checkbox Geotechnical Test Services
checkbox Material Testing Services
checkbox Project Management
checkbox Structural Engineering/Testing
checkbox Surveying
checkbox Other (specify)

All contractors interested in placing their names on the Small Works Roster will be required to be properly licensed or registered to perform work in the State of Washington.

All work will be done in conformance with the Washington State Department of Transportation Standard Specifications for Road and Bridge Construction, as amended, and modified by Lincoln County Special Provisions and Uniform Building Codes as amended or modified by Lincoln County.

Contractors are requested to submit their names and addresses and an indication of the type of work they are qualified to do to the Lincoln County Department of Public Works, 27234 SR 25 N., Davenport, Washington, 99122. Please indicate on the envelope "SMALL WORKS ROSTER".

Quotations will be requested pursuant to the requirements of the applicable RCW's and the adopted procedure of Lincoln County, Washington.

Quotations will only be requested of those firms who have requested inclusion on the Small Works Roster.

Women and minority owned contracting firms are encouraged to identify themselves for solicitation of quotations.

Failure to respond to requests for quotations during a twelve month period shall result in removal from the Small Works Roster unless a written request to remain on the roster is received prior to the end of the twelfth month.

The County of Lincoln hereby notifies all contractors that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit quotations in response to solicitations and will not be discriminated for or against on the grounds of race, color, sex, national origin, or disability, in consideration for an award.

Dated this 3rd day of FEBRUARY, 2010.

Handwritten signature of Rick Becker

Rick Becker
Public Works Director
Lincoln County Department of Public Works

VENDOR LIST

NOTICE IS HEREBY GIVEN that the Lincoln County Public Works Department is creating several vendor lists in accordance with the applicable RCW's, under the following headings:

1. Equipment

- Building Maintenance/Repair Equipment
- Light Vehicles (Cars, Pickups, etc.)
- Office Equipment (computers, printers, etc.)
- Radio/Communications Equipment
- Rental Equipment
- Road Maintenance Equipment (Medium/Heavy)
- Shop Equipment/Tools
- Snow/Ice Removal Equipment
- Trailers
- Other (specify) _____

3. Public Buildings

- Alarms/Systems
- Electrical
- Flooring
- General Building Construction/Repairs
- HVAC Installation/Repair Maintenance
- Insulation
- Janitorial Service
- Painting
- Plumbing
- Roofing
- Other (specify) _____

2. Services

- Building Maintenance/Repair Services
- Fiber Optic
- Materials Inspection/Testing Services
- Printing Services
- Traffic Control Services
- Training Services
- Tree Trimming/Landscape Services
- Weed Control
- Other (specify) _____

4. Technical Services

- Architectural Services
- CADD and Mapping
- Construction Management & Inspection
- Engineering Services
- Environmental Services
- Geotechnical Test Services
- Material Testing Services
- Project Management
- Structural Engineering/Testing
- Surveying
- Other (specify) _____

All vendors interested in placing their names on the appropriate vendor list will be required to be properly licensed or registered to perform work or provide services or sell in the State of Washington.

Vendors are requested to submit their names and addresses and an indication of which list or lists they wish to be placed on, to the Lincoln County Department of Public Works, 27234 SR 25 N., Davenport, Washington, 99122. Please indicate on the envelope "VENDORS LIST".

Quotations will be requested pursuant to the requirements of the applicable RCW's and the adopted procedure of the Lincoln County Department of Public Works.

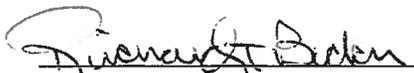
Quotations will only be requested of those firms who have requested inclusion on the appropriate Vendor List.

Women and minority owned firms are encouraged to identify themselves for inclusion in all appropriate lists and for solicitation of quotations.

Failure to respond to requests for quotations during a twelve month period shall result in removal from the Vendors List unless a written request to remain on the list is received prior to the end of the twelfth month.

The County of Lincoln hereby notifies all vendors that it will affirmatively insure that in any contract or purchase entered into or made pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit quotations in response to solicitations and will not be discriminated for or against on the grounds of race, color, sex, national origin, or disability, in consideration for an award.

Dated this 3RD day of FEBRUARY, 2010.



Rick Becker
Public Works Director
Lincoln County Department of Public Works