

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER OF AMENDMENT
OF PUBLIC WORKS PROCUREMENT
PROCEDURES, ISLAND COUNTY
CODE SECTIONS 2.30A.040 &
2.30A.050

ORDINANCE NO. C- 12 -09
R-30-09

WHEREAS, the 2009 Washington State Legislature adopted bills, effective July 26, 2009, that allow changes to Island County's public works procurement procedures contained in Chapter 2.30A of the Island County Code (ICC);

WHEREAS, Engrossed Substitute House Bill 1847, Section 8, modified RCW 36.32.250 by increasing the public works project dollar cost limit where competitive bidding is not required from \$10,000 to \$40,000;

WHEREAS, House Bill 1196, Section 2, increased the maximum dollar cost limit for public works projects using the small works roster competitive procurement process from \$200,000 to \$300,000;

WHEREAS, for clarity, it is advisable to make technical changes to ICC 2.30A.040 and ICC 2.30A.050 by substituting RCW section numbers for 2007 state legislative bill numbers; and

WHEREAS, to promote greater efficiency in County government, yet retain competitive procurement processes for larger purchases, the County's public works threshold dollar limits should be modified as allowed by 2009 state legislation; NOW, THEREFORE,

IT IS HEREBY ORDAINED that ICC 2.30A.040 and ICC 2.30A.050 are amended as set forth on Exhibit "A" attached hereto. Material lined through is deleted and material underlined is added. This Ordinance is effective July 26, 2009.

REVIEWED this 8 day of JUNE, 2009 and set for public hearing on the 6 day of JULY, 2009 at 10:20 A.M.



Attest:

Elaine Marlow
Elaine Marlow
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

John Dean
John Dean, Chairman

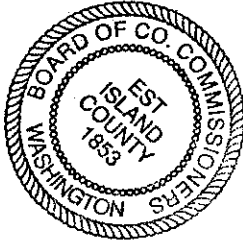
Helen Price Johnson
Helen Price Johnson, Member

Angie Homola
Angie Homola, Member



ADOPTED this 6 day of JULY, 2009 following public hearing.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON



John Dean
John Dean, Chairman

EXCUSED
Helen Price Johnson, Member

A-H
Angie Homola, Member

ATTEST:

Elaine Marlow
Elaine Marlow
Clerk of the Board

APPROVED AS TO FORM:

David L. Jamieson, Jr.
David L. Jamieson, Jr.
Deputy Prosecuting Attorney and
Island County Code Reviser



Exhibit "A"

2.30A.040 Bidding Procedure for Awarding Public Works Contracts--Exemption under \$10,000 ~~\$40,000~~ and other Exemptions

No contract for public works shall be entered into by the Board of County Commissioners or any elected or appointed county officer without first complying with the competitive bidding procedure contained in RCW 36.32.250 as now in effect or hereafter amended, or the alternative public works contracting procedures provided in ~~House Bill 1506 (2007)~~ Chapter 39.10 RCW when authorized by the Board of County Commissioners, except as follows:

- A. Public works contracts involving an amount less than ~~\$10,000~~ \$40,000 do not require formal or informal competitive bidding;
- B. For public works projects with an estimated value of ~~\$10,000~~ \$40,000 or more, up to ~~\$200,000~~ \$300,000 when the small works roster process set forth in ICC 2.30A.050 is followed;
- C. County road construction and road improvement project contracts shall comply with the bidding procedures of RCW 36.77.020 through 36.77.040 except as allowed under the alternate bidding procedure of ICC 2.30A.050;
- D. Performance-based contracts, as defined in RCW 39.35A.020(4) (energy equipment and services) which are negotiated under chapter 39.35A RCW;
- E. Emergency contracts following adoption of resolution by the Board of County Commissioners pursuant to RCW 36.32.270; and
- F. Any public works project which is exempt from bidding under any state statute or decisional case law.

2.30A.050 Public Works Contracts Greater than \$10,000 ~~\$40,000~~ and up to \$200,000 ~~\$300,000~~ -- Small Works Roster -- Alternative to Advertising and Formal Bid Procedure

- A. The advertising and formal sealed competitive bidding procedures of RCW 36.32.250 and RCW 36.77.020 through 36.77.040 may be dispensed with for public works projects estimated to be between ~~\$10,000~~ \$40,000 and ~~\$100,000~~ \$150,000 when the following procedure is followed: Quotations from contractors on the general small works roster or a specific small works roster for the appropriate specialty or category of work, which roster is maintained by the Island County Public Works Director, shall be invited from at least five (5) contractors whenever available. The invitation for quotations must include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished and any other public works requirements. Quotations from contractors must be in writing. Once a contractor has been given an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the applicable small works roster have been given an opportunity to submit a proposal on a contract with Island County. Contracts shall only be awarded to the lowest responsible bidder as defined in ~~Section 2 of Substitute House Bill 2010 (2007)~~ RCW

39.04.350 and the award shall be in writing. Immediately after an award is made, the bid quotations obtained shall be forwarded to and recorded by the Public Works Director, open to public inspection, and available by telephone inquiry. A contract awarded pursuant to this section need not be advertised. For public works projects estimated to be between ~~\$100,000~~ \$150,000 and ~~\$200,000~~ \$300,000, for formal sealed bidding procedures to be dispensed with, the above provisions must be complied with, however, quotations from all of the contractors on the appropriate small works roster must be invited, rather than from just five (5) contractors.

- B. Public works contracts involving an amount less than ~~\$10,000~~ \$40,000 do not require formal or informal competitive bidding.
- C. The breaking of any project into units or accomplishing any project by phases is prohibited if it is done for the purpose of keeping the project below the ~~\$10,000~~ \$40,000-bidding-exemption limit or avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

