



# **Public Works Intensive**

**Public Works Contracting:  
What is it? What's New?  
and MRSC's Resources**

**WPPA Small Ports Seminar October 24, 2019**



**Linda Gallagher, Legal  
Consultant**

- **Our Mission:** Trusted guidance and services supporting local government success.
- **Our Vision:** Empowering local government to better serve their communities.



# MRSC Resources

Research and consulting services for WA local governments and state agencies

- **Ask MRSC** – Free one-on-one legal, finance, and policy consultation
- Webinars and in-person trainings
- Timely news and information
- Sample document library
- Online research tools and publications
- And more!

MRSC  
Resources

Membership through  
Enduris or WPPA

MRSC Rosters

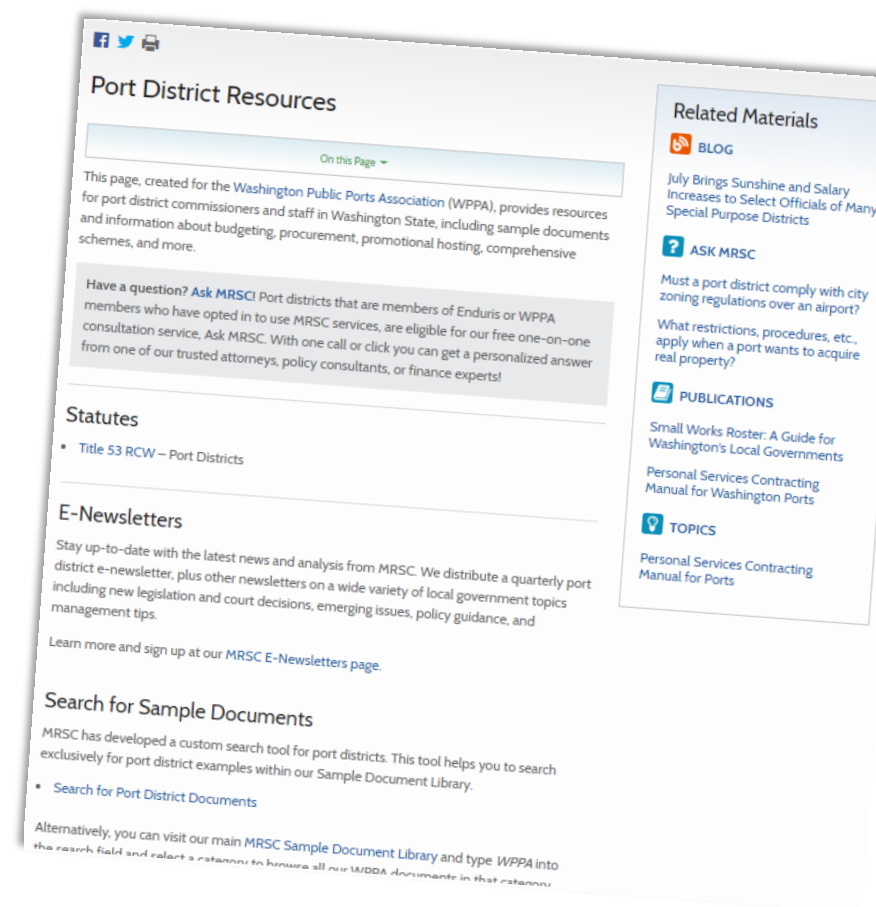


# Port District Resources Page

We provide information on a variety of topics of interest to port district staff and commissioners.

- Commissioners and transaction of business
- Promotional Hosting
- Competitive bidding
- Budgeting
- Public Records
- And more!

Learn more at [mrsc.org/ports](http://mrsc.org/ports)



# MRSC Consultant Staff



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# MRSC Training



Monthly webinars

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The screenshot shows the MRSC website interface. At the top left is the MRSC logo with the tagline "Local Government Success". To the right are links for "Contact Us", "Partners", and "Rosters". A search bar contains "Search..." and "All Sections" with a dropdown arrow, a "GO" button, and an "Ask MRSC" button. Below the search bar is a navigation menu with the following items: "RESEARCH TOOLS", "EXPLORE TOPICS", "STAY INFORMED", "TRAINING" (circled in red), "PUBLICATIONS", and "ABOUT MRSC".

The main content area features a large image of police officers at a homeless shelter. Below the image is the article title "Does Your Code Provide Homelessness Solutions?" and a short paragraph: "There are a lot of policy options for alleviating homelessness but existing codes can sometimes present unintended barriers. Here are a few common issues that can arise."

To the right of the main image is a blue sidebar for the "MRSC Insight Blog" with a RSS icon. It includes a photo of three people talking and the article title "Action Outside a Public Meeting. What Could Possibly Go Wrong?". Below the photo is a "VIEW MORE BLOG POSTS" link.

At the bottom of the page are three light blue boxes: "In Focus" with a magnifying glass icon and the text "What Employers Want From Cities Is talent the most important factor?"; "Upcoming Training" with a calendar icon and a photo of a building; and "Ask MRSC Archives" with a speech bubble icon and the text "May a city impose business license requirements on businesses that".



# MRSC Rosters



Our Rosters service connects hundreds of local government agencies to thousands of businesses for small public works, consulting services and purchases.

Learn more and sign up at [mrscrosters.org](http://mrscrosters.org)





Public Works  
– What is it?

Formal Competitive  
Bidding

Small Works Rosters

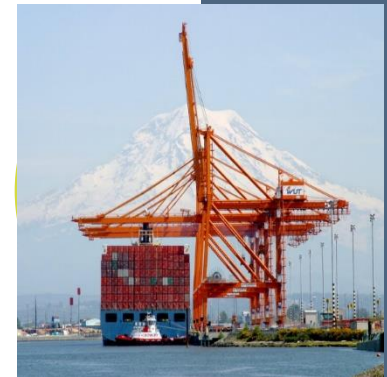
Limited Competitive  
Process



## RCW 53.08.120 (EHB 6329 – 2018)

(c) Any port district may construct any public work, as defined in RCW 39.04.010, by contract without calling for bids whenever the estimated cost of the work or improvement, including cost of materials, supplies, and equipment, will not exceed the sum of forty thousand dollars. A "public works project" means a complete project.

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# Public Works - Procurement Statute Description:

RCW 39.04.010

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.

## RULES AND REGULATIONS

Adopted by the Local United States Food Administration for the season of 1918, pertaining to the harvest and threshing of grain.

**RULE I.**

That the local U. S. Food Administration designate the man in charge of each threshing machine operating to act as their agent, to see that all ways and means be observed, so as to prevent the waste of grain in any manner.

**RULE II.**

It shall be in his power to direct all men who are working about the machine or on the job of threshing, and see that they give efficient service, and in any event any one is delinquent he shall be reported to the United States Food Administration and dealt with according to the rules laid down by the Government.

**RULE III.**

It shall be the imperative duty of every man in charge of a threshing machine to see that his machine is in perfect running order before he shall attempt to do any work at threshing and in case he is unable to correct the defects, he is allowed the privilege of seeking aid of the U. S. Food Administrator who will report his troubles to the manufacturer of his machine, and get his troubles adjusted.

**RULE IV.**

As it is in order to save grain, the man in charge of the machine and farmer are to arrange to have a man to attend to the cleaning up around the machine, and help where needed, to keep the machine running correctly, and not allow bundles to be run over by teams and wagons; also it is recommended that they shall arrange to have a sufficient number of racks to haul bundles on, which will be built with tight floor and a 2 x 4 around edge for the express purpose to save grain.

**RULE V.**

It is also demanded of the managers of threshing machines to provide carvans, the size not less than 10 x 14, to be put under the feeder of the machine and to avoid all leaks; and the men who are pitching to the machine must observe these rules:

1. That bundles must be pitched head first into the machine which is the correct way of feeding a machine. Also the bundles must be pitched at a uniform speed, and in no case pile them upon the feeder.
2. It is demanded by the Government that the fall wheat and rye shall be threshed first. Spring wheat to be threshed at time of threshing oats.
3. In regard to time for a day's work, we would recommend that as the Government asks us to save all the grain possible, we think it advisable to use all the day time that is available and it shall be expected that the people will be loyal and work the best hours of the day; owing to the morning's dampness and the difficulty in doing good work in the early morning, we would recommend that the hour of quitting shall not be before 7 p. m., new time.

**RULE VI.**

It shall be the duty of the machine man to avoid all waste for the following reasons:

- A. Threshing grain when it is tough (damp and unripe).
- B. Loss from shattering in bundle wagons.
- C. Carelessness in keeping threshing cylinder up to speed, and in adjustment of blower, etc. dull and bent teeth.
- D. Carelessness in feeding bundles or loose grain into the machine.
- E. Carelessness in allowing grain to leak on the ground around and under the machine and waste in cleaning up at close of operations.
- F. Improper adjustment of concaves and other parts of machine.

**RULE VII. - Pertaining to Farmers.**

It shall be the duty of the farmer to see that all wagon boxes are tight. Also to see that there is no waste at the bins due from scooping and at the machine while changing the conveyer from one wagon to another. We will also recommend that if it is impossible to rake the wheat field before the finish of the wheat threshing; it be raked after, and threshed on the return of the machine for the next threshing; also to see that no grain is left by the man who pitches on the shocks; "Always scrape up after each shock and pick up all bundles lost or dropped from wagons by the wayside."

Every effort should be given with the object of getting the grain into proper channels of trade and not permit so great a percentage to be distributed upon the ground or into the straw pile to be fed later to the stock on the farm. The practice of overlooking the leaks with the excuse that the stock will get the benefit when turned in, should be discouraged this year, when so wheat should be fed to animals.

Suggestions and mention of instances where wastes during threshing has occurred in the past will be appreciated.

We are all soldiers of the Home Guard fighting to win the war, and the first duty of a soldier is to obey orders.

**A. F. PADEN                      F. H. FAULKNER                      W. H. MACHIN**

**Threshing Committee of the U. S. Food Administr'n for Knox Co.**



## Bid Thresholds for Public Works Projects

Government type	Bid threshold		Small works roster threshold	Notes	Applicable RCW
	1 craft*	> 1 craft			
Port district	\$0 (\$40,000 effective June 7, 2018)		\$300,000		53.08.120

The lower threshold is the amount below which the local government may use any internally acceptable method of awarding small public works contracts. (This method should be defined in policy.)

For projects whose estimated cost is over the statutory threshold and not using the small works roster, the project must be formally bid.





## Formal Public Works Bids

- Over \$300,000 Ports (but can be for smaller projects)
  - Formal Advertisement
  - Bid Bonds\*
  - Sealed Written Bids
  - Public Bid Opening \*
  - Formal Award by Council/Commission\*
  - P/P Bonds Required
  - Retainage Required
- 
- \*if required by statute



## Public Works Projects Below Bid Limits

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- Three or more informal bids recommended
- No roster required
- No advertisement required
- Bid bonds optional
- Electronic, Faxed, or Telephone Quotes Allowed
- Informal quote opening(s)
- P/P bonds required (possible exemptions)
- Retainage required



# Small Works Roster Solicitations

- Requests for informal bids
- Notification can be via email, fax, website, etc.
- Informal bids can be written, electronic, fax, telephone, etc.
- Invite informal bids from all contractors in the category/subcategory.
  - Options when less than all contractors solicited



## Limited Public Works Projects (Less than \$50K)

- Small Public Works Roster required
- Must solicit at least 3 informal bids or notify all on roster
- No advertisement required, just notice to SPWR
- Bid Bonds Optional
- Electronic, Faxed, or Telephone Quotes OK
- Informal Bid Opening(s)
- P/P Bonds Can Be Waived
- Retainage Can Be Waived





# RESPONSIBLE BIDDER



contractor who meets the criteria in RCW 39.04.350



Bidder responsibility criteria (mandatory)



Supplemental bidder responsibility criteria (optional)



Contract is awarded to the lowest responsive bid by a responsible bidder



RCW 53.08.120 was also changed to expressly allow Ports to enter into unit priced contracts.

(3)(a) A port district may procure public works with a unit priced contract under this section or RCW 39.04.010(2) for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

- Must be competitively bid
  - Anticipated on a recurring basis
  - Based on hourly rates or unit pricing
  - Business or operational needs
  - Fixed period – indefinite quantity
  - Bid using estimated quantities
  - Define how work orders will be released
  - Include minority/woman contractor when possible
  - Award to lowest responsible bidder
- Initial term cannot exceed 3 years
  - Renewable for 1 additional year
- Prevailing wage, updated annually

## UNIT PRICE CONTRACTS



## Public Works- What's New?

Contractor Training

Small Works Rosters

Piggyback Contracting

Unit Price Contracting

Job Order Contracting - JOC



# 2019 Legislative Changes:

**Contractor training required or 3 years public works experience and 3+ years valid WA business license**  
Eff. July 1, 2019

**Small works roster limit remains \$300k for Ports; May waive retainage in rosters. RCW 39.04.155**  
Eff. July 28, 2019

**HB 5958 – Piggyback verifications relaxed**  
**HB 1295 – JOC available to all agencies; work orders increased to \$550k; DB project limit removed; DB eligibility from \$10M to \$2M; evaluation and award criteria changes; others**  
Effective July 28, 2019

## Public Works Contracting



**Questions?  
Thank you!**

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