

MRSC and What They Provide to Ports

SMALL PORTS SEMINAR

October 27, 2023



Who We Are



- The Municipal Research and Services Center (MRSC) established in 1934, has served local governments in Washington for 89 years
- Educates and informs on legal, policy, and finance issues
- Provides independent, nonpartisan research & guidance
- Does not lobby
- Does not take sides on policy issues or disputes
- Does not provide legal representation or serve as legal counsel

MRSC MISSION



Empowering local governments to better serve their communities



Key Things MRSC Provides



WEB RESOURCES



MRSC ROSTERS



ELECTRONIC BIDDING



WEBINARS & IN-PERSON TRAINING

“Ask MRSC” Inquiry Service



Free for members under WPPA and Enduris contracts.

Click the Ask MRSC button or call us directly at

(206) 625-1300 or
(800) 933-6772

A screenshot of the MRSC website. The top navigation bar includes links for 'Contact Us', 'Partners', and 'Rosters'. A search bar is present with a 'GO' button. The 'Ask MRSC' button is highlighted with a red circle. Below the navigation bar are menu items: 'RESEARCH TOOLS', 'EXPLORE TOPICS', 'STAY INFORMED', 'TRAINING', 'PUBLICATIONS', and 'ABOUT MRSC'. The main content area features a large image of a person using a tablet, surrounded by circular portraits of diverse individuals. Below this image is a text block titled 'New Technology, Same Old Open Government Challenges' with a sub-headline and a paragraph. To the right is a blue sidebar for the 'MRSC Insight Blog' with a featured article titled 'Local Governments Pursue Zero-Waste Measures' and a 'VIEW MORE BLOG POSTS' link. At the bottom, there are three columns: 'Upcoming Training' with a photo of a person in a meeting, 'Ask MRSC Archives' with a message icon and a snippet of text about a 'CONFIDENTIAL' letter, and 'In the News' with a newspaper icon and a snippet about ship-loading noise at Bellingham port.

MRSC Rosters



- Only statewide directory connecting businesses to public agencies for small public works projects, consulting opportunities, and goods & services
- Separate website: mrscrosters.org
- Will become official statewide roster July 1, 2024

MRSC ROSTERS

Log In

Email Address

Still using the old username? [Click here to create a new login with email address](#)

Password

[Forgot Password?](#) [Contact Us](#)

LOG IN

or

JOIN EXISTING PUBLIC AGENCY ACCOUNT

On staff at a public agency? Create your MRSC Rosters login by joining an existing public agency account.

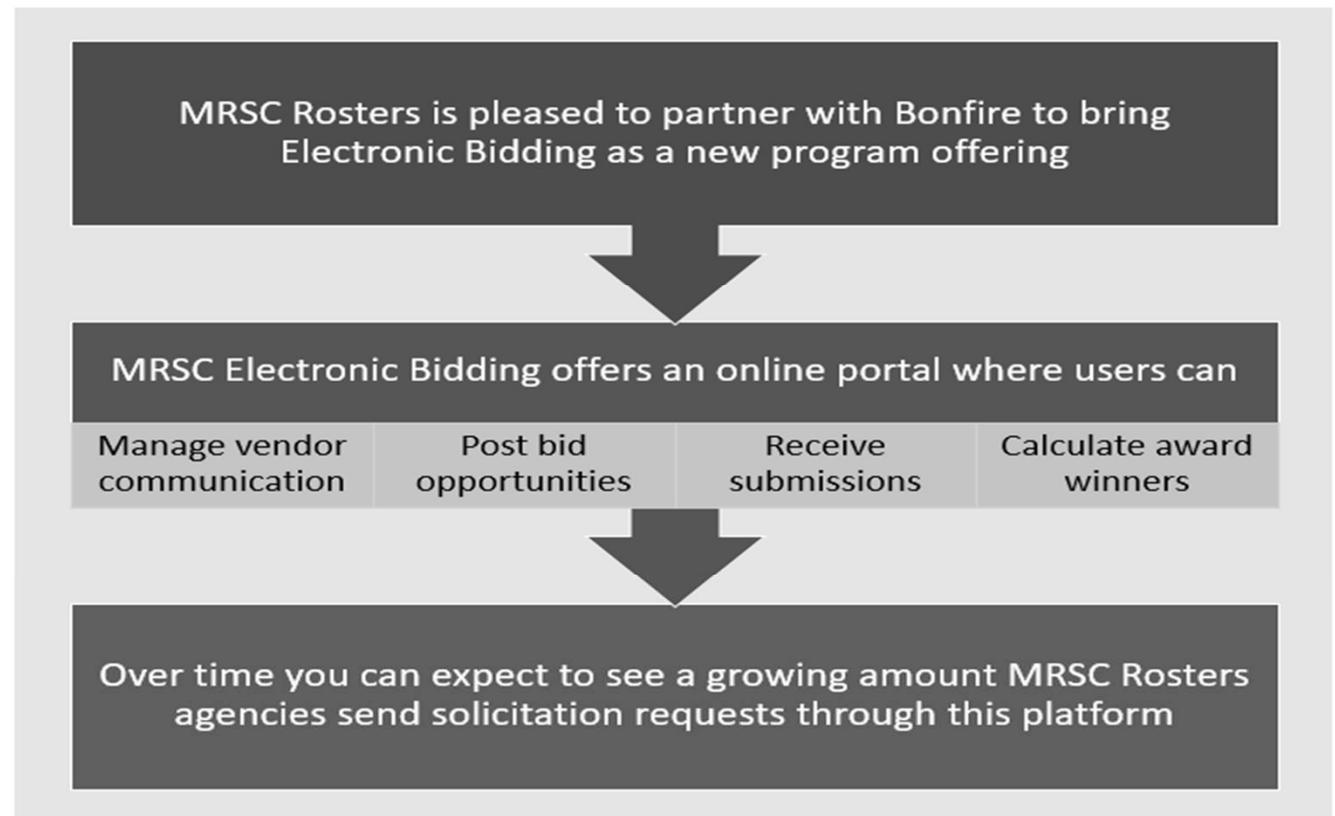
Electronic Bidding



What is
Electronic
Bidding?



Powered by  **Bonfire**



MRSC Training



- Live webinars
- On-demand webinars & E-learning
- Upcoming in-person public works events

The screenshot shows the MRSC website homepage. At the top left is the MRSC logo with the tagline "Empowering local governments". To the right are links for "Contact Us", "Partners", and "Rosters", and a search bar with a "GO" button. Further right is a "Have a Research Question?" section with an "Ask MRSC" button. Below this is a navigation bar 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 article titled "New Technology, Same Old Open Government Challenges" with a sub-headline: "Software such as Microsoft Teams can help to facilitate communication in a workplace, but the use of such tools is tricky for governing bodies whose meetings must be open to the public and whose communications should be easily searchable if a public records request arises." The article is accompanied by a photo of a person using a tablet and several circular profile pictures of diverse individuals.

To the right of the main article is a blue sidebar for the "MRSC Insight Blog" with a RSS icon. It features a photo of people at a recycling station and the headline "Local Governments Pursue Zero-Waste Measures". Below the photo is a "VIEW MORE BLOG POSTS" link.

At the bottom of the page are three smaller sections:

- Upcoming Training**: Includes a photo of a man in a blue shirt sitting at a desk.
- Ask MRSC Archives**: Includes a message icon and a snippet of text: "Can a local government agency release a letter from a citizen to an elected official marked 'CONFIDENTIAL' that falls within a public records request for recent correspondence between citizens".
- In the News**: Includes a newspaper icon and two news snippets: "Ship-loading noise tests Bellingham port's neighborliness" by Salish Current, and "Wenatchee awards \$6.5 million".



Upcoming Trainings

REGISTRATION IS NOW OPEN FOR:

(Free) Meet APEX Accelerator (Formerly PTAC)

Thursday, December 14 | 1 PM – 2:30 PM | Webinar

(Free) Digging Into Public Works Fundamentals: Sequim

Thursday, December 14 | 8 AM – 3:30 PM | In-person

COMING SOON:

(Free) Workshop on new public works contracting laws for Ports

Learn more at mrsc.org/training

2023 Legislative Updates for Public Works Contracting



SB 5268: Modifications to Small Works Roster



Small Works



Informal procurement process using a pre-defined vendor list for contracting public works estimated to cost less than \$350,000



Small Works Contracts



Under \$350,000

- Agencies invite contractors from the appropriate roster to bid
- Informal process
- Award to lowest responsive and responsible bidder



Who Can Use Small Works Roster



- State agencies with public works authority
- Authorized local governments including:
 - Cities, towns, counties
 - School districts
 - Port districts
 - Public utility districts
 - and more!



Small Works Roster



For solicitation of contractors for small public works projects

- Statewide roster
- Annual advertisement
- Contractors can join at any time
- Segregated by trade, agency, or geographic region



SB 5268 Purpose



- **Administratively efficient**
- **Promote small and diverse businesses**
- **Maintain labor protections**



What's Changed?



SB 5268: July 1, 2023



Port districts may now use a small works roster process for projects up to \$350,000, like all other local governments.



Key changes



Creates Small Business Certification



Establishes statewide small works roster



Clarifies language



Standardizes cost thresholds and adds direct contracting



Requires small business utilization plan – each agency creates



Builds in future market updates

Small Business Certification



Office of Minority & Women's Business Enterprises

- ✓ Creates a new Public Works Small Business Enterprise (PWSBE) Certification Program
 - Race & gender neutral
 - No additional fees for (state-certified) businesses
 - MBE, WBE, MWBE, CBE, SEDBE
- ✓ Evaluating registration process and requirements
- ✓ Updating Public Works Small Business Certification rules (WAC 326-20-087)





Establishes Statewide Roster

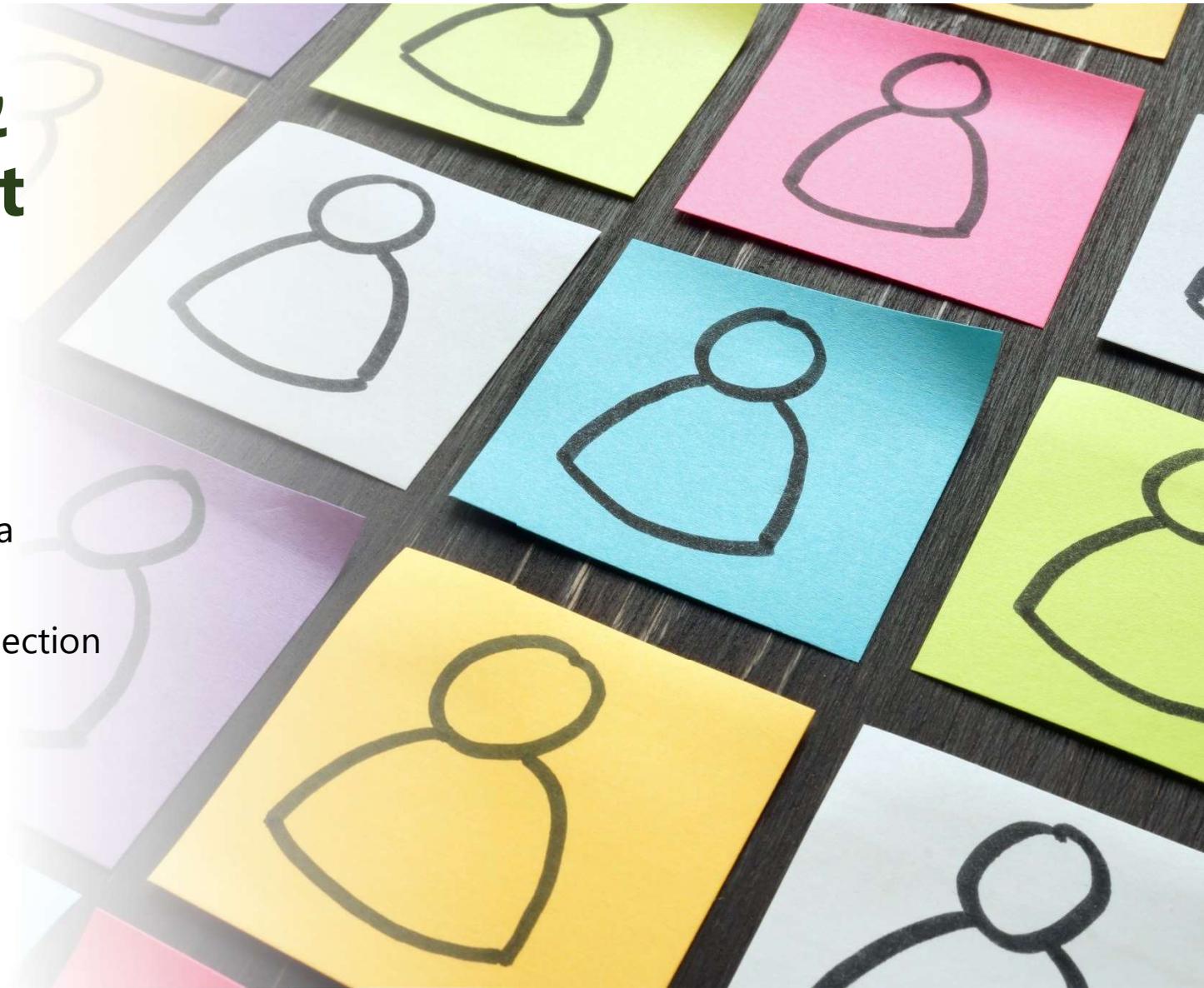
MRSC

- ✓ Creates single sign-up process for businesses
- ✓ Centralizes reporting
 - Add reporting to portal
 - Notifications
 - Documentation
- ✓ Enhances platform
 - Eligibility
 - Identification
 - Outreach



Statewide & Independent Rosters

- Integrate OMWBE certification data
- Follows DES rules on rotation, outreach, data collection
- Demographic data collection
- Annual notice



Updated Solicitation Process



Small Works Roster Projects up to \$350,000

- Agency estimate does **not** include sales tax
- Agency invite **all** Contractors from the applicable roster
- *Effective July 1, 2024





Adds Optional Direct Contracting

Under \$150,000

- **Direct contract:** Agencies may direct contract through negotiation with a contractor from the appropriate roster
- **Notification:** Agencies must notify all contractors on the roster
- **Rotation:** Agencies must rotate and not select the same firm repeatedly
- **Small Business preference:** six or more rule



Six or more rule – direct contracting

Under \$150,000

Certified Small Business   Not Certified

No small business

Contract with any



6 or more small

Contract with small



5 or less small

Contract with any



Department of Enterprise Services



- ✓ Updating its Public Works rules (WAC 200-330)
 - Rotation
 - Documentation
 - Contract cap
 - Responsibility criteria
- ✓ Creating bidding templates



Washington State
DEPARTMENT OF
ENTERPRISE SERVICES

Department of Labor & Industries



- ✓ Updating prevailing wages rules for contracts under \$2,500 (WAC 296-127-050)
- ✓ Providing education and technical assistance to public works firms



Retainage and Bonding Changes



For contracts greater than \$5,000:

- Agencies may reduce or waive retainage
 - Agencies take on liability for unpaid wages and taxes.
- Agencies no longer allowed to waive performance and payment bonds



Retainage and Bonding Changes (continued)



For contracts less than \$5,000:

- No retainage or bonds required



Get Ready For the Changes: Step 1



- Choose if you will opt in to the new \$350,000 limit for small works roster

Get Ready For Changes: Step 2



If adopting the statewide roster

- Sign up now for the roster through MRSC

If keeping independent roster

- Integrate OMWBE certification data
- Set up demographic data collection
- Follow DES rulemaking



bit.ly/SmallWorksChanges

HB 1050: Apprentice Utilization



Current Utilization Requirements



RCW 39.04.320 applies to school districts, four-year institutions of higher education, and certain state agencies.



Requirement for apprentices to contribute a minimum of 15% of total labor hours on:

- Public works projects estimated to cost \$1 million or more, and
- Washington State Department of Transportation projects estimated to cost \$2 million or more.

Apprentice Utilization Requirements



Contracts with apprentice utilization requirements must:

- Specify the apprentice utilization goals that must be met
- Provide monetary incentives and penalties for the goals

HB 1050: Key Updates



RCW 39.04.320 revised to include "Municipality", as defined in RCW 39.04.010

to:

- Counties
- Cities
- Towns
- Port districts
- Other public agencies





HB 1050: Key Updates (continued)

L&I along with MRSC will provide ongoing training, information, and technical assistance to help you comply with the apprentice utilization requirements."





HB 1050: Municipality Requirements for Public Works

Require no less than 15% of total labor hours be performed by apprentices.

July 1, 2024

Contracts estimated to cost more than \$2 million

July 1, 2026

Contracts estimated to cost more than \$1.5 million

July 1, 2028

Contracts estimated to cost more than \$1 million

SB 5088: Expanded Contractor Registration Requirements



SB 5088:Key Updates



Effective July 23, 2023:

- Bidder responsibility criteria amended in RCW 39.04.350 now includes licensing requirements for plumbing, elevator, and electrical contractors.
- With elevator and electrical contracts already in law, contractor verification for subcontractor responsibility criteria in RCW 39.06.020 amended to include verification of a plumbing contractor license.



SB 5088:Key Updates (continued)



Effective July 23, 2023:

- Prohibition on bidding on future contract provisions in RCW 39.12.055 is expanded to include violations of unregistered plumbing, elevator, and electrical contractors.
- Independent contractor criteria in RCW 39.12.100 now includes plumbing and elevator contractors that have a valid contractor license registration on the effective date of a public works contract.



HB 1086: Increased Project Limits: Community Service Organization Contracts





HB 1086: Impacted Agencies

[RCW 35.21.278](#) provides authority for community organization contracts to cities, towns, counties, school districts, ports, and parks.





HB 1086: Key Updates

Effective July 23, 2023:

- Per-year limit for community organization contracts increased from \$25,000 to \$75,000.
- Benefit received reduced from three times the amount to two times the amount of payment to community service organization.





HB 1086: Key Updates (continued)

Effective July 23, 2023:

- The definitions expanded of 'improvements' and 'maintenance' that can be provided.
- Requirement that community service organization volunteers do not receive wage or salary compensation.



HB 1777: Contracts for Energy Services & Equipment



HB 1777:Key Updates



Effective July 23, 2023:

- RCW 39.35C.010 is amended to add definition for 'energy as a service'.
- Additional language is added to define a 'performance-based contract' in RCW 39.35A.020 and RCW 39.35C.010.



HB 1777:Key Updates (continued)



Effective July 23, 2023:

- RCW 39.35C.050 is amended to authorize state agencies, public school districts, public universities, and municipalities to enter into an ‘energy as a service’ contract by acting independently or through the Department of Enterprise Services (DES).
- RCW 39.35C.060 is revised to include public school districts, public universities, and municipalities. These entities now have ability to use financing contracts in addition to performance-based contracts for energy conservation projects.



MRSC Resources



CLICK ON EACH LINK TO LEARN MORE

[2023 Legislative Session Outcomes for Procurement and Contracting, Part 1](#)

[2023 Legislative Session Outcomes for Procurement and Contracting, Part 2](#)

Questions?

Submit your inquiries at [Ask MRSC](#) or call us at 206-625-1300.

You can also reach Josh by email:
jklika@mrsc.org.

