

Agenda

Small Works Roster Updates & Changes

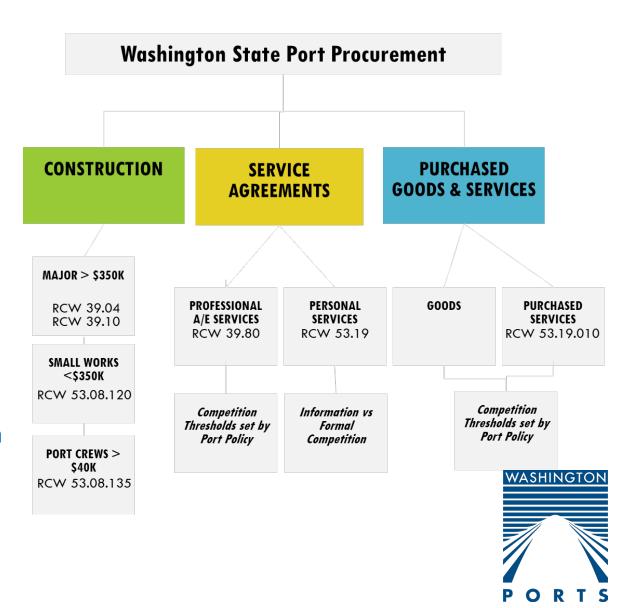
Cooperative Purchasing

Public Works

Unit Price Contracting
Self-performance - Using Port Staff
Maintenance vs. Service

Personal Services

Supplier Diversity & Diversity, Equity & Inclusion Wrap Up – Ongoing Resources





POLLING QUESTION

- •How many of you use MRSC Rosters?
- Yes, my agency loves MRSC Rosters
- Thinking about it
- •No, we use our own
- •What are Rosters?



What is a roster?

Pre-established list of contractors based on:

Specialties – e.g. mechanical, electrical

Categories - e.g. buildings, roads

Geographic – e.g. cities, counties



MRSC Rosters

- Small Works for public works/construction projects
- Consultant which is Professional Services or Consultants for architects and engineers, technical studies, planning, or similar.
- Vendor (and Services) for goods, products, equipment, materials, maintenance etc.



Small Works Defined

- Small Works Roster is an "invite only" process, used in lieu of publicly advertised processes
- Small works are public works projects with estimated costs less than \$350,000
- Small works projects are projects for:
 - Construction
 - Renovation
 - Repair
- "Project" = one-time, not recurring, on-going, as needed, or on-call



Why MRSC Rosters?

Statewide administrator of Municipal and State Small Works Rosters

Free for Small Works: Businesses can be solicited by agencies for small works projects at no cost.

Flexible Rosters: Businesses have options for free or paid membership in consultant and vendor rosters.

Cost-Effective for Agencies: Agencies pay a fee based on their capital expenditures, making the platform accessible for various sizes.

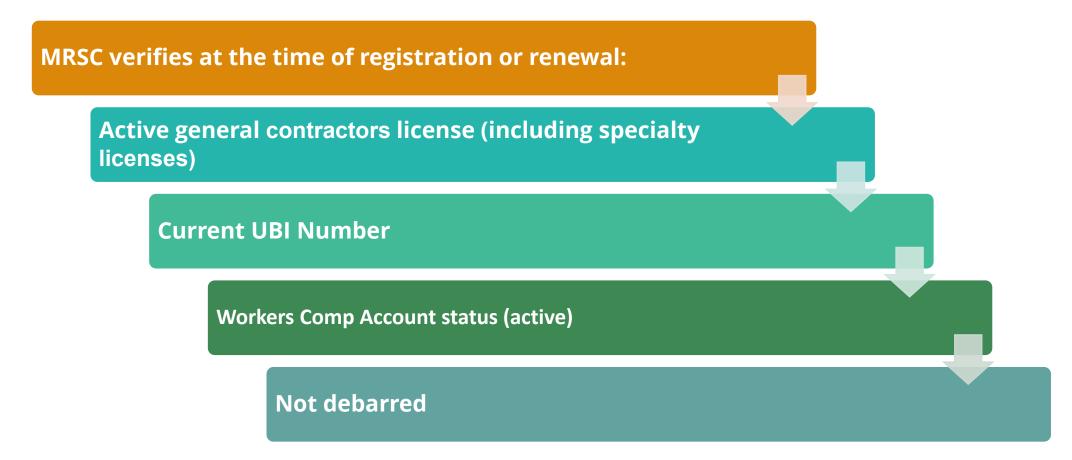


MRSC Roster Features

- * * = * =
- **Application process**
- **/**
- Contractor verification
- Q
- Small business identification
- Accessible reporting and data collection
- Â
- Annual notifications



Contractor Verification



What are agencies responsible for

- Adopt and maintain resolutions, policies and processes
- Develop and maintain and "bidding/solicitation" documents
- Engage or prepare your bid pool
- Award to the lowest responsive and responsible contractor
- Add the bidding and award data into the statewide platform





What was removed?

"Limited" Public Works or under \$50,000 options

invite "3 bid" option

Between \$50,000 and \$250,000

• invite 5 bids option

Must now invite all bidders on Roster list if competitively bidding



WHAT WAS ADDED (as of July 1, 2024)



Created a Small
Business Certification
(race and gender
neutral)



Standardized cost thresholds and adds *direct* contracting option



Established statewide small works roster (MRSC)



Clarified language and adds small works specific definitions



Required reporting and information be available publicly



Built automatic threshold review (every 5 years)



Why change?

Increase	Administration efficiency through addition of a direct contracting option
Improve	Transparency through "centralized" data collection requirements that are publicly available
Spread	The wealth, using more small businesses, avoid favoritism
Increase	The number small projects being awarded to small contractors
Move	Toward a "one-stop-shop" for small businesses and public agencies to connect in the establishment of an official statewide small works roster



Public Works
Small Business
Enterprise
(PWSBE)

Washington State Office of

Business Enterprises



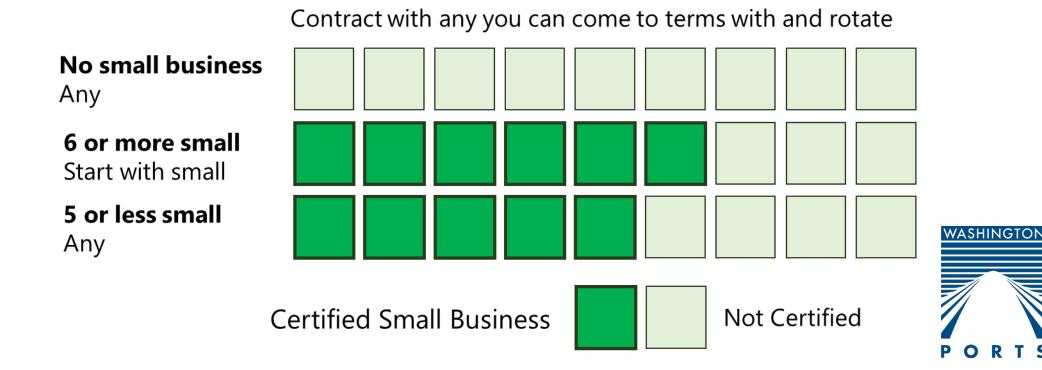
Direct Contracting

- •A **process** for small work projects estimated to cost \$150,000, or less,
- •Intended to focus awards to OMWBE state certified small businesses first (rule of 6)
- Requires rotation amongst businesses
- •Requires a developed small business utilization plan



DIRECT CONTRACTING UNDER \$150K

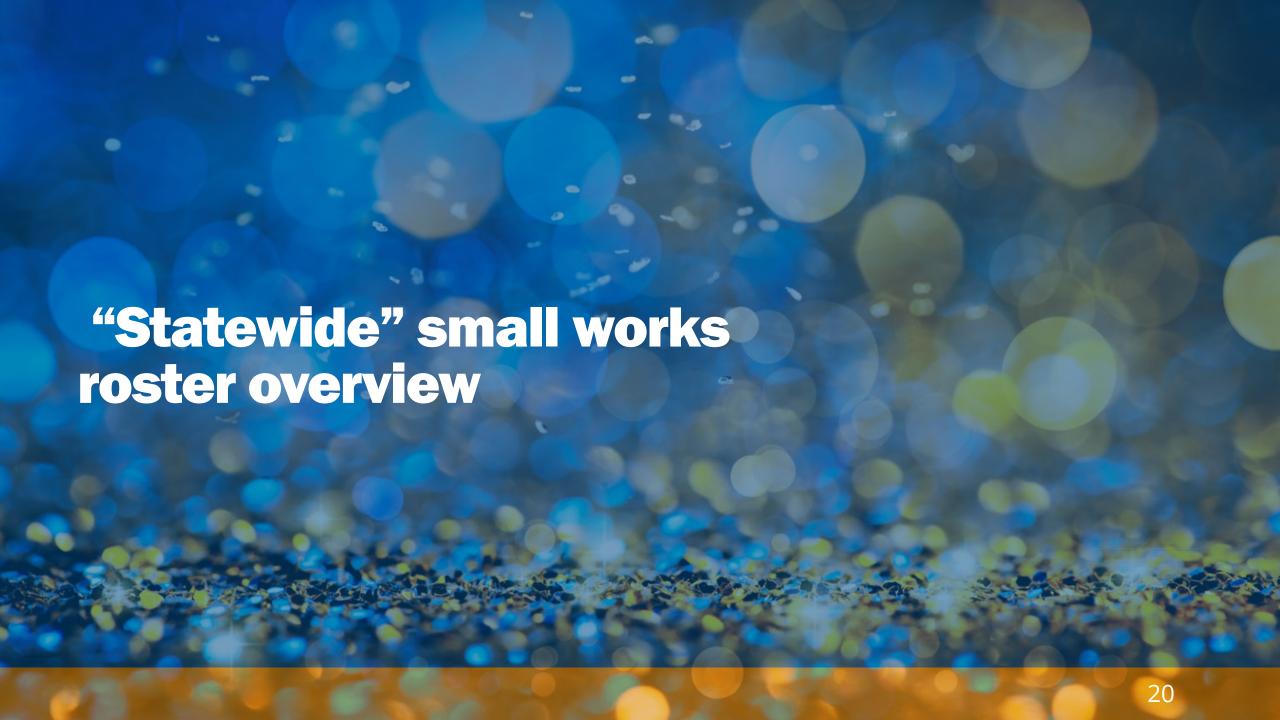
3 likely scenarios when selecting the business to directly negotiate and contract with



DIRECT (or) COMPETITIVE CONTRACTING

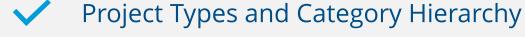
Project Estimate	Competition	Retainage	Bond (Payment & Performance)	Intent & Affidavit
Optional Under \$150,000	Direct contracting (option) with rotation* OR invite bids from every contractor on the "project specific roster"	Under \$5,000 no retainage required \$5,000 or more agencies option to assess risk and determine reduction or waiver	Under \$5,000 no payment or performance bond required For \$5,000 or more contractors have the option to indicate a preference to withhold 10% in retainage in lieu of a payment and performance bond	Under \$5,000, combined form will be allowed (vs. old \$2,500) \$5,000 or more intents and Affidavits required
\$0 - 350,000	Invite all contractors on the project specific roster	Agency's option to assess risk and determine reduction or waiver	Payment/Performance Bonds Required	Intents and Affidavits required





The new statewide Small works roster platform





- Functionality for Direct Contracting
- Documentation of bid tabs
- Publicly Available award data



SMALL WORKS ROSTERS DASHBOARD

Department of Enterprise Services's Projects

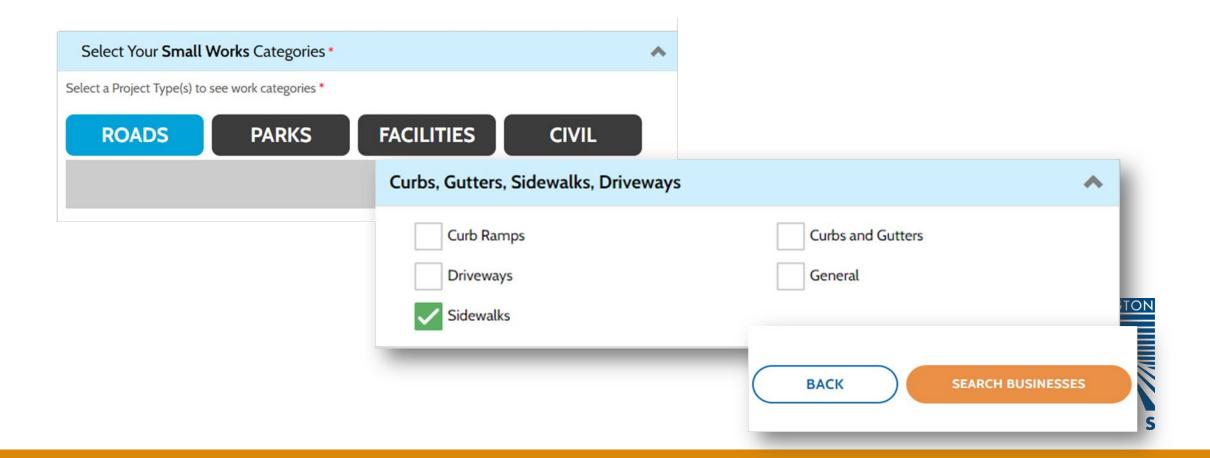
Click on "Project ID #" to document business contacted and outcomes

Show hidden

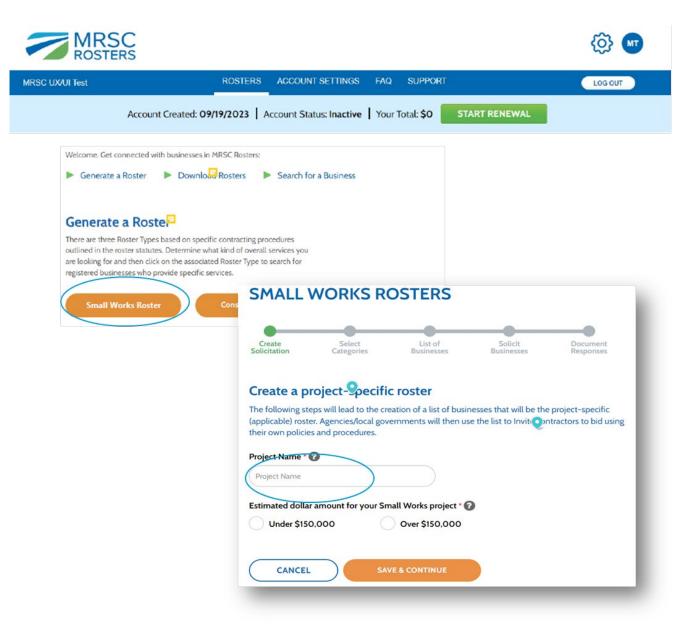
	STATUS	SOLICITATION METHOD	ROSTER ID	PROJECT NAME	LAST EDIT DATE	CREATED BY
â	Open	Not Selected Yet	DS-24- 0032	24-986 TCC 19th and 12th St. Reader Boards and Signs	08/27/2024	Jeremy, Orenstein
â	Open	Not Selected Yet	DS-24- 0031	SPS EV	08/23/2024	Essa, Oro
â	Open	Not Selected Yet	DS-24- 0030	Van Tassel Windows	08/23/2024	Eric, Lester
â	Open	Not Selected Yet	DS-24- 0029	safety railing	08/23/2024	Majid, Jamali
	Evaluate	Competitive Bid	DS-24- 0028	Echo Glen HVAC AC Upgrades	08/20/2024	Jeremy, Orenstein
	Evaluate	Direct Contracting	DS-24- 0027	Concrete Repair	08/19/2024	William Vestal, Yarbrough
â	Open	Not Selected Yet	DS-24- 0026	DOB Check	08/16/2024	David, Opp- Beckman
	Evaluate	Direct Contracting	DS-24- 0025	25-093 - NRB HVAC System Revision	08/15/2024	siamak, koloushani

Project Types

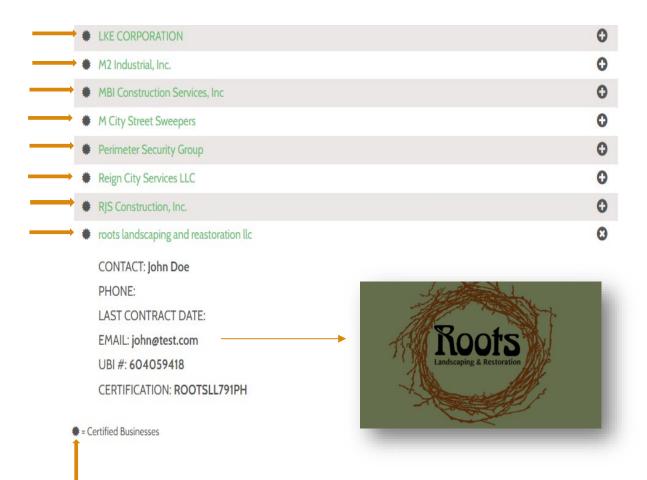
 Roads, Parks, Buildings/Facilities and Civil work covers 95% of roster projects over the last several years (based on L&I data)



DIRECT CONTRACTING OPTION



Direct contracting - under \$150,000



Steps for Direct Contracting

- 1. Interest email is sent to the next *rotated business* on the project-specific roster, asking if they you interested in bidding? No other bidders will be contacted unless the contractor declines, or an agreement is not reached on the price.
- 2. Email will contain the solicitation/bidding package: Invitation, Scope, Bid/Negotiation Form, etc.
- 3. Reach agreement
- 4. Award

Direct contracting (rule of six)

SMALL WORKS ROSTERS



List of Businesses

Below is the Roster Business List for your records.

Click "Solicit Businesses" to solicit businesses for your project.

SOLICIT BUSINESSES

Which Small Works Roster Process do you intend to use? * 🕡

Competitive Bid

Direct Contracting

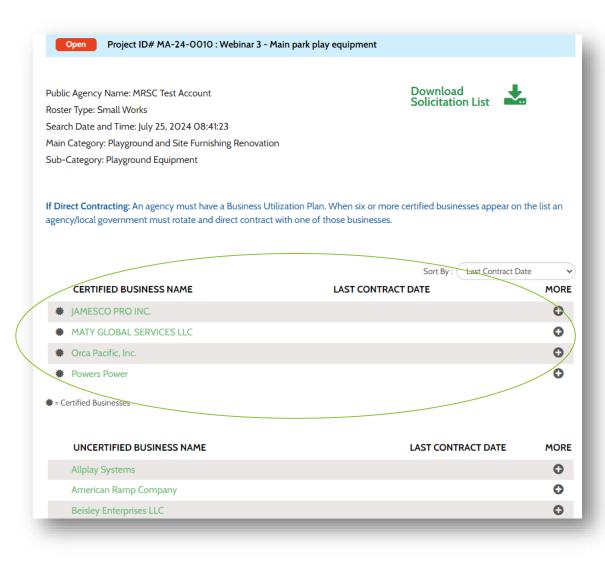


Project ID# PL-24-0001: Levana Test 718

Public Agency Name: Public Agency Levana Roster Type: Small Works Search Date and Time: July 18, 2024 14:36:54 Main Category: Fencing Sub-Category: General Download Solicitation List

If Direct Contracting: An agency must have a Business Utilization Plan. When six or more certified businesses appear on the list an agency/local government must rotate and direct contract with one of those businesses. Sort By: Last Contract Date CERTIFIED BUSINESS NAME LAST CONTRACT DATE MORE * Accurate Impressions Landscaping LLC 0 Adekoya Business Consulting LLC 0 0 Woodland Industries 0 Belarde Company Black Hills Excavating Inc. 0 * Custom & Mobile Welding LLC dba JB Welding # Esquadra NW INC Express Iron Works, Inc. **■** LKE CORPORATION 0 0 M2 Industrial, Inc. MBI Construction Services, Inc. 0 M City Street Sweepers 0 0 Perimeter Security Group 0 Reign City Services LLC RJS Construction, Inc. * roots landscaping and reastoration llc **CHANGE TO COMPETITIVE BID** = Certified Businesses

Direct Contracting (Five or fewer)



- An agency can direct contract with any business on the list
- Rotate through any contractor
- Public Agencies are responsible for writing their own Rotation Policy

Direct contracting - Key takeaways

Must have a Business Utilization Plan prior to soliciting

Must have a rotation policy

Must have an approach to invite and accept a bid from a single contractor

Only engage one contractor at a time

If a bid is not accepted/acceptable, have strong rationale and documentation as to why



Soliciting

Email Contacts

EMAIL ALL



To send a solicitation email using your default email client, such as Outlook, click "Email All." Otherwise, you can manually paste all email addresses of the roster business contacts below by clicking "Copy to Clipboard." then pasting into your preferred email client.

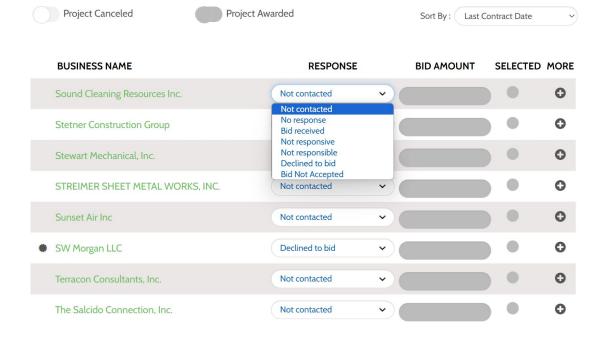
Note that some email clients, such as Outlook, limit you to 100 recipients per email. If you are reaching out to more than 100 contacts the "Email All" function may not work. In this case, please download contacts above, and send your email in batches.

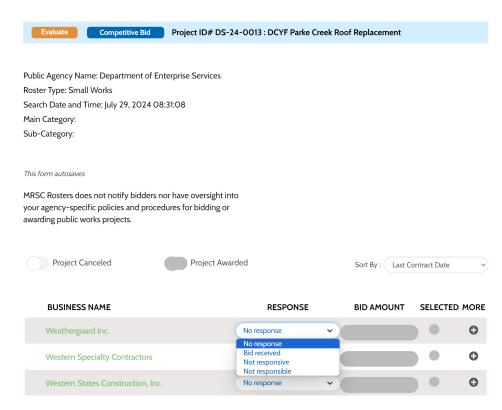
copy to clipboard

aactiongroup@yahoo.com; aactiongroup@yahoo.com; aacton@westcoast-mech.com; aamexinc@gmail.com; abby@CrescentMechinc.com; able_air@msn.com; abrunson@hvacmorgan.com; ac_electric_service@yahoo.com; ac_electric_service@yahoo.com; adam@bratoniamech.com; Adam@capitolductcleaning.com; admin@sabrcollc.com; admindcnxwest@ainsworth.com;



Documentation









Small Works AWARD Data



MRSC SMALL WORKS DATA

The following lists the awarded small works roster projects as documented in MRSC Rosters. MRSC only records those projects and rosters generated using MRSC Rosters. Agencies/local governments may use their own roster and post their own data separately. As required by RCW 39.04.152(6) after an award is made the information shall be recorded and publicly available. MRSC does not keep any physical bidding or award documentation. To request copies of documents please contact the Awarding Agency directly.

Last updated: August 12, 2024 11:43 AM | Data provided by: MRSC

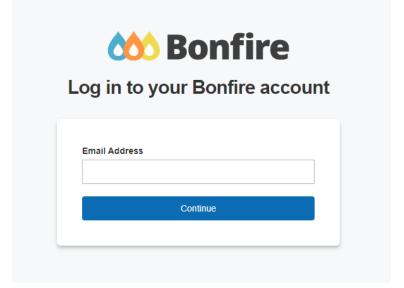


Aw	varding Agency
	Port of Bellingham
	PUD No. 1 of Clallam County
	Public Utility District No. 1 of Lewis County
	City of Camas
	MRSC Test Account
	Kitsap PUD (Public Utility District No. 1 of Kitsap County)
S	how More
Sm	nall Works Roster Process
	Competitive Bid
	Direct Contracting

Solicitation date	Project ID #	Project Name	Process	Awarding Agency	Business Name	Award Amount	More
2024-07-01	CC-24-0001	Influent Pump S	Direct Contracti	City of Centralia	WCCL SYSTEM	\$118,791	0
2024-07-01	CL-24-0001	188th St SW As	Competitive Bid	City of Lynnwood	Olympic Paving,	\$16,000	0
2024-07-01	KC-24-0004	TEL-260665 De	Competitive Bid	Kitsap PUD (Pu	Tercom Constru	\$4,696	0
2024-07-02	CC-24-0002	Summa Street	Competitive Bid	City of Centralia	Puget Paving &	\$9,177	0
2024-07-05	CS-24-0001	Sedro-Woolley Facilities Painting Project 2024	Competitive Bid	City of Sedro- Woolley	5 Star Services inc	\$19,982	•
					Long Painting Company	\$41,764	•
					Pacific Facility Solutions, Inc	\$22,827	
				/	Sultini LLC	\$22,824	
					Super bros painting llc	Not responsive	
					Surface by design	Not responsive	



- •MRSC Electronic Bidding is a unique and exclusive program for agencies looking to move their contracting online
- Licenses cost \$2,500 annually and do not charge bidders to access
- Online submissions are sealed without the need for paper or email
- •Agencies can invite MRSC-rostered vendors with ease on a wide array of project types





Cooperative purchasing

RCW 39.34.030

Combining the buying power of multiple agencies to achieve

Lower pricing

Reduction in administrative costs

Speedier procurement (previously completed)



Cooperative purchasing

Category	Cooperative	Membership Required	Key Features	Examples of Contracts
State Contracts	NASPO ValuePoint	No	Leverages buying power of all states, competitive pricing	IT services, office supplies
	State Procurement Office Websites	No	State-specific contracts, accessible to local entities	Construction services, vehicles
Membership- Based Cooperatives	OMNIA Partners	Yes	Wide range of contracts, additional benefits like training and resources	Furniture, technology solutions
	National Cooperative Purchasing Alliance (NCPA)	Yes	National reach, reduces cost of goods and services	Maintenance supplies, public safety equipment
Interlocal Agreements	Interlocal Purchasing System (TIPS)	No	Competitively procured contracts, available to various public entities	HVAC systems, playground equipment
	Houston-Galveston Area Council (HGACBuy)	No	Government-to-government contracts, extensive range of products and services	Emergency vehicles, public works equipment
Other Cooperative Options	Sourcewell	No	Cooperative purchasing solutions, large member base	Fleet management, educational technology



Cooperative purchasing

Piggybacking on a Contract

- Ensure your policies/procedures authorize use of cooperative purchasing (RCW 53.08.240)
- Ensure you have an interlocal agreement or membership agreement in place with the agency or cooperative
- Review the proposed contract to ensure it meets the requirements outlined by RCW/State Auditor
 - Utilize a checklist
 - Save Due Diligence Documents
- Ensure that the contract or PO references the contract name/number

Sample procurement policy language

The Port may participate in, sponsor, conduct or administer a cooperative purchasing agreement with one or more public bodies or agencies for the purpose of achieving economies of scale, increased efficiency or reduced administrative expenses, in accordance with RCW 39.34.030, as it now is or may be amended.

1. Piggyback Contracts

The Port may opt to fulfill its purchasing requirements by obtaining goods and services from contracts made available by Federal, State or other governmental agencies or purchasing cooperatives. Since these contracts were competitively bid by the lead agency, such purchases may be made by the Port without further competitive solicitation, provided they are in the best interest of the Port. The Procurement & Contracts Manager will review and approve all contracts to ensure they meet the requirements of RCW 39.04.030. The Port must have an interlocal purchasing agreement, or equivalent, with the federal state or public entity to utilize that entities contracts.

2. Purchasing Cooperatives:

The Port may join purchasing cooperatives, provided that the purchasing cooperative meets the requirements of RCW 39.34.030 as it stands now or may be amended. The Commission shall take appropriate action prior to the Port becoming a member.

- a. Individual Entities: The Port may enter into an interlocal agreement or other similar agreement with another public agency for the purposes of cooperative purchasing. The Commission shall take appropriate action to approve such an agreement.
- b. Piggyback Purchases: Prior to utilizing contracts available from a purchasing cooperative or individual entity, the Procurement and Contract manager shall work with the end user to ensure that the contract meets the requirements of RCW 39.34.030 as it stands now or may be amended.
- c. State Contracts: The Port may utilize State of Washington contracts, as well as State of Oregon contracts, without verifying that the contract meets the requirements of RCW 39.34.030.



Sample piggyback clauses:

"This contract is intended to be used by other governmental entities through interlocal agreements as authorized by RCW 39.34.030. The vendor agrees to extend the same terms, conditions, and pricing to any public agency that wishes to utilize this contract, provided that the public agency has entered into an interlocal agreement with the contracting agency."

"Participating public agencies:

The county has designated U.S. Communities Purchasing and Finance agency (U.S. Communities) as the agency to provide Administrative Services related to purchases by other governmental entities (participating public agencies) under this agreement.

At county's sole discretion and option and upon vendor entering into the requisite US Communities administration agreement, participating public agencies may acquire items listed in this agreement. Such acquisition(s) shall be at the prices stated in this agreement, or lower. "

Appendix A: Use this optional checklist when using the piggybacking alternative to public bidding (under the Interlocal Agreement Act)

Date performed
Completed by (name and title)
Project name

If you answer 'no' to any of these questions, you should not proceed with piggybacking under the Interlocal Agreement Act. If the issue is with a particular contract, then you might be able to locate a different contract and proceed.

Checklist question	Yes/no	Notes
Determining if piggybacking is the right option		
Did you evaluate your procurement options (and the pros and cons) to determine if piggybacking is the best option for the procurement?		
Does your procurement policy allow you to piggyback onto another's award? If so, do you meet the terms of your policy?		
3. Have you familiarized yourself with state requirements pertaining to piggybacking in RCW 39.34.030?		



Challenges to piggyback contracting

Contract Variability

Inconsistent terms can create confusion.

Change Management

Managing scope changes can disrupt timelines.

Term Language

Ambiguity may lead to misinterpretation.

Coordination with Lead Agency

Aligning timelines with purchase orders can be challenging.

Understanding the Master Contract

Use only if the scope is clear and matches organizational needs.





Cooperative purchasing resources

The ABCs of Piggybacking (blog post)

<u>Intergovernmental Procurement and 'Piggybacking' (topic page)</u>

WA State Auditor's Office Resource Library for Procurement

Pavilion (formerly CoProcure)







Public Works Construction

"PUBLIC WORK" MEANS ALL WORK,
CONSTRUCTION, ALTERATION, REPAIR, OR
IMPROVEMENT OTHER THAN ORDINARY
MAINTENANCE, EXECUTED AT THE COST OF THE
STATE OR OF ANY MUNICIPALITY.......

ALL PUBLIC WORKS, INCLUDING MAINTENANCE
WHEN PERFORMED BY CONTRACT SHALL
COMPLY WITH CHAPTER 39.12 RCW.
(PREVAILING WAGE)



Public Works

Procurement Methods & Bid Thresholds

Major Construction > \$350K (Chapter 39 RCW)

- Project Delivery Methods:
 - Design Bid Build (Low Bid) (39.04 RCW)
 - Design Build (39.10 RCW)
 - GC/CM (General Contractor/Construction Manager)(39.10 RCW)
 - Building Engineering Systems (39.04.290 RCW)
- Small Works < \$350K (53.08.120 RCW)
 - as presented by MRSC
- Job Order Contract
 - Greater than or equal to \$500K
 - RCW 39.10

Public Works Recent Legislation

Apprentice Utilization Requirements (AUR)

RCW 39.04.320(1)(a)(ii) As of July 1, 2024, for all public works contracts awarded by a municipality [awarding agency] estimated to cost \$2,000,000 or more, ...specifications must require that no less than 15 percent of the labor hours be performed by apprentices.

- ■Estimated to cost \$1.5M beginning July 1, 2026
- ■Estimated to cost \$1M beginning July 1, 2028

Practice Tip: the awarding agency's estimate determines the requirement, not the bid amount



Public Works AUR Bidding Requirements

- ••RCW 39.04.320(4)(b) "... There must be a specific line item in the contract specifying that apprenticeship utilization goals should be met, monetary incentives for meeting the goals, monetary penalties for not meeting the goals, and an expected cost value to be included in the bid associated with meeting the goals."
- ****RCW 39.04.320(8)** "All contracts subject to this section *must include specifications* that a contractor or subcontractor may not be required to exceed the apprenticeship utilization requirements of this section."
- ••RCW 39.04.350(1)(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 ...under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation.
- ••RCW 39.04.350(2)(e) "If the bidder has a history of receiving monetary penalties for not achieving the apprentice utilization requirements pursuant to RCW 39.04.320 or is habitual in utilizing the good faith effort exception process, the bidder must submit an apprenticeship utilization plan within ten business days immediately following the notice to proceed date."

WASHINGTON

Public Works AUR Good Faith Efforts (GFE)

How do we document GFE?



Good Faith Effort

Date: Contract Number: Contractor:

- 1. Apprentice utilization requirements in contract:
- 2. The amount of apprentice labor hours the contract did attain expressed as a percentage of labor hours:
- 3. Reason(s) for not obtaining apprentice labor hours, and depending on what good faith effort topic used and will need to address some or all of the following:

- 4. Names of any State-approved apprentice training programs contacted and provide the name of person(s) contacted and dates of contacts:
- 5. Reference contract specifications or documents that affected your ability to attain apprentice utilization:
- 6. Discuss efforts taken to require subcontractors to solicit and employ apprentices:

7. Provide backup documentation to the letter. Backup documents to the letter can consist of the following: Letters, emails, phone logs including names, dates and outcomes, posters, photos, payroll, timecards, schedules, copies or references to other contract specifications or documents such as TERO, Disadvantaged Business Enterprise (DBE) or special training.

Position the agency to start work immediately and accomplish small projects quickly and cost effectively.

Provide specific trade contractors that can respond to project needs quickly with previously bid unit prices, bonds and insurance, safety plans, and security badging in place.

Public Works Unit Price Contracting (On-Call)



WA#	WA Type	WA Value
<u>10539</u>	Plane Power Vending - STIA Baggage Claim and Ticketing Lev	<u>/el</u>
		\$33,800.49
<u>10564</u>	Cargo 161F Door Repair-STIA	
		\$2,870.75
<u>10577</u>	Electrical Charging Station Phase 2 - STIA A1, B1, B7, S2, and	S9 EGSE
		\$73,149.62
<u>10586</u>	Restroom PH IV Electrical - STIA Concourse C	
		\$12,884.41
<u>10645</u>	Space Conversion Phase II - STIA Main Terminal	
		\$32,186.39
<u>10650</u>	Nameplate -Panel Settings - STIA Concourse A Ramp Level	
		\$1,021.72
<u>10666</u>	<u>Perimeter Intrusion Detection Systems Proof of Concept - ST</u> <u>Lighting Vault</u>	<u>IA Airfield</u>
		\$19,756.73
<u>10679</u>	Breach Buttons Installations - STIA TSA Security Checkpoint	at IAF
		\$9,808.90
<u>10685</u>	Cafe Electrical Repairs - STIA 2nd Floor	
		\$1,021.73
PCS_88_0	Relocate Global Entry Kiosks - STIA SSAT, IAF	
		\$4,903.17
WA 10646	Automatic Transfer Switch - STIA Parking Garage Structure	
		\$52,564.34

Public Works Unit Price Contracting (On-Call)

Work Authorizations

Average 14 projects each contract Values range from \$1,000 to \$100,000 Average \$20K



Work Authorizations/Work Orders

- NTE Time and Material or Lump Sum
- Schedule
- Scope
 - Tech specs/drawings
- Contractor's estimate (based on unit prices bid) and Port's ICE
- PO ensure funds in budget

Invoice Payments

- Daily Reports to verify hours
- Receipts for reimbursables items like materials, equipment, permits, disposal

Public Works Unit Price Contracting (On-Call)



Item #	Items of Work	Bid Qty	Bid Unit	Prices	Allouit	
"		a.y		\$	\$	¢
1	Electrician Foreman– Day Rate	700	HR			
2	Electrician Foreman– Night Rate	300	HR			
3	Electrician Journeyman– Day Rate	700	HR			
4	Electrician Journeyman– Night Rate	300	HR			
5	Subcontractor: mark-up not to exceed 10%		\$2,000	x% + \$2,000 =		
•	Materials:	4== 000				
6		x% + \$75,000 =				
7	Equipment:		\$8,000	v		
,	mark-up not to exceed 20%	\$8,000 x% + \$8,000 =				

Average Use of Last Three Electrical On-Call Contracts

Item #	Items of Work	Average Use of Last Three Electrical On-Call contracts	Unit
1	Electrical Foreman– Day Rate	400	HR
2	Electrical Foreman– Swing Rate	0	HR
3	Electrical Foreman – Graveyard Rate	237	HR
4	Electrical Journeyman– Day Rate	289	HR
5	Electrical Journeyman– Swing Rate	0	HR
6	Electrical Journeyman– Graveyard	221	HR
7	Subcontractor: mark-up not to exceed 10%	14,894.00	\$
8	Materials: mark-up not to exceed 20%	30,314.79	\$
9	Equipment: mark-up not to exceed 20%	951.79	\$
10	Permits & Testing: mark-up not to exceed 20%	1,024.04	\$

Construction Unit Price Contracting (On-Call) Important contract clauses

"The contract will last one (1) year, 365 calendar days, from the official contract award date, which is the date the Port of Seattle signs the Agreement, or until the contract amount is depleted, whichever comes first. This contract contains an option to extend the contract time up to 12 months beyond the original contract completion date.

Labor and Industries require a "Statement of Intent to Pay Prevailing Wages" and "Affidavit of Wages Paid". The expense of such is the responsibility of the Contractor. If the Port exercises its option to extend the contract an additional year, then new Intents and Affidavits will be required for the additional contract year at the prevailing wage rates published at that time. The contract rates will be amended to reflect the changes in prevailing wage, if any.

It is anticipated that the Contractor will be issued multiple contractor Work Authorizations against this Contract, however, the Port of Seattle does not guarantee any minimum amount of work associated with this Contract or that the combined value of any contractor Work Authorizations issued under this Contract will exactly total the Contract amount."

WASHINGTON

Self-Perform Public Works

State law (RCW 53.08.135): "Port districts shall determine if any construction project over forty thousand dollars can be accomplished less expensively by contracting out. If contracting out is less expensive, the port district may contract out such project."

Questions an auditor may ask:

- a. Does the Port have a policy or internal process to determine whether construction projects over \$40,000 can be accomplished less expensively by contracting out? Please provide the policy if applicable and provide a brief description of the process determination and who would make that determination.
- a. If the Port determines that contracting out is less expensive, how does the Port determine whether to contract out or use Port employees and who would make the final approval?



Declaration of Self-Performance

Memorandum

This analysis will be performed whenever Port crews are considered for performance of construction (new facilities or renovation or expansion of existing ones). It is not required for work to be contracted out.

Date: [Date]
To: FILE

From: [Name, Title]

Re: Performance of Work by Port Crews – [Project Name]

Per RCW 53.08.135, Port districts shall determine if any construction project over forty thousand dollars can be accomplished less expensively by contracting out. If contracting out is less expensive, the port district may contract out such project.

Staff has determined the estimate for this project is over forty thousand dollars and intends to utilize port crews to perform the work. This determination was made due to the following:

[Select from the list below and describe the reasoning for the determination]

Safety
Risk to Operations
Risk to Assets
Coordination (consider all stakeholders)
Cost Considerations
High risk of unknown/unforeseen conditions
High probability of work stoppages

[Attach the scope and estimate]

The scope of work and an estimate for this project is attached.

Public Works – Emergency Conditions

Applicable Statutes include:

RCW 53.08.120, 39.04.280 & 39.04.020

Exemption from Competitive Bidding

Public Notice is Required

Enter on Record per statute (and port policy)



Maintenance

When is it a Public Works VS Purchased Service VS Ordinary?

Construction Maintenance = Public works with Prevailing Wage

Maintenance via Contract = Purchased service with Prevailing Wage

Maintenance via Port staff = Ordinary and No Prevailing Wage

WAC 296-127-010:

- (7)(a) "Public work" means 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.
- (iv) 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;
- (b) The term "public work" shall not include:
- (ii) Ordinary maintenance is defined as <u>maintenance work performed by the regular employees</u> of the state or any county, municipality, or political subdivision created by its laws.



	Public Work	Maintenance	Service (Purchased Service)
Definition	RCW: 39.04.010	WAC 296-126-040	RCW 53.19.010
	Public work" means 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.	Work that keeps existing facilities in good usable, operation condition, not including ordinary maintenance (work performed by in-house employee)	Services provided by a vendor to accomplish routine, continuing, and necessary functions. "Purchased services" includes, but is not limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis
Bid Laws:	Direct Buy - Under \$40K Small Works \$40,001-\$350,000 Formal: \$350,000	Per Port Policy	Per Port Policy
Contract Requirements	Prevailing Wages Apply Bidder Responsibility Criteria apply Performance/Payment Bonds Retainage	Prevailing Wages Apply Per Port's Policy	Per Port's Policy

Common Public Work and Purchased Service Projects

Public Work with Prevailing Wage and Bid Limits	Purchased Service with Prevailing Wage	Purchased Service w/o Prevailing Wage
HVAC Maintenance	Building Maintenance Services	Remote HVAC Monitoring/Adjustment
Construction Site Sweeping	Street Sweeping	
Landscaping/Construction Maintenance	Groundskeeping	
Tree Removal and Disposal*		Tree Removal and Disposal*
Tree Trimming, Removal, and Disposal Under Power Lines		
Elevator Repairs		Elevator Inspection
Building Generator Repair & Maintenance		Mobile Generator Repair & Maintenance
Shoveling Snow Off Building Roof		Snowplowing in Streets
Snowplowing at a PW Construction Site		
Street/Road Striping		
Electrical, Plumbing, Painting		
Vactoring, Sewer/Storm Sewer Cleaning		
Transfer Station Repair or Maintenance		
	Potholing, Drilling for Geotechnical Investigations	
	Construction Staking	
	Traffic Control (Flagging)	
	Fire Extinguisher Inspection & Replacement	
		Moving Services
		Furniture Delivery
		Garbage Collection/Disposal, Recycling

Services



Purchased Services



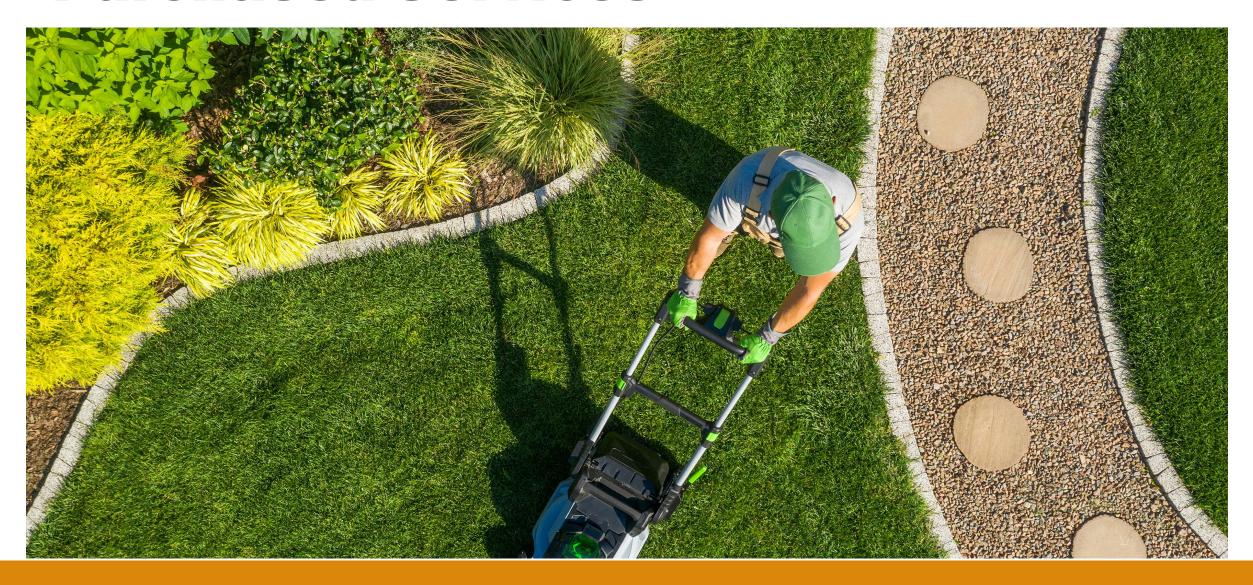
Professional Services (A&E)



Personal Services



Purchased Services

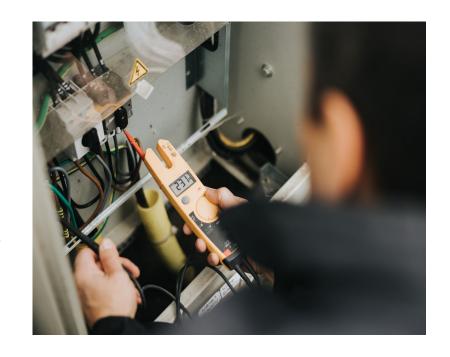


Purchased Services

RCW 53.19.010 (8)

"Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions.

"Purchased services" includes, but is not limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.





Other Purchased Services Examples

Landscaping and building maintenance

Herbicide application

Recycling/disposal/litter pickup service

Vehicle inspection, lubricating, and repair services



Purchased Services Contract Requirements

- Local governments in Washington have no statutory requirements for purchased service contracts, unless the contract requires prevailing wages.
- Competition thresholds set by Port policy.





Professional Architecture & Engineering (A&E) Services



Professional A&E Services

As defined in RCW 39.80.020, architecture and engineering (A&E) services under general statutory definitions of:

- Architecture (RCW 18.08)
- Engineering (RCW 18.43)
- Land surveying (RCW 18.43)
- Landscape architecture (RCW 18.96)







Professional A&E Services Contract Requirements

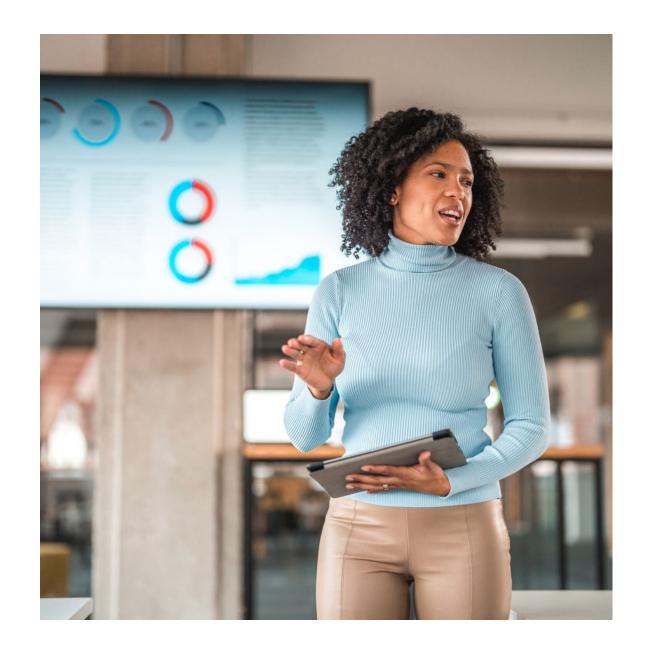
Follow uniform requirements of RCW 39.80, known as "qualifications-based selection" (QBS). Competition thresholds set by Port policy.

- •Requests for Qualifications (RFQs) ask only for a firm's general capabilities, price not considered.
- •Consultants submit qualifications and/or a non-cost proposal to Port. The Port then assesses the expertise of firms, selects the most highly qualified firm, and negotiates the final project scope and associated fee.
- •If Port and most highly qualified firm cannot reach an agreement, negotiate with the next most highly qualified firm.





Personal Services



Personal Services

RCW 53.19.010 (6)

"Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement which may not reasonably be required in connection with a public works project meeting the definition in *RCW 39.04.010(4). "Personal service" does not include purchased services as defined under subsection (8) of this section or professional services procured using the competitive selection requirements in chapter 39.80 RCW.







Personal Services examples

Accounting services

Aerial photography
Appraisal services
Claims management services
Environmental planning
Executive recruitment
Financial advisor services
Grant writing
Lobbying services
Training

Question:

How should a Port treat non-A/E services reasonably required in connection with a public works project as defined in RCW 53.19.010 (6), even if they would otherwise be considered personal services?

Examples: appraisals, wetland biologist reports, environmental consultant services

Answer:

Non-A/E services reasonably required in connection with a public works project are not subject to competitive solicitation monetary limits, because they are not personal service contracts under RCW 53.19.010(6). At the same time, they are not subject to qualifications-based selection (QBS) requirements, so that price can be considered in initial selection (except, possibly, for funding agency restrictions on use of grant funds).





Personal Services Exemptions to Competition (RCW 53.19.020, 53.19.030, 53.19.040)

- Emergency contracts filed w/ commission and made available for public inspection within 7 working days following the commencement of work or execution of the contract.
- Sole source contracts filed w/ commission and made available for public inspection prior to the proposed starting date of the contract.
- Contract amendments
- Contracts between a consultant and a port of less than fifty thousand dollars.
- Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the commission when it has been determined that a competitive solicitation process is not appropriate or cost-effective.





Where Personal Services Requirements DO NOT Apply (RCW 53.19.070)

- Contracts specifying a fee of less than fifty thousand dollars
- Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity
- Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof
- Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other governmental entity and a like contract is available to all qualified applicants
- Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source
- Contracts for professional services which are entered into under chapter 39.80 RCW
- Contracts for the employment of expert witnesses for the purposes of litigation or legal services to supplement the expertise of port staff



Level of Competition	Dollar Amount	Solicitation Procedure			
Minimal	Under \$50K	No required competitive process so follow internal adopted procedures.			
Informal	\$50K-\$200K	Informal competitive process, requesting proposals and/or conducting interviews with multiple firms and documenting the process.*			
Formal	Over \$200K	Formal Solicitation (published in newspaper and website)			

Where Personal Services Requirements DO Apply

* Annual publication in a newspaper of general circulation within the agency's jurisdiction to identify personal service requirements and the existence of the consultant roster.



Personal Services Common Solicitation Methods

Acronym	Solicitation Type	Concept	Main Elements		
RFP	Requests for Proposals	Price alone not the general basis for award. Proposers submit qualifications, if not already on file, and a proposed scope of services in response to the agency's specific needs.	 Statement of need (scope) Estimated cost of services Estimated schedule Evaluation criteria Proposal elements needed to be submitted Deadline for acceptance of proposal Port's standard terms and conditions 		
RFQ	Request for Qualifications	Ask only for a firm's general capabilities. May be part of a services roster or part of a formal competitive solicitation. The final selection may be based on a combination of price and qualifications.	List of principalsPrevious projectsNumber of employeesLicenses		



Contract Management for Personal Services

RCW 53.19.060 – Changes in scope of work - amendments

Substantial changes or additions to the original scope of work Submitted to the commission for a determination as to whether the change warrants the work to be awarded as a new contract.

Amendment(s) exceed fifty percent of the original contract Filed with the commission and made available for public inspection prior to the proposed starting date of services under the amendments.

RCW 53.08.440 – Website for contract database – Requirements

Ports with more than ten million dollars in annual gross
revenues, excluding grant and loan funds, shall maintain a
database of a public website of all contracts, including public
works and personal services.



Personal Service Contract File Checklist

Note - Use Not Applicable (NA) to mark those items that do not pertain to a given contract.

Date	By	Proce	dure or Document
Process (Checklist		
		А	Document need and identify personal service
		B1	Project is reasonably related to a public works project (if, so it is not a personal service)
		B2	Project is not reasonably related to a public works project
		С	Exception from competitive solicitation documentation Sole source Emergency
		D	Does Not Apply To Documentation (RCW 53.19.060) List reason
		E	Initial order of magnitude cost estimate ☐ More than \$200,000 ☐ Less than \$500,000
Solicitation	on Procure	ment Cl	necklist
		F1	Documentation of formal competitive solicitation process if more than \$200,000
		F2	Documentation of informal competitive solicitation process, including request for proposals from multiple firms, if more than \$50,000 but less than \$200,000
		F3	Documentation of process followed if less than \$50,000
		G	Procurement selection rationale (e.g. Roster, RFQ, RFP, State contract)
		Н	RFQ/RFP and addenda (formal or informal)
		1	Cost estimate
		J	Evidence of sources solicited (e.g. advertisement, email)
		K	Proposals
		L	Evaluation worksheet(s)
		M	Reference check documentation
		N	Recommendation to award with selection rationale
		0	Internal approvals, including Port Commission if needed
		Р	Notice of selection to other proposers
		Q	Signed agreement
Contract	Administra	ation Ch	ecklist
	Ü	R	Deliverables – or reference to their location
		S	Progress invoices
		TI	Contract amendments due to scope changes and approvals as needed
		T2	Contract amendments due to price adjustments and approvals as needed
		U	Final cost summary and report to Commission/Director, if needed
		V	Evaluation of contract process and/or consultant, if done

CHECKLIST (page 7)



Services Summary

	Personal Service	Service Required in Connection with a Public Works Project	Purchased Service	Maintenance (Purchased Service)	Professional A&E Services
Definition	RCW 53.19.010 (6) Professional or technical expertise provided by a consultant to accomplish a specific study, project, task or other work statement which may not reasonably be required in connection with a public works project	RCW 53.19.010 (6) Professional or technical expertise provided by a consultant to accomplish a specific study, project, task or other work statement which may reasonably be required in connection with a public works project	RCW 53.19.010 Services provided by a vendor to accomplish routine, continuing, and necessary functions. "Purchased services" includes, but is not limited to, services for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis	WAC 296-126-040 Work that keeps existing facilities in good usable, operation condition, not including ordinary maintenance (work performed by in-house employee)	RCW 39.80 As defined in RCW 39.80.020, architecture and engineering (A&E) services under general statutory definitions of: Architecture (RCW 18.08) Engineering (RCW 18.43) Land surveying (RCW 18.43) Landscape architecture (RCW 18.96)
Procurement Requirements	Evidence of competition between \$50K-\$200K.	Per Port Policy, as they are not: a. personal service contracts under RCW 53.19.010(6). b. professional A&E services, subject to qualifications-based selection (QBS) requirements	Per Port Policy	Prevailing Wages Apply Per Port's Policy	Must be selected on a qualifications-based selection (QBS) with price negotiated after selecting the most highly qualified consultant.

MRSC Resources

Personal Services Contracting Manual for Washington Ports

Contracting for Services, Guidelines for Local Governments

Personal Services & Consultant Contracts

Purchased Services Contracts

Professional Architecture & Engineering Service Contracts

Find Your Contracting Requirements

Public Agency MRSC Roster Information Flyer



DES Procurement Equity and Inclusion

Who is the Department of Enterprise Services (DES)

- One agency for Procurement
- Statewide Contracts
- Cooperative contracts
- Statewide Procurement Policies and Procedures
- Focusing on WA small and veteran owned businesses

Who is PIE

- Create sustainable increase in the purchase of goods and services
- Small, Diverse, Veteran, Businesses
- Three Strategic Priorities

Supplier Diversity

How can you be equitable in your purchases

Our focus on small and veteran-owned businesses increases market share, stimulates the local economy, and drives progress in local communities.

Why statewide contracts and cooperatives



PREREQUISITES FOR USING A STATEWIDE OR COOPERATIVE CONTRACTS

- State agency, Higher Ed, Cities & Towns, Federal government, non-profits, Tribes, (other states)
- Check our <u>list of organizations with current</u> contract usage agreements.
- If, not Complete a contract usage agreement



· Statewide and eneperative contracts

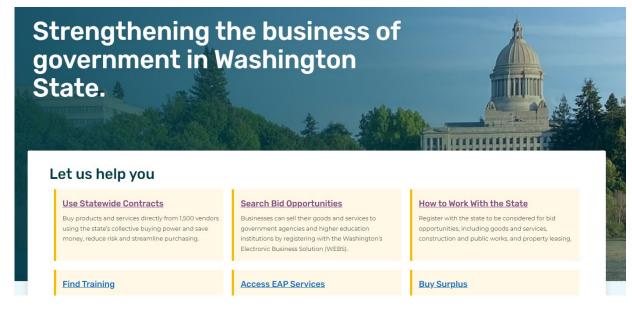
- Professional Services and Language Access
- Facilities and Operations, Infrastructure
- Fuel, Fleet and Transportation





DES Website

- Great Resource
- Short explanation of contract use
- Roadmap to the rest of DES







Where to find the statewide cooperative contracts

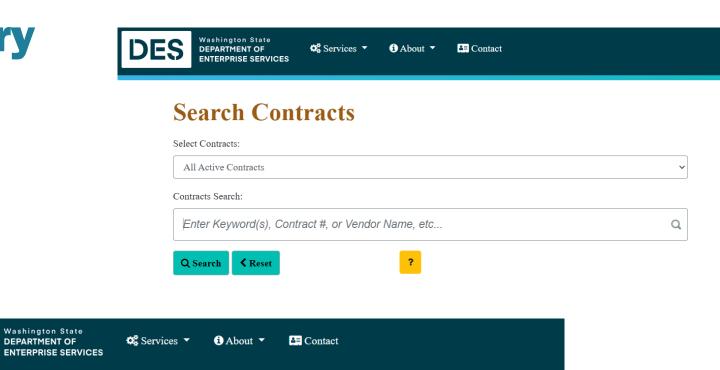
How to find the statewide and cooperative contracts?

How to find specific statewide and cooperative contracts?

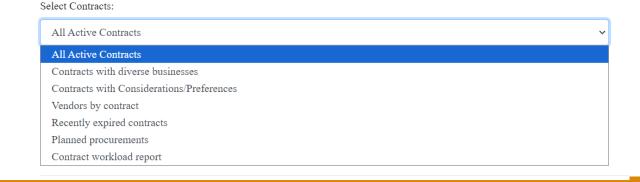


Contract summary pages

- All Active contracts
- Search bar
- Finding specific contactors or scopes of work



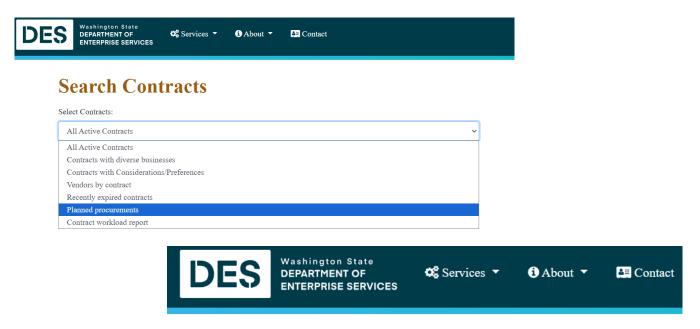
Search Contracts





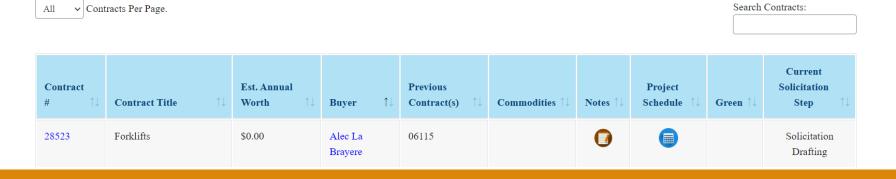
PLANNED PROCUREMENTS

- All up and coming
- Notes
- Schedule and Timeline
- Current "Step"



Planned Procurement

WASHINGTON



Contractor selection



Contract Number ↑↓	Contract Title ↑↓	Effective Date ↑↓	Term Date ↑↓	OMWBE Certs ↑↓	Small ↑↓	Veteran ↑↓	Considerations & Preferences ↑↓	Green ↑↓
01620	BUSINESS CONSULTING SERVICES	03-01-2022	02-29-2028	MW,M,W				
08215	INFORMATION TECHNOLOGY PROFESSIONAL SERVICES	02-01-2016	02-01-2027	MW,M,W		9		
16322	IT DEVELOPMENT	05-15-2024	05-15-2028	MW,M,W		•		
14822	IT PROJECT MANAGEMENT SERVICES	04-01-2024	04-01-2028	MW,M,W			注	



WA STATE GOALS

- Small and Veteran owned State goals
- Strengthening WA State businesses
- Take advantage of policies and procedures already put in place
- Statewide contracts help you meet your SDVB spend goals
- We do the work for you
- Take advantage of statewide spending power and save money!







Documents and Resources

- list of organizations with current contract usage agreements.
- Contract usage agreement
- Contract Search
- DES WEBSITE



THANK YOU









Karen.gonzalez@des.wa.gov

Despieprogram@des.wa.go