

Section 1 – Purpose

This Procurement Policy is adopted by the Orcas Island Health Care District (the “District”) to help ensure that all procurements of goods, services, materials, equipment and supplies by the District are conducted in compliance with all relevant legal requirements, to provide a fair forum for those interested in bidding on public contracts, and to help ensure that public contracts are performed satisfactorily and efficiently at least cost to the public, while avoiding fraud, waste, and favoritism in their award. This policy sets forth comprehensive guidelines for the management of all purchases of the District.

Section 2 – Governing Principles

2.1 Compliance with Law

In handling all purchases, the District shall comply with the state constitution and with all other legal requirements imposed by federal, state, and local laws, rules and regulations, as applicable. The following section highlights the legal framework of the Procurement issuance and roles and responsibilities in Procurement issuance.

2.2 Governing Law

The District may purchase equipment, materials, and goods and contract for public works and services as provided in Chapter 39 and Section 70.44.140 of the Revised Code of Washington (“RCW”).

2.3 Purchasing Code of Ethics

To instill public confidence in the award of public contracts and the expenditure of public funds, the District adopts the following code of ethics with regard to public contracting:

- a) actions of District employees shall be impartial and fair;
- b) District decisions and policies shall be made in compliance with required procedures and within the proper channels of government structure;
- c) public employment shall not be used for personal gain;
- d) District employees shall not solicit, accept, or agree to accept any gratuity for themselves, their families, or others that would or could result in personal gain;
- e) purchasing decisions shall be made impartially, based upon the District’s specifications for the contract and the responses of those bidding on the contract; and
- f) no employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

2.4 Non-discrimination

It is the goal of the District to encourage Small and Minority Firms, and Women's Business Enterprises to be actively involved in the bidding process, however the District shall neither discriminate against, nor give preferential treatment to, such businesses.

2.5 No Third Party Rights

This policy is intended solely for the convenience of and use by the District. Nothing in this policy is intended to create any liability for or against the District or any enforceable right, entitlement or cause of action in or for any third party.

2.6 Definitions

For the purposes of this chapter the words set out in this policy shall have the following meanings:

- A. "Architectural and engineering services" are services rendered by any person to perform activities within the scope of the professional practice of architecture (RCW 18.08), engineering and land surveying (RCW 18.43), and/or landscape architecture (RCW 18.96).
- B. "Award" means the formal decision by the District notifying a responsible bidder with the lowest responsive bid of the District's acceptance of the bid and intent to enter into a contract with the bidder.
- C. "Board" means the Board of Commissioners of the District.
- D. "Consultant list" is a list of available consultants kept on file in a database maintained by the MRSC.
- E. "Contract" means a contract in writing for the execution of a fixed or determinable amount duly awarded in compliance with the provisions of this policy.
- F. "Cost" for public works contracts includes the costs of labor, material, equipment and sales and/or use taxes, as applicable. For contracts for the purchase of services, materials, equipment or supplies, cost shall include sales and/or use taxes, as applicable, and any delivery, handling or other charges.
- G. "Equitably distribute" means that the District may not favor certain contractors on the small works roster over other contractors on the roster who perform similar services. At the time bids or proposals are solicited, the Superintendent shall not inform a contractor of the terms or amount of any other contractor's bid or proposal for the same project.
- H. "Ordinary maintenance" is work performed by District employees.

- I. "Personal services" are services that involve technical expertise provided by a consultant to accomplish a specific study, project, task, or other work. These activities include meeting facilitation, outreach coordination, strategic planning development and rate setting study.
- J. "Prevailing wages" means the wages paid in San Juan County for all workers on the project who are employed in the trades listed at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/>. Contractors must be told in advance that prevailing wages must be paid to all employees who work on the contract. It is the contractor's responsibility to file a Statement of Intent to Pay Prevailing Wages with the Industrial Statistician of the Department of Labor and Industrial Services. The contractor must also provide the District with certified weekly payrolls covering every person who works on the project site from every contractor and subcontractor of any tier for the duration of the contract.
- K. "Professional services" are mostly intellectual in nature, and do not include architectural and engineering services or ordinary maintenance services. Example of professional services include accounting, legal, comprehensive planning, and real estate services,
- L. "Public works" as defined by RCW 39.04.010 means a complete project and includes all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the District, or which is by law a lien or charge on any District property. Public works projects include the related materials, supplies, and equipment to complete the project.
- M. "Public works roster" is a list consisting of all responsible contractors who have requested to be on the list, and, where required by law, are properly licensed or registered to perform such work in Washington. The District subscribes to and shall use the public works roster kept by the Municipal Resource and Service Center ("MRSC").
- N. "Purchased services" are different from personal services in that these services are generally routine, repetitive, or mechanical in nature and support the District's day to day operations. Purchased services include janitorial, debt collections, recycling and litter pickup, equipment service agreements, machine repair, landscape maintenance or delivery services. (May include ordinary maintenance.)
- O. "Registered Apprentice" is a worker employed upon public works projects for whom an apprenticeship agreement has been registered and approved with the state apprenticeship council pursuant to chapter 49.04 RCW

- P. "Responsible bidder" is a bidder who satisfies the requirements of RCW 39.04.350 and who has:
1. The ability, capacity, and skill to perform the contract or provide the required service;
 2. Sound character, integrity, reputation, judgment, experience, and efficiency;
 3. The ability to perform the contract within the time specified;
 4. Performed previous contracts or services satisfactorily; and
 5. Complied with and is currently in compliance with all laws relating to the contract or services.
- Q. "RFP - Request for Proposal" means a process that requests interested firms to submit a statement of their proposal for completing a project. Proposals are evaluated based upon the suitability, practicality, quality of the proposal, experience of the firm, cost, and any other factors relevant to the project.
- R. "RFQ - Request for Qualifications" means a request only for a firm's general capabilities, including a list of principals, previous projects, number of employees, and licenses. An RFQ does not include pricing information.
- S. "Sole source supplier" is a vendor who is clearly and legitimately the only provider of an item or services being purchased. Sole source supplier situations often arise when the District has specific technological requirements. Examples include: (a) licensed, copyrighted, or patented products or services that only one vendor provides; (b) new equipment or products that must be compatible with existing equipment or products; (c) proprietary or custom-built software or information systems that only one vendor provides; and (d) products or services where only one vendor meets the required certifications or statutory requirements. (RCW 39.04.280(1)(a)).
- T. "Superintendent" means the Superintendent of the District, and for purposes of soliciting and evaluating bids and proposals any District employee designated by the Superintendent or any Board member whose assistance has been requested by the Superintendent.
- U. "Technology equipment" means telecommunication equipment, data processing equipment (including computers).
- V. "Use tax" is a tax on the use of goods or certain services in Washington when sales tax has not been paid. Goods used in Washington are subject to either sales or use tax, but not both.
- W. "Vendor list" is a list of available vendors kept on file in a database maintained by the MRSC.

2.7 Covered Contracts

This policy governs the purchase of services, equipment, materials and supplies, and public works by the District. Public works contracts which include the purchase of equipment, materials or supplies will be processed as a public works contract.

2.8 Interlocal Agreements

The District may enter into interlocal agreements with other governmental entities to obtain favorable purchasing terms or pricing for the purchase of materials, supplies, equipment, public works or services in lieu of following the procedures set forth in this Policy.

Section III – Purchasing Requirements for Materials, Supplies or Equipment

3.1 Purchases Not Part of a Public Works Contract

The District is not required to use the procedures set forth in other sections of this policy to purchase materials, supplies or equipment that do not form part of a public works. Even though formal bids are not required, the District will attempt to obtain the lowest practical price for all purchases of materials, supplies and equipment.

3.2 Purchases under \$75,000

For purchases with a total cost of less than \$1,000, the District need not follow any formal process but shall try to obtain the items at a fair and reasonable price without showing favoritism to any particular supplier or vendor. For purchases with a total cost of more than \$1,000 the District will observe the following procedures:

- A. Telephone Quotations. The District shall obtain telephone quotations from vendors for purchases in the following manner:
 1. The Superintendent shall prepare a written description of the items to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase.
 2. The Superintendent shall make a good faith effort to contact at least three vendors to obtain telephone quotations for the required items. The Superintendent may contact vendors who are on the MRSC vendor list and/or local vendors from the telephone book or internet who are not on the MRSC vendor list if there are less than three vendors on the appropriate MRSC list;
 3. The Superintendent shall not share a telephone quotation from one vendor with other vendors solicited for a quotation on the items until the contract is awarded;
 4. The Superintendent shall make a written record of each vendor's quotation on the items and any conditions imposed on the quotation by the vendor; and,
 5. The Superintendent shall present to the Board all telephone quotations and a recommendation for award of the contract to the responsible bidder with the lowest responsive bid, including a technical evaluation of any technical equipment to be purchased.

- B. Determining the Lowest Responsible Bidder. The District shall purchase the items from the lowest responsible bidder after considering the elements set out in RCW 39.04.350; provided, that whenever the Superintendent or the Board believes that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the Superintendent may call for new bids. Any or all bids may be rejected for good cause.
- C. Award. The Superintendent shall award the contract to the lowest responsible bidder. The contract paperwork must include evidence that the purchasing requirements were met and the reason the vendor was chosen. If the bid is not awarded to the lowest price bidder under the rules of this policy, the Superintendent must document the specific factors which justified the rejection of bids.
- D. Public Availability of Bids. The Superintendent shall make a written record of each vendor's quotation which shall be made open to public inspection or telephone inquiry after the award of the contract. A list of all contracts awarded by the District in the prior twenty-four (24) months shall be maintained on the District's website.

Section IV – Public Works General Requirements

4.1 Prevailing Wages

All contractors performing public works for the District shall pay prevailing wages to their employees who work on the project.

4.2 Insurance

All contractors performing public works for the District with a total cost greater than \$3,500 shall carry general liability insurance and provide the Superintendent with proof of insurance at the time of contract negotiations and at other times, on request.

4.3 Payment and Performance Bond

Prior to commencing work on any contract with a total amount of \$5,000 or more, contracting parties are required to provide the District with payment and performance bonds in an amount determined by the District, but not less than 25% of the full amount of the contract price, issued by a surety company.

4.4 Retainage

Unless this procurement policy allows for a waiver, the District will reserve a contract retainage of 5% of the moneys earned by the contractor. The retainage will serve as a trust fund for the protection and payment of: (i) the claims of any person arising under the contract; and (ii) the state with respect to taxes, increases, and penalties imposed pursuant to Titles 50, 51, and 82 RCW which may be due from such contractor. The District, as determined by the Superintendent, may elect to reduce or waive the retainage amount for public works contractors selected using the public works roster for

(i) contracts under \$5,000 or (ii) contracts equal to or greater than \$5,000 and less than \$75,000. Additionally, the District, as determined by the Board, may elect to reduce or waive the retainage amount for public works contractors selected using the public works roster for contracts equal to or greater than \$75,000 and less than \$350,000. In making this determination, the Superintendent or the Board will consider efficiencies to be gained, project size, and potential liabilities, including that a waiver may result in the District assuming liability for unpaid wages and taxes.

4.5 Approval of Contracts

All contracts with a total cost of more than \$15,000 shall be approved by the Board.

4.6 Estimated Total Cost

Before applying the dollar limits in the following sections, the total cost of each public works project, before taxes, must be determined. The Superintendent should determine the fair and reasonable value of the work to be performed given the conditions that will be faced and the requirements of the proposed project or purchase. Several approaches can be used to make an estimate. The District can consider the actual cost of performance, considering the current cost of labor, equipment, and materials. A second approach arrives at an estimate by using historical data, reviewing recent contracts and adjusting for the proposed project and current market conditions. A third approach would be to combine historical bid data with actual cost data.

4.7 No Bid-Splitting

The breaking of any project or purchases into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding public bidding or any of the other contracting thresholds in this procurement policy.

4.8 Use of Apprentices

Contracts for projects with a total cost of \$2,000,000 or more awarded between July 1, 2024 and June 30, 2026 shall require that 15% of all labor hours on the contract be performed by registered apprentices. Contracts for projects with a total cost of \$1,500,000 or more awarded between July 1, 2026 and June 30, 2028 shall require that 15% of all labor hours on the contract be performed by registered apprentices. After June 30, 2028, all contracts with a total value of \$1,000,000 or more shall require that 15% of all labor hours on the contract be performed by registered apprentices.

4.9 General Contractor/Construction Manager Process

If the District's public works project involves work at the medical clinic building owned by the District while the clinic is operating or involves complex phasing, scheduling or coordination of work, the District may elect to use the alternative public works process set forth in RCW 39.10.340 through 39.10.410.

Section V – Public Works Projects Under \$75,000

Procurements for public works with an estimated total price of less than \$75,000 shall follow minimal competitive process set forth in subsections A through D of Section 3.2. utilizing the public works roster to identify contractors to be solicited. If reasonably possible, solicit electronic or written quotes from a minimum of three (3) contractors. The MRSC Small Works Roster may be used to identify contractors for this minimal competitive process.

Section VI – Public Works Projects Over \$75,000 But Under \$350,000

The District has elected to use the statewide small works roster established under RCW 39.04.151(2) and administered by the MRSC. The District will use the following provisions when selecting contractors under the small works roster process:

6.1 Solicitation of Bids

The Superintendent shall solicit written or electronic bids for public works contracts from all contractors on the small works roster interested in performing work in the District's geographic area to assure that a competitive price is established:

- A. Invitations for bids shall include an estimate of the scope and nature of the work to be performed as well as details of all materials and equipment to be furnished. However, detailed plans and specifications do not need to be included in the invitation. This does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with state regulations and building codes.
- B. Bids shall be invited from all contractors on the Public works roster who have indicated their interest in performing work in San Juan County.
- C. If the total estimated cost of the contract is less than \$150,000, the District may contract directly with a contractor, without soliciting bids from all contractors on the roster, subject to the provisions of RCW 39.04.152(4)(b) as follows:
 1. If there are six (6) or more contractors meeting the State's "small business" definition on the applicable roster interested in performing work in the District's geographic area, the District can direct contract with one (1) of those small businesses. If the District utilizes direct contracting under this subsection (i), it must rotate through the small business contractors on the roster and must utilize different contractors on different projects when multiple qualified contractors are available from the roster who may perform the work or deliver the services within the budget described in the notice or request for proposals.

2. If there are five (5) or less small business contractors on the applicable roster, the District can direct contract with any contractor (small business or otherwise) on the roster.
3. The District will not favor certain small business contractors by repeatedly awarding contracts without documented attempts to direct contract with other small business contractors on the applicable roster. Contractors that have been issued a contract under direct contracting will not be offered a future contract until all other contractors on the roster have received a solicitation for a quote through direct contracting. The District will consider nonresponsive solicitations and the inability to negotiate an agreed price as part of this rotation policy.
4. When soliciting quotes, the District will provide (i) sufficient description of the work for the contractor to develop a price; (ii) a deadline for receipt of the quote; and (iii) any timeline requirements for mobilization.
5. The District will not engage in bid shopping using the direct contracting process. If the District and the contractor cannot agree on a price, the District may end negotiations and move to the next contractor on the rotation. However, if the District and the next contractor on the rotation cannot agree on a contract, the District will competitively bid the work.
6. The District will maintain records of its efforts under direct contracting, including: (i) the contractors solicited for the contract; (ii) whether the contractor responded to the solicitation; (iii) records of price negotiations; (iv) the contracts awarded and to whom; and (v) the reasons a negotiated contract could not be reached.
7. The District shall notify small, minority, women, or veteran-owned businesses on the applicable roster when direct contracting is utilized and will provide notice of a small works contract award to all other contractors on the appropriate roster of award.
8. Before using the direct contracting method, the District will adopt a small, minority, women or veteran owned businesses utilization plan.

6.2 Bid Record

The Superintendent shall make a written record of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be open to public inspection, and available by telephone inquiry.

6.3 Awarding of Contract

The District shall award contracts to the responsible bidder, as determined in accordance with RCW 39.04.350, with the lowest responsive bid. The bid paperwork must include evidence that all the purchasing requirements are satisfied, and the contractor meets the responsibility requirements. The Superintendent can make a preliminary finding of responsibility at the time of award but shall have two weeks to make additional enquiries to confirm that all of the responsibility criteria have been satisfied. If, in the opinion of the District, the bids received are unsatisfactory, the District may reject all bids and rebid the project.

6.4 Posting of Contracts Awarded

The Superintendent shall post a list of all contracts awarded and contractors contacted for direct negotiation using the public works roster at the District's offices at least once every year and make that list available to the Board. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the items purchased, or the type of work performed, and the date a contract was awarded. The list shall also state the location where the bid quotations for the contracts are available for public inspection. This list must include the information specified by RCW 39.04.200.

Section VII – Public Works Projects over \$350,000

7.1 Contracts Requiring Public Bidding

All public works projects that are not exempt under state statute and that have an estimated total cost of more than \$350,000 must comply with the provisions of RCW 70.44.140.

7.2 Public Bid Procedures

The following process shall be used in the awarding of contracts through the public bidding process.

- A. Invitation for Bids. The invitation for bids ("IFB") process shall be used for all publicly bid public works projects.
- B. Specifications. Specifications for projects being publicly bid shall be in writing and shall be filed in the District office for public inspection.
- C. Publication. IFBs shall be posted on the District's website and published at least once in a newspaper of general circulation in the District; at least thirteen (13) days prior to the last date upon which bids or proposals will be accepted.
- D. Content of IFB. All IFBs must include (1) the date, time and place where bids will be due, (2) the date, time and place where bids will be opened, (3) the requirement that bids for public works be accompanied by a bid guarantee, (5) the requirement that prevailing wages be paid for the work, (6) the materials, equipment, supplies or services to be purchased, or the character of the work to

be done (7) the materials and equipment to be furnished, and (8) the criteria that will be used to evaluate proposals and the weight that will be given to each of the criterion. The IFB must also state that the specifications may be viewed at the District's office.

- E. Bid Guarantee. Each bid received by the District in response to a published IFB must, pursuant to RCW 70.44.140, be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order or surety bond payable to the District in an amount of not less than five percent (5%) of the bid or proposal amount.
- F. Acceptable Bids or Proposals. The bids or proposals shall be in writing, sealed and filed with the Superintendent on or before the deadline for filing bids. The Superintendent shall mark each bid with the date and time received. Bids received by fax or e-mail will not be accepted. To be deemed responsive a bid must address all elements of the solicitation.
- G. Opening of Bids. The bids shall be opened and read in public by the Superintendent at the time and place named in the advertisement. Bids shall be tallied by the Superintendent who shall present the tally and a recommendation of award to the Board for final determination. Immediately after the award is made by the Board, the bids shall be recorded and open to public inspection and shall be available to telephone inquiries.
- H. Bids Must be Submitted by a Responsible Party. The Superintendent shall review the materials submitted by responding parties to determine if they are responsible. The District may adopt criteria for determining responsibility for a project that supplement the criteria of RCW 39.04.350. Supplemental criteria for determining responsibility, including the basis for evaluation and the deadlines for appealing an adverse determination must be provided in the IFB. If the Superintendent determines that a party is not responsible, the Superintendent shall provide in writing the reasons for the determination. The party may appeal the determination within the time period specified in the IFB by presenting additional information to the District. The Superintendent must present the additional information to the Board for consideration before the Board issues its final determination. If the Board determines that the party is not responsible, the District may not execute a contract with any other party until two (2) business days after the party who has been determined to be not responsible has received the final determination.
- I. Determining Lowest Responsive Bid. The District shall award the contract to the lowest responsive bid submitted by a responsible bidder. Notwithstanding the foregoing, if in the opinion of the Board all bids are unsatisfactory, they may reject all of them and readvertise. In such case all bid proposal security shall be returned to the bidders.

- J. Bidders Supplying Their Own Plans and Specifications. For projects over \$75,000 where bidders are submitting their own plans and specifications (including projects that would otherwise be subject to the public works roster procedure), the District may award the contract to whomever the District determines is the best bidder. Cost should be considered in determining the best bid, but need not be the sole determining factor.
- K. Contract Execution. The District may not execute a contract with the selected bidder until two full business days after opening bids. If the District receives a written protest from a bidder before executing the contract, it must not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of its intent to execute a contract for the project, subject to the provisions of RCW 39.04.105.
- L. Return of Bid Guarantees; Performance Bond. After an award has been made or all bids have been rejected, the Superintendent shall return the bid guarantees to the unsuccessful respondents and require the successful respondent to replace their bid guarantee with a payment and performance bonds pursuant to RCW 39.08.010 an amount determined by the District, but in no event less than 25% of the full amount of the contract, issued by a surety company.

Section VIII – Public Bidding Exceptions

8.1 Exemptions from Public Bidding Process

State law provides exemptions in certain circumstances from public bidding requirements. These exemptions include, but are not limited to:

- A. Purchases made pursuant to RCW 39.04.270 (electronic data processing and telecommunications by competitive negotiation);
- B. Purchases made pursuant to RCW 39.04.280 (sole source suppliers, public works during emergencies, purchase of insurance or bonds, purchases involving special facilities or market conditions);
- C. Purchases made pursuant to RCW 39.30.045 (purchases at auctions);
- D. Purchases made from or through Federal, State or local governments per RCW 39.32.070-090;
- E. Purchases made pursuant to RCW 39.33.010 of surplus property from a governmental entity; and,
- F. Purchases made pursuant to RCW 39.34.030 under an interlocal agreement that the District has entered into with another public agency or the Office of State Procurement. The competitive bidding process of the other agency may be used

for the purchase(s) if they are consistent with the District's public bidding process.

8.2 Adoption of Resolution for Purchase Under an Exemption

If a purchase is made using one of the exemptions set forth in Section 8.1, the District shall adopt a resolution at its next regularly scheduled meeting setting forth the facts that led to the use of the exception and the contract awarded using the exception and the factual basis for the exception must be posted on the District's website and available for public inspection.

8.3 No Responsive Bids

If no responsive bids are received to a bid solicitation for a public works project, the District may: (i) review original bid, modify outreach efforts, readvertise and make second call for bids; or (ii) if the District determines competition is not feasible, the District may directly contract with a contractor for the work or may perform the work using District employees without any further call for bids. If a second call also does not receive a responsive bid, the District may directly contract with a contractor or may perform the work using District employees without any further call for bids.

Section IX – Service Contracts

9.1 No State Guidelines

State law does not provide guidelines for selecting providers of personal, professional and purchased services other than architecture and engineering services which are covered in Section X below. Some federal and state funding sources provide guidance; however, in general governmental agencies are left to their own discretion in hiring contractors for services. This policy establishes guidance for the Superintendent when these cases arise.

9.2 Services Covered

Services typically covered by this policy include professional, personal and purchased services. Selected companies or individuals will typically provide advice, reports, opinions, representations, plans, etc. Service providers will be referred to as consultants. Contracts for architects and engineering services are outside the scope of this section and are governed by Section X.

9.3 Guidelines for Service Contracts

- A. The Superintendent shall obtain recommendations, identify consultants on the consultant list or research to identify one or more consultants qualified to perform the work.
- B. The Superintendent shall provide the description of the services to the consultants that have been identified and interview each of them in person or telephonically to determine which is the best fit for the project. If the total cost of the services in a year is likely to be greater than \$5,000, the Superintendent shall include two Board members in the interviews.
- C. In determining which consultant to hire or recommend, the Superintendent (and Board members, if applicable) shall consider, among other factors, the following elements, as applicable:
 1. Price;
 2. Ability, capacity and skill to perform the work within the time specified;
 3. Character, integrity, reputation, judgment, experience and efficiency to perform the work;
 4. Quality of work under previous contracts, if any;
 5. Compliance by the consultant with laws relating to those contracts; and
 6. Other information that may have a bearing on the decision to make the award.
- D. The Superintendent may select the consultant for services estimated to total less than \$5,000 in a year. If the total annual cost is estimated to be more than \$5,000 but less than \$15,000 the Superintendent and the two Board members who participated in the interviews shall select the consultant, subject to approval by

the Board. All contracts greater than \$15,000 annually shall be approved by the Board.

9.4 Prevailing Wages

Hourly wages paid to laborers, workers, or mechanics on all public building service contracts shall not be less than the prevailing rate of wage as defined in RCW 39.12.020 and determined by the State Department of Labor and Industries. All contractors and subcontractors must comply with the provisions of RCW 39.12.040(1).

9.5 Insurance

All consultants providing services to the District with a value greater than \$3,500 shall carry general liability insurance and provide the Superintendent with proof of insurance at the time of contract negotiations and at other times, on request.

Section X – Architectural and Engineering Projects

10.1 RFQ

The District must follow the procedure set forth below when it wishes to engage architectural or engineering services.

- A. For projects with an expected cost of less than \$10,000, the District may select a qualified firm from the consultant roster and request a cost proposal.
- B. For all projects with an expected cost greater than \$10,000, the District must prepare an RFQ that contains a concise statement of the general scope and nature of the project or work for which services are sought, the evaluation criteria to be used and the address of the Superintendent for anyone who wishes more detail on the project and solicit responses from at least 3 qualified consultants on the consultant list.
- C. If the expected project cost is greater than \$75,000, District shall solicit responses from all qualified consultants on the list and/or publish notice of the project in a newspaper of general circulation in the area.

10.2 Evaluation of Responses

The District shall evaluate all responses to its RFQ in the following manner:

- A. The District shall establish an evaluation committee consisting of the Superintendent and two (2) members of the Board.
- B. To assist in evaluating responses and to ensure a proper evaluation of the submittals, the evaluation committee shall establish evaluation criteria before a RFQ is made, assigning a maximum weight to each element of the criteria. The evaluation criteria should be specifically developed for each project based upon size, complexity, time frame, etc. Cost may not be an element of the evaluation criteria.

- C. The evaluation committee shall judge each response using the evaluation criteria and assigning each response a numerical value for each of the evaluation criterion. The evaluation committee shall submit their analysis and recommendation to the Board for approval. Following Board approval, the District shall negotiate with the respondent receiving the highest score on the evaluation criteria.

10.3 Negotiation of Contract

After the most qualified firm has been chosen, the Superintendent or the evaluation committee may negotiate a contract for the services at a price that the committee determines to be fair and reasonable, considering the estimated value of the services to be rendered, as well as the scope and complexity of the project. Any agreement reached must be approved by the full Board. If a satisfactory contract cannot be negotiated, the District may notify the bidder that it is terminating the negotiations and attempt to negotiate a contract with the next most qualified firm. The process continues until an agreement is reached or the search is terminated.

10.4 Posting of Responses

The Superintendent shall post at the District office a list of all responses received to the District's RFQ as soon as a contract is awarded at the District office. The list shall be available for public inspection and for telephonic inquiries.

10.5 Emergency Exception

The District does not need to follow the request for qualifications process if an emergency requires immediate execution of the work involved pursuant to RCW 39.80.060 (6)(C), but the District shall pass a resolution at its next regularly scheduled meeting setting forth the facts creating the emergency and make the resolution publicly available.

Section XII – Signature Authority

11.1 Authority of Superintendent

The Superintendent is authorized to open bid proposals, execute construction contract documents and change orders and accept completed work for the following procurements: (a) procurement contracts for any purpose up to the amount of \$15,000; (b) procurement contracts for more than \$15,000 that are part of the District's current budget; and (c) procurement contracts that have been approved by the Board.

11.2 Signature by President or Other Board Officer

The President or another Board officer may sign any contract on behalf of the District, provided that contracts for more than \$15,000 that are not covered by the current District budget must first be approved by an action of the Board.

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