

COMMISSIONERS' PROCEEDINGS

Adams County Courthouse Ritzville, Washington Regular Meeting

June 25, 2012
(Monday)

Call to Order @ 8:30 a.m.

Present:

Chairman Rudy Plager
Vice-Chairman Roger L. Hartwig
Commissioner Jeffrey W. Stevens

[10:00:04 AM](#)

Washington Counties Risk Pool

David Goldsmith, Member Services, reviewed Washington Counties Risk Pool structure; Joint-Self Insurance Liability Policy; County's Insurance Dollars; Liability Distribution by Type and Range of Severity; Loss Frequency, Incurred Cost, and Incurred Cost by Allegations; Pool Training and Finances.

[11:01:54 AM](#)

[11:06:22 AM](#)

Public Works

Engineer Yaeger provided updates on the following:

- Road Maintenance tasks
- Spraying when weather permits
- Cardboard baling and recycling in process
- State funding for the Adams County Fair was received and subsequently **authorized by Board consensus to be released to the Association (\$30,601)**; (Funding was noted as being less than the \$35,600 estimated for 2012)
- Lind-Hatton Project
- Scheduled meeting with Washtucna to review future plans regarding the Town's walking path

[11:26:44 AM](#)

Recess @ 12:00

Reconvene @ 1:00 p.m.

Small Works Roster

Commissioner Hartwig moved, Stevens seconded, to *approve Resolution No. R-29-2012 In the Matter of Establishing Procedures Relating to Purchasing and Public Works Contracting; Establishing a Vendor List Process for the Purchasing of Supplies, Materials, and Equipment; Establishing a Small Works Roster Process to Award Public Works Contracts; and, Repealing R-46-01.* Motion carried.

Board of Equalization

The Board **by consensus approved \$100/month for the Clerk of the Board of Equalization for additional duties performed on behalf of the Board. This payment becomes effective beginning July 1, 2012** (this is in addition to any per diem payments due the Clerk for meetings).

Adams County Mosquito Control Board

Commissioner Hartwig moved, Stevens seconded, to *re-appoint Marthann Olson, Othello, to the Adams County Mosquito Control Board for a two (2) year term effective retroactive from 04/01/2012 through 03/31/2014.* Motion carried.

Martin Hall Consortium

Commissioner Hartwig moved, Plager seconded, to *re-appoint Jeffrey W. Stevens to the Martin Hall Consortium Board of Directors for a one (1) year term retroactive from 06/01/2012 through 05/31/2013.* Motion carried.

Consent Agenda

Commissioner Hartwig moved, Stevens seconded, to *approve the Consent Agenda.* Motion carried.

Preliminary minutes of June 18 and 20, 2012

Vouchers audited and certified by the Adams County Auditor as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090 and recorded on a listing, which was made available to the Board. These vouchers were listed as follows:

<u>Fund</u>	<u>Control Number</u>	<u>Amount</u>
001	124355-124401	\$ 21,561.40
103	124402	\$ 102.00
104	124403-124410	\$ 5,861.36
105	124411-124415	\$ 43,833.33

106	124416-124417	\$	390.70
112	124418	\$	260.50
114	124419	\$	262.50
116	124420-124421	\$	1,437.71
117	124422-124423	\$	427.66
121	124424-124426	\$	1,995.85
123	124427-124428	\$	1,850.00
502	124429	\$	107.59
001	0961-0963	\$	11,935.46
108	0964-0966	\$	4,114.57
115	0967-0985	\$	473,098.37
115	Hand Pay	\$	3,457.02
122	0986-0988	\$	8,988.31
401	0989-0991	\$	42,217.18
401	Hand Pay	\$	17,996.16
501	0992-0996	\$	17,280.90
590	0997-1008	\$	147,133.47
590	Hand Pay	\$	58,986.38
	TOTAL	\$	863,298.42

Notice of Call for 2013 Budgets

Auditor McBroom issued the official Notice of Call for the 2013 Budget. Submittal deadline for the preliminary budgets is August 7, 2012.

Permanent Minutes Signed

June 11 and 13, 2012

Correspondence Received

Mayor Tim Wilson, City of Othello re: support for creation of an Aquifer Protection Area and the assessments

Tom Bennett, Moses Lake re: gangs and welfare

Department of Ecology, Karen K. Wood, Regional Air Quality Section re: Fee adjustments to the Agricultural Burn Permitting Program effective July 1, 2012

Mayor Syd Sullivan, Town of Washtucna re: support for creation of an Aquifer Protection area

Adjournment @ 3:40 p.m.

Submitted:

s/Linda Reimer, MMC

Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Rudy Plager, Chairman
s/Roger L. Hartwig, Vice-Chairman
s/Jeffrey W. Stevens, Commissioner

**RESOLUTION NO. R-29-2012
ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
IN THE MATTER OF ESTABLISHING PROCEDURES RELATING TO PURCHASING
AND PUBLIC WORKS CONTRACTING; ESTABLISHING A VENDOR LIST PROCESS
FOR THE PURCHASING OF SUPPLIES, MATERIALS, AND EQUIPMENT;
ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC
WORKS CONTRACTS; AND, REPEALING R-46-01**

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor list process; and

WHEREAS, the Washington State Legislature in Chapter 138, Laws of 2000 and in Chapter 284, Laws of 2001, amended RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allowing certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement vendor list and small works roster processes, the County is required by law to adopt a resolution establishing specific procedures;

NOW THEREFORE BE IT HEREBY RESOLVED AS FOLLOWS:

PURCHASING

Purchase of materials, supplies or equipment not connected to a public works project in an amount of \$5,000 or less. The County is not required to use informal or formal sealed bidding procedures or the procedures set forth in this resolution to purchase materials, supplies, or equipment for the purchase of any materials, supplies of equipment where the cost of same will not exceed \$5,000. The County will attempt to obtain the lowest practical price for such goods and services.

The following vendor list procedures are established for use by the county pursuant to RCW 36.32.250 and RCW 39.04.190. Purchase of materials, supplies or equipment not connected to a public works project in an amount between \$5,000 and \$25,000.

1. **Publication of Notice.** At least twice a year, the County shall publish, in the county's official newspaper, notice of the existence of a roster(s) of vendors for materials, supplies, and equipment, and shall solicit names of vendors for the roster.

2. **Electronic Rosters.** In addition to county's paper and/or electronic vendor lists, the county may also use that state wide electronic database developed and maintained jointly by the Daily Journal of Commerce and the Municipal Research and Services Center of Washington (MRSC Rosters).

3. **Telephone Quotations.** The county shall use the following process to obtain telephone quotations from vendors for the purchase of materials, supplies, or equipment:

a. A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;

b. A county representative shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone solicitation quotations from the vendors for the required materials, supplies, or equipment;

c. The county representative shall not share telephone quotation from one vendor with other vendors solicited for the bid on the materials, supplies, or equipment;

d. A written record shall be made by the county representative of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;

e. The county representative shall present to the county legislative body all telephone quotations and a recommendation for award of the contract to the lowest responsible bidder.

4. **Determining the Lowest Responsible Bidder.** The county shall purchase the materials, supplies or equipment from the lowest responsible bidder (RCW 43.19.1911(9)), provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the county may call for new bids. The county, in determining the lowest responsible bidder may take the following factors, to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the county legislative body may call for new bids.

RCW 43.19.1911(9) states: "In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration: a. The ability, capacity, and skill of the bidder to perform the contract or provide the service required; b. The character, integrity, reputation, judgment, experience, and efficiency of the bidder; c. Whether the bidder can perform the contract within the time specified; d. The quality of performance of previous contracts or services; e. The previous and existing compliance by the bidder with laws relating to the contract or services; f. Such other information as may be secured having a bearing on the decision to award the contract:

PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the county, first consideration shall be given by county purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the county over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit the county legislative body from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

5. **Award.** The county legislative body shall review quotations and recommendation by the county representative and award the contract to the lowest responsible bidder. A written record of each vendor's quotations shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

6. **Posting.** A list of all contracts awarded under these procedures shall be posted once every two months on the County Website. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded.

CONTRACT PROCEDURES

The following small works roster procedures are established for use by the county pursuant to RCW 36.32.250.and RCW 39.04.155.

1. **Cost.** The county need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Three Hundred Thousand Dollars (\$300,000.00), or the current statutory limit in RCW 39.04.155, which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the county may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is

done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

2. Number of Rosters. The county may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Said small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor.

3. Contractors on Small Works Roster(s). The small works roster(s) shall consist of all responsible contractors who have requested to be on the roster(s), and where required by law are properly licensed or registered to perform such work in this state. Contractors desiring to be placed on a roster or rosters must keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the county as a condition of being placed on a roster or rosters.

4. Publication. At least once a year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to an appropriate roster or rosters at any time that they submit a written request and necessary records. The county may require master contracts to be signed that become effective

5. Electronic Rosters. In addition to county's paper and/or electronic vendor lists, the county may also use that state wide electronic database developed and maintained by the Municipal Research and Services Center of Washington (MRSC Rosters).

6. Telephone or Written Quotations. The county shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 39.04.010 and RCW 39.04.350, as follows:

a) A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This paragraph does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

b) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. If the estimated cost of the work is from one hundred fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), the county may choose to solicit

bids from less than all the appropriate contractors on the appropriate small works roster but must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The county has the sole option of determining whether this notice to the remaining contractors is made by:

- (i) publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
- (ii) mailing a notice to these contractors; or
- (iii) sending a notice to these contractors by facsimile or other electronic means.

c) For purposes of this resolution, "equitably distribute" means that the county may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services. At the time bids are solicited, the county representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;

d) A written record shall be made by the county representative 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 recorded, open to public inspection, and available by telephone inquiry.

7. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars (\$35,000), the county may award such a contract using the limited public works process provided under RCW 39.04.155(3). For limited public works project, the county will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder, as defined under RCW 39.04.010 and RCW 39.04.350. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the county may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the county shall have the right of recovery against the contractor for any payments made on the contractor's behalf. The county shall have the right of recovery against the contractor for any payments made on the contractor's behalf. The county shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

8. Small Business Incentives (RCW 39.04.155(5))

An agency may use the limited public works process of RCW 39.04.155(3) to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return. An agency may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars (\$250,000) annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

9. Determining Lowest Responsible Bidder. The county legislative body shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the county legislative body may call for new bids. A responsible bidder will be a contractor who meets the mandatory requirements of RCW 39.04.350(1) and any supplemental bidder responsibility criteria established for the project under RCW 39.04.350 (2).

10. Award. The county representative or his designee shall present all telephone quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the county legislative body. However, for public works projects under \$25,000, the county representative shall have the authority to award public works contracts without county legislative body approval, provided that the county legislative body shall ratify the county representative's approval at the next scheduled county legislative body meeting by means of the consent agenda. For public works projects over \$25,000, the county legislative body shall award all public works contracts by resolution.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/Rudy Plager, Chairman
s/Roger L. Hartwig, Vice-Chairman
s/Jeffrey W. Stevens, Commissioner

ATTEST:
s/Linda Reimer, MMC
Clerk of the Board