



## ESSB 5418

- Small Works Roster
- Bid Thresholds
- Bid responses available to contractors
- Unit price contracting authorizations

# Small Works Roster



PROJECT THRESHOLD  
INCREASED TO \$350,000  
FOR MOST AGENCIES



LIMITED PUBLIC WORKS  
PROCESS WITHIN THE SMALL  
WORKS ROSTER PROCEDURES  
INCREASED TO \$50,000 FOR  
ALL



CONTRACTOR NOTIFICATION  
REQUIRED WHEN PROJECT IS  
\$250,000 OR MORE AND LESS  
THAN ALL CONTRACTORS ARE  
SOLICITED FOR WORK

# Bid Thresholds

ITEM VALUE : \$300,00		Minimum Bid : \$30,00	
ITEM NAME/description :		Minimum Increase : \$50,00	
NAME/Contact number		Bid Amount	

Agency	Single Craft	Multi Craft
Code Cities/ Second class cities/towns	\$75,500	\$116,155
These agencies may award to next low bidder within 5% of low bid if there is prior written finding that is unresolved.		
First class cities	\$75,500	\$150,000
Fire districts	\$40,000	\$ 75,000
Formal bid threshold for construction/improvement of a fire station raised to \$30,000.		
PUD	\$50,000 (new public works contracting threshold)	
	\$300,000 (limit for material used by day labor)	

# Make Bid Copies Available

All municipalities must provide bid response copies to a bidder within 2 days of a competitive bid opening when requested.

Award cannot occur until at least two full business days after documents have been provided.

RCW 39.04.105



	A	B	C	I
1	SKU	Unit	Unit Price	
2	A123	5	25	
3	A123	5	25	
4	A123	5	30	
5	A123	5	25	
6	A456	2	10	
7	A456	2	10	
8				

2019 AUTHORIZATIONS:

- + County public transportation authority
- + All public transportation benefit areas
- + Water Sewer districts
- + Counties with purchasing departments \*

\*other counties should consult their legal counsel



# ESSB 5453

## Irrigation Districts

### Irrigation Districts- Call for Bids

Required to publish calls for contract work or related materials on their website. If there is no website, posting is to be on the county website in which the district is located.



If responses from a formal sealed bid are rejected, the district may rebid using the small works roster. If no bids were received, the district may readvertise and make a second call, or may solicit electronic or written quotes from a minimum of three contractors.



## ESB 5958

### Piggybacking

## Using Others' Awards

- Review awarding entity's contract
- Confirm the entity is a public agency, that the bid award meets their bid laws, solicitation was advertised on a public website, and language exists identifying use by other agencies
- If the criteria in #2 are not met, verify the award meets your bid laws, and document all analysis thoroughly
- Enter into an interlocal agreement or cooperative agreement as appropriate

<https://portal.sao.wa.gov/PerformanceCenter/#/address?mid=6&rid=18522>



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## ESSB 5035



### L&I: Contractor Procedures

This bill pertains to activities between L&I and contractors such as investigations, penalties, violations, and related procedures.

### RCW 39.12.065

- Effective January 1, 2020
- A complaint concerning nonpayment of the prevailing rate of wage shall be filed with the department of labor and industries no later than **sixty days** from the acceptance date of the public works project. (*instead of 30 days*).
- A contractor, subcontractor, or employer shall file a copy of <sup>38</sup>its certified payroll records using the department of labor and industries' online system at least once per month. (*Previously certified payroll was only required upon request of an interested party*)

# SSB 5017



## Sworn Statements

Regarding Bidder Responsibility  
(RCW 39.04.350)

Bidder certifies that it has not willfully violated RCW 49.46, 49.48 and 49.52 in the three years prior to the bid solicitation date.

MRSC developed a certification form in 2017 for this purpose which has been updated to meet the new format in 2019.

## Format Change:

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Bidders Business Name

Signature

Printed Name

Title

Date                      City                      State

Check One:

Sole Proprietorship ☐   Partnership ☐   Joint Venture ☐  
Corporation ☐

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Bidders Business Name

Signature

Printed Name

Title

Date                      City                      State or Country

Check One:

Sole Proprietorship ☐   Partnership ☐   Joint Venture ☐  
Corporation ☐

## SHB 1295



- Design Build
- Job Order Contracting
- Public Record Impact

## Design Build

Non-certified agencies - number of DB projects are no longer limited (Still subject to project-by-project approval by the Project Review Committee)

Certified agencies – number of projects conducted within the 3-year certification period no longer limited

Progressive design build allowed; project cost minimums set at \$2M

Agencies must include language in solicitations pertaining to underutilized firms, project values, and state intended use of the project

RFQ no longer required to include accident prevention program; however this must be in the finalist's proposal. Specific RFQ evaluation factors and points for review of finalist's proposals are expanded and identified.



**Job Order Contracting**

JOC available to all public agencies; the evaluation process is expanded

Maximum awarded amount is \$4M per year, up to 3 years. Carryover of unused capacity can go to the immediate following year's limit, with a maximum annual volume not to exceed the limit of two years (exclusive of sales and use tax.

Three JOC projects can be in effect at any time (DES can have six). Certified minority-and-woman owed subcontractors designated to be in the 90% subcontractor distribution with bonding requirements limited to the extent possible.

Works orders have increased to \$500k, excluding tax. New, permanent stand-alone structures may not exceed 3000 sf.

A state-registered apprenticeship program is required when a work order is over \$350k, excluding tax, and includes over 600 single-trade hours (specific exceptions are noted).

**Pertaining to Public Records**

Documents related to the design build process under RCW 39.10.330 are exempt from disclosure until the highest scoring finalist is notified or the process is terminated (RCW39.10.470)

The public records act – RCW 42.56.270(2) - has been amended to include, as an exception, the financial information supplied for the purpose of qualifying to submit a bid or proposal for an alternative public works contracting procedure as required by RCW 39.10.200 through RCW 39.10.905.



Reminder: Bidder  
Responsibility requires  
Contractor Training  
(RCW 39.04.350)  
effective July 1, 2019

- (f) Have received training on the requirements related to public works and prevailing wage under this chapter and chapter [39.12](#) RCW. The bidder must designate a person or persons to be trained on these requirements. The training must be provided by the department of labor and industries or by a training provider whose curriculum is approved by the department. The department, in consultation with the prevailing wage advisory committee, must determine the length of the training. Bidders that have completed three or more public works projects and have had a valid business license in Washington for three or more years are exempt from this subsection. The department of labor and industries must keep records of entities that have satisfied the training requirement or are exempt and make the records available on its web site. Responsible parties may rely on the records made available by the department regarding satisfaction of the training requirement or exemption; and

SSHB 1673 – Passed 2018