

PORT OF COUPEVILLE
ISLAND COUNTY, WASHINGTON
RESOLUTION NO. 310

A RESOLUTION of the Board of Commissioners of the Port of Coupeville, Island County, Washington Rescinding Resolution NO. 203, and Establishing a New Small Public Works Roster Process and Authority to Award Public Works Contracts.

WHEREAS, the Port of Coupeville is a Special Purpose District established under the laws of the State of Washington, and

WHEREAS RCW 39.04.151-154 and other laws regarding contracting for public works by authorized local governments, allow certain contracts to be awarded by using a small works roster process; and

WHEREAS to be able to implement a small works roster and process, the PORT OF COUPEVILLE is required to adopt a resolution, establish reporting procedures that are publicly available, and commit to providing the more practicable opportunities for small businesses when use Direct Contracting; and

WHEREAS to be able to use Direct Contracting on occasion, the Port of Coupeville is required to develop a Small Business Utilization Plan.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Port of Coupeville that Resolution #203 be rescinded and replaced with newly adopted Small Public Works Roster Process and Authority to Award Public Works Contracts, a copy of which is attached hereto and incorporated by reference herein,

SECTION 1: Resolution #203 is hereby repealed and is replaced with Resolution #310.

SECTION 2: MRSC Rosters. The Port of Coupeville hereby elects to use the statewide small works roster established under RCW 39.04.151(2) and administered by the Municipal Research Services Center of Washington.

SECTION 3: Small Works Roster. The Port of Coupeville has established the following procedures to use in managing procurement and awards of public works contracts using the statewide small works roster.

- A. Small Works, as defined by RCW 39.04.152 are public works construction projects estimated to cost \$350,000 or less, excluding WSST.

- B. Small Works Roster is a pre-established list of properly licensed contractors, registered to do business with the Port of Coupeville under selected project types and work categories.
- C. Small Works process is an alternative to publicly advertising public work projects; ADDITIONALLY, every small works contract is subject to the same public bidding, award, and compliance requirements of RCW 39.04.151-154, this resolution or the incorporated policies or procedures.
- D. Small Works Procurements will be facilitated by the Port of Coupeville procurement processes using MRSC and Port email.
- E. MRSC Rosters will publish an annual notification of the Port of Coupeville's desire to use the Small Work Roster and process and invite more businesses to apply. Interested businesses are encouraged to apply to the roster at any time.
- F. Small works bidding and award information will be entered into the statewide small works roster platform immediately upon conclusion of each small works roster awards.
- G. Small works bidding and award data will be part of the Port of Coupeville's procurement files and records and all documents will be available for review at the Port of Coupeville Offices, located at 765 Wonn Rd, Jim Davis House, Greenbank, WA 98253.

SECTION 4: Direct Contracting

The Port of Coupeville intends to use the direct contracting option (RCW 39.04.152 (4)) whenever practicable for Small Works projects estimated to cost \$150,000 or less, excluding WSST. The Port of Coupeville has developed additional policies and procedures to ensure that the Port of Coupeville uses Direct Contracting with the spirit and intent of the statute; and incorporated herein as follows:

- A. Small Works Roster General Policy
- B. Direct Contracting Rotation Policy
- C. Small Works Direct Contracting Negotiation Policy
- D. Small Business Utilization Plan

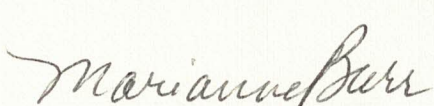
Section 5: Delegated Authority

The Port of Coupeville has delegated authority to oversee and manage the Small Works Roster "program" to the Project Manager, Mary Hogan, in conjunction with the Executive Director, Chris Michalopoulos. As the delegated authority, the Small Works Roster Manager, will be responsible for ensuring all necessary policies and procedures,

templates, contracts or similar are developed and used in accordance with applicable statutes and guidance provided by MRSC.

Further, the Project Manager will be responsible for establishing and implementing the Port of Coupeville's Business Utilization Plan and reporting annually on the utilization and improvements needed by the policy, contracting policy or contracting processes to meet or exceed the established goal for small business utilization through Direct Contracting opportunities.

The Project Manager will also be responsible for data collection, reporting, and similar on all activities, uses, and awards for small works and will ensure all information is provided to the MRSC, the state, or the public as requested or requested.


Marianne Burr


John Mishasek


Martin Vandepas

Attest: This 26th day of June 2024

Chris Michalopoulos, Executive Director

Resolution 310

Appendix

- I. Small Works Roster General Policy
- II. Direct Contracting Rotation Policy
- III. Small Works Direct Contracting Negotiation Policy
- IV. Small Business Utilization Plan



Small Works Authorization & General Policy

- A. The Port of Coupeville, being an authorized agency under RCW 39.04.151 intends to regularly compete public works projects as defined by RCW 39.04.010, that are estimated to cost \$350,000 or less, and intends to use the MRSC small works roster.
- B. Individual projects bid using the small works roster process will not be publicly advertised but will be solicited to only the applicable contractors under the applicable work category(ies). As provided in this rule, notification to all responsible contractors in the work category or to a subset of contractors on the small works roster will be in accordance with RCW 39.04.152.
- C. The Port of Coupeville requires Payment and Performance Bonds as well as Retainage or Retainage Bonds (5%) to be held on any awarded public works project. As allowed under RCW 39.04.152, the Port of Coupeville may make a project-by-project determination as to individual project risk and assign bonding and retainage as deemed fit. Commercial insurance coverage cannot be waived under the Owner's policy.
- D. The Port of Coupeville will not break up larger projects for the purpose of avoiding public advertisement.

Competing Work Using the Small Rosters Process

The Small Works Roster process is as follows:

- A. For Public Works Project estimated to cost between \$150,000 and \$350,000 the Port of Coupeville shall solicit bids from all contractors in the work category that is more like the scope of work of the project being bid.
 - 1. An Invitation to bid will contain a minimum of the Scope and Nature of the work, equipment or materials provided, the project schedule and budget anticipated, the date the project needs to be completed, if any permits are anticipated, forms to be used, the form of the contract that will need to be signed, bonding, insurance and retainage requirements, and the date, time, and procedure for submitting bids.
 - 2. Plans and specifications are not anticipated to be needed for small works projects; however, the Port of Coupeville will endeavor to be a precise and

detailed about the scope of the project and the needs is appropriate to solicitate comparable bids.

3. The Port of Coupeville allows for bids to be turned in via email which may include digital signatures and may request original documents before awarding the contract.
 4. Bidding and Awarding process for small works shall be the same as the Port of Coupeville's public works processes and each bid will be evaluated for responsiveness and each bidder for responsibility. The Port of Coupeville will only award to a responsible bidder.
 5. The Port of Coupeville reserves the right to waive any immaterial irregularities in bidding procedure.
 6. All bids received for a project will be made available for inspection.
 7. A contractor on the MRSC's small works roster may submit a protest of any award under the small works process, provided that the protesting contractor can prove discrimination, unfair practices, or some other violation of this rule.
- B. For Public Works project estimated to cost \$149,999 or less, the Port of Coupeville intends to use Direct Contracting when appropriate.

Notification and Use of the Small Works Roster

- A. For a period of no less than twenty-four (24) months following the award of a small works project, the Port of Coupeville shall maintain a written list containing the project name, contract number, estimate, and the category of work and all contractor's solicited for the project along with identification of the awarded firm.
- B. A list of all awards made using the small works process will be made available through the Port of Coupeville's website.

Small Business Inclusion Plan

- A. It is the Port of Coupeville's intent to provide the maximum practicable opportunity for certified diverse businesses (RCW 39.19) to participate and be awarded project the Port of Coupeville's small works roster contracting program.
- B. The Port of Coupeville has a Small Business Utilization Plan and will be posted publicly on the website and announced annually.

Definitions

- A. **Small Works Roster** has the same meaning as RCW 39.04.151-154.
- B. **Direct Contracting** means the ability to select one contractor and negotiate price for a public works project estimated to cost less than \$150,000 or less in accordance with RCW 39.04.152 (4) (b) applicable policies.

- C. Small Business** means the same as RCW 39.04.010 (7).
- D. Small Business Utilization Plan** means the same as described in RCW 39.04.152 (4)(b) (iv).
- E. Project Specific Roster** means the same as “appropriate roster” or “applicable roster” and is the specific list of businesses generated for an individual solicitation.
- F. Rotation** means identifying a contractor not previously awarded in the same project type and category.
- G. Rotation Documentation** means the documented process procurement staff used to ensure compliance with this policy.

Supporting Policies

The following policies/procedures support and may apply to small works roster, direct contracting rotation.

- A. Small Works Roster General Policy**
- B. Direct Contracting Policy**
- C. Small Works Negotiation Policy**
- D. Small Business Utilization Plan**

Small Works Roster

Direct Contracting

Rotation Policy



1.0 Purpose

This document provides policy and implementation guidance regarding the small works roster direct contracting rotation.

As required under RCW 39.04.152(4)(b) when an authorized local government or state elects to direct contract, rotation is required.

This policy applies exclusively to small works roster direct contracting procurements.

2.0 Policy

- A. It is the Port of Coupeville's policy to **equitably distribute contracting** opportunities to small and diverse businesses on the small works roster.
- B. When project(s) are estimated to cost \$150,000 or less, a rotation contractors must be used in accordance with this policy on every **direct contracting** procurement, when the Port of Coupeville has more than one procurement in a single project type and category **within a 12 month or 1 year period**.
- C. Documentation evidencing compliance with this policy, shall be included with each small works direct contracting procurement record.
- D. Each procurement opportunity under which direct contracting is used shall also be consistent with the Port of Coupeville's **Small Business Utilization Plan**.
- E. It is the Port of Coupeville's policy not to favor certain contractors on a project specific roster by repeatedly awarding contracts without Rotation Documents (RCW 39.04.152 (4) (b) (iv)).

3.0 Implementation

A. Project Specific Roster/List of Businesses

A list of contractors to which "rotation" must be applied is generated by starting a solicitation, selecting a project type and category of work, then the statewide roster (MRSC) produces a **project specific roster**.

B. Six or More Small Businesses

If the project specific roster contains 6 or more Small Businesses, rotation must be applied to those Small Businesses.

Rotation Process: *Rotation is applied by reviewing the date of the last contract with business on the project specific roster in the order they appear. If the last*

contracted date is within a 12-month period, the next business on the project specific roster is reviewed. This review approach is to continue until a business that has not been contracted within the last 12-month period is identified.

Once the rotated contractor is identified, they are sent a procurement package in accordance with **Small Works Direct Contracting Negotiation** procedure.

C. Five or Fewer Small Businesses

If the project specific roster contains 5 or fewer Small Businesses, rotation must be applied to all the businesses within the project specific roster.

Rotation Process is applied. Once the rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** procedure.

D. No Small Businesses

If there are no Small Businesses listed on the **project specific roster**, rotation must be applied to all businesses.

Rotation Process is applied. Once the rotated contractor is identified, they are sent a procurement package in accordance with the **Small Works Direct Contracting Negotiation** policy/procedure.

E. One Business

If there is one business on the project specific roster, rotation is not practicable. Documentation will include the project specific roster to demonstrate the single contractor.

Once a contractor is identified, they are sent a procurement package in according with the **Small Works Direct Contracting Negotiations** Policy/Procedure.

F. Rotation Documentation

Procurement staff shall document the process and approach used to rotate through responsible contractors on the project specific roster. Documentation could include, but not limited to, printing the project specific roster, and noting each contractor considered through review of their last contracted date and reference to the Small Business Utilization Plan.

G. Multiple Procurements in the same Project Type and Category

Procurement staff are encouraged to sue the same project specific roster and rotate starting at the bottom of the list when procurements for the same Project Type and Category are anticipated. This approach provides the maximum practicable opportunities to rotate through the same list of contractors and equitably distribute work among all Small Businesses registered in a project type and category. (e.g., 3 roof replacements in a 12-month period, goes to 3 different roofers)

H. Notification

At the conclusion of negotiations with the directly selected, rotated contract, procurement staff must send notification to all the small businesses on the **project specific roster** of the selection which included the basis of rotation as documented.

I. Rotated Business Decline to Negotiate

If rotated business declines to negotiate, procurement staff will first attempt to negotiate with the next rotated business. If all rotated businesses decline to negotiate, procurement staff can elect to revert the solicitation to the competitive process and invite all businesses on a project specific roster, cancel solicitation all together, or publicly bid. Procurement staff are encouraged to ask contractors that decline the reason.

4.0 Definitions

- A. Small Works Roster** has the same meaning as RCW 39.04.151-154.
- B. Direct Contracting** means the ability to select one contractor and negotiate price for a public works project estimated to cost less than \$150,000 or less in accordance with RCW 39.04.152 (4) (b) applicable policies.
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- F. Rotation** means identifying a contractor not previously awarded in the same project type and category.
- G. Rotation Documentation** means the documented process procurement staff used to ensure compliance with this policy.

5.0 Supporting Policies

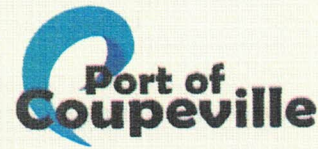
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Port of Coupeville

Small Works Direct Contracting

Negotiation Procedure



Purpose

The Port of Coupeville is reserving the option to use the Direct Contracting (RCW 39.04.152 (4)) as practicable in the Small Works Roster process when a projects estimated cost is \$150,000 or less, excluding WSST.

Intent and Policy

To increase the utilization of small businesses, the Port of Coupeville will use Direct Contracting. Businesses will be contacted on a rotating basis. (Rotation Policy)
Procurement staff will document such communication to detail the procurement process.

Once a business has responded with a bid for the project, the Port of Coupeville Procurement Staff will review, and negotiations will begin.

If the rotated business and the Port have not come to an agreement after three (3) attempts, the Port has the choice to move onto the next business on the small works specific roster.

If the rotated business declines to negotiate, procurement staff will attempt to negotiate with the next rotated business, may choose to revert to solicitation of competitive process and solicit all businesses on a project specific roster, cancel the solicitation all together, or publicly bid.

Definitions

- A. Small Works Roster** has the same meaning as RCW 39.04.151-154.
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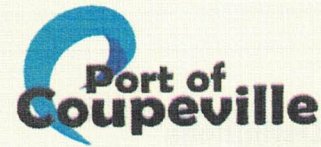
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Port of Coupeville

Small Works Roster



Small Business Utilization Plan

Effective Date: July 1, 2024; End Date July 1, 2025

Plan Administrator: Mary Hogan

Purpose

The Port of Coupeville is reserving the option to use Direct Contracting as practicable in the Small Works Roster process. As required under RCW 39.04.152 (4) (b) (iv), the Port of Coupeville is preparing the following small, minority, and veteran owned business utilization plan.

Intent and Policy

It is the agency's policy to not favor contractors by repeatedly awarding contracts without documented attempts to negotiate with others.

This plan is intended to help increase the likelihood of small works roster awards going to a broad range of small businesses.

This plan is to be referred to with each procurement for small works with \$150,000 estimate or less will be referred to by the Port of Coupeville staff as they solicit and negotiate using Direct Contracting.

Transparency

This plan is to be assessed and posted annually (Q2) by the plan administrator. The achieved utilization will be publicly reported at the Open Public Meeting (DATE & TIME).

Goal

The agency's goal is to award small and diverse businesses half (50%) of all the small works projects awarded the Utilization Plan's Effective Period in the following way.

Projects Anticipated	Target Small Business Awards
4	2

Project Type	Categories	Small Business ID
Building/Facilities: Envelope Repair	Renovation	
Building/Facilities: Dock Replacement	Renovation	
Building/Facilities: Barn A Roof	Renovation	
Building/Facilities: Barn B Roof	Renovation	

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