

ADMINISTRATIVE PROCEDURES

No. 6220P

Purchasing: Bid Requirements

Formal Bid Process

- 1) Formal bids shall be opened at the time and place stated in the official advertisement for bids, and any interested member of the public may attend the bid opening. It shall be the bidder's sole responsibility to see that his/her bid is delivered to the district prior to the time set for opening of bids. Any bid received after the time set for opening the bids shall be returned to the bidder unopened and shall receive no consideration by the district.
- 2) Formal bid tabulations shall be presented at the next regular meeting of the board and awarded on the basis of staff recommendation.
- 3) Brand names and manufacturers' catalog numbers used in specifications are for the purpose of identification and to establish a standard of quality. Bids on equal items shall be considered providing the bidder specifies brand and model and furnishes descriptive literature. The acceptance of alternative "equal" items shall be conditioned on the district's inspection and testing after receipt. If not found to be equal, the material shall be returned at the seller's expense and the contract canceled.
- 4) The district shall reserve the right to reject any or all bids, waive any formalities, and cancel the solicitation, if a compelling reason exists.
- 5) On construction projects, the bidder shall include a notarized statement agreeing to comply with prevailing wage and affirmative action requirements and shall provide a performance bond.

Building Improvements, Repairs & Other Public Works Projects

- 1) For public works projects estimated to cost less than \$25,000, no competitive process is required. For public works projects estimated to cost \$25,000 or more and less than \$100,000, at least three telephone or written quotes shall be secured. All telephone quotes must be confirmed in writing from the vendor promptly in order to constitute a valid quotation.

The requirement for quotes may be waived for situations deemed urgent as determined and approved by the Superintendent or Director of Business & Operations.

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- 2) For public works projects estimated to cost \$100,000 ~~or more and less than \$300,000~~ up to \$350,000, the Superintendent may solicit bids by telephone, electronic means and/or written quotations from all contractors who have requested to be placed on the small works roster. The district will not break a project into units or phases in order to come within the scope of the small works roster. The small works roster shall be revised at least once each year by publishing a notice of such opportunity in at least one newspaper of general circulation in the district. Also, responsible contractors shall be added to the small works roster any time they submit a written request and necessary records. The application form shall be designed to collect such information as 1) name of contractor; 2) State of Washington contractor's license number; 3) bonding verification; 4) liability coverage; 5) related contracts completed; and 6) references (bond and clients). Contractors desiring to be placed on or remain on the small works roster are required to keep current records of applicable licenses, certifications, registrations, bonding and insurance on file with the district. In lieu of creating a small works roster internally, the district may use the Municipal Research and Services Center small works roster.

The following steps shall be employed to engage a contractor for a small works project:

- a) The District shall prepare written specifications which describe the scope and nature of the work to be completed and a list of the materials and equipment to be furnished. Completion date; contractor's assurances (prevailing wages, fair employment, etc.); bid and performance bond requirements; opportunity to visit the work site; closing date; and bid form may be provided. Detailed plans and specifications need not be included in the invitation.
- b) All qualified small works contractors may receive written invitation to bid. *In the alternative, quotations may be invited from at least five contractors on the roster qualified to do the work being contracted in a manner that will equitably distribute the opportunity among qualified contractors on the roster. If the estimated cost of the work is between \$150,000 and up to \$300,000 \$350,000 and not all appropriate contractors on the roster were invited to provide quotes, all other contractors on the roster shall be notified of the quotations being sought by publishing via electronic communication. **Refer to Business Services procedure #017 for process using MRSC roster.*
- c) After the closing time, bids shall be opened, recorded, and made available for inspection or telephone inquiry.
- d) The Superintendent shall award the contract to the lowest responsible bidder. The district shall post a list of contracts awarded pursuant to the small works roster once every two months, including the name of the contractor or vendor, amount of the contract a brief description of the work done or items purchased and the date awarded. The notification must also

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include the location where quotations for the contracts listed are available for public inspection.

The following factors shall be considered in determining the lowest responsible bidder:

- a) The ability, capacity, and skill of the bidder to perform the work required
 - b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
 - c) The ability of the low bidder to perform the work in the time specified.
 - d) The quality of performance of previous contracts or services.
 - e) The previous and existing compliance of the bidder with laws relating to public works; and
 - f) Such other information related to the performance of the contract as the Superintendent deems advisable.
- 3) Formal written contracts shall be prepared for all major construction and repair projects. All contracts shall provide that, in the event of a suit by the district to enforce the terms of the contract, venue for the suit shall be laid in the county in which the district is located and that, if the district is successful in the suit, the court may order reimbursement of the district's attorney's fees and court costs in such amount as the court deems reasonable. The contract shall contain a proviso requiring the contractor to prohibit any of its employees who have ever been convicted of or pled guilty to any of the child related felonies from working where he/she has contact with public school children. The contract shall also provide that failure to comply with this requirement is grounds for immediate termination of the contract.

Change Order and Construction Change Directive Procedure

Definitions

1. Change Order (CO): a document used to implement changes in the construction work agreed to by the District, Architect, and Contractor. Execution of the form indicates agreement upon all terms of the change, including any changes in the contract sum and contract time.
2. Construction Change Directive (CCD): a document used to implement changes in the construction work where, for whatever reason, the District and Contractor have not reached agreement upon the proposed changes in contract sum or contract

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time, and where changes in the work need to be implemented expeditiously in order to avoid a delay in the project.

Change Order Procedures

The District recognizes that change orders have several common origins/causes:

1. Discovery of unforeseen physical conditions
2. Designer errors or omissions
3. Changes in regulatory agency requirements
4. District requests for changes in the work

For construction change orders under the amount of **\$100,000** the Superintendent shall have the authority to sign. The following types of change orders shall be presented to the Board of Directors for action or approval prior to the Contractor commencing the change order work:

1. Any change order in excess of **\$100,000**.
2. Any change order that exceeds the construction contingency.
3. Any change order whose value when added to the aggregate value of all previous change orders for the same project exceeds the construction contingency for the project and;
4. Any other change orders not conforming to the above categories.

In the event a change order request exceeding the authority of the Superintendent must be considered between board meetings, the President of the Board may provide interim authorization. The Board shall take formal action on such requests at the next Board meeting.

Construction Change Directive (CCD) Procedures

CCD's shall be used sparingly and only when, in the opinion of the Superintendent or designee, failure to direct the Contractor to make changes in the work in a timely manner may cause a delay to the project or other forms of damage to the District.

For CCD's under the amount of **\$50,000** the Superintendent shall have the authority to sign. CCD's over **\$50,000** require the action of the full Board of Directors.

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Rev. ~~11/2019~~09/2018