

# Chapter 504-50 WAC

## SMALL WORKS ROSTER

### WAC

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**WAC 504-50-010 Purpose and authority.** This chapter of the Washington Administrative Code is adopted pursuant to RCW 39.04.155, authorizing Washington State University to adopt procedures to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property in lieu of other procedures for such work with an estimated cost of three hundred thousand dollars (\$300,000) or less. The University, in establishing a small works roster, shall use the procedures set forth in this chapter.

[Statutory Authority: RCW 28B.30.150. WSR 09-19-071, § 504-50-010, filed 9/15/09, effective 10/16/09. Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-010, filed 6/20/01, effective 7/21/01.]

**WAC 504-50-020 Project construction cost.** When the estimated cost of any construction... or improvement of real property does not exceed three hundred thousand dollars (\$300,000), the University is authorized to use the small works roster in lieu of public advertisement for bids. In the event that the legislature further increases the small works roster limit, the University is authorized to use the small works roster for any projects up to the legislatively authorized limit. No project shall be broken into units or phases for the purpose of avoiding the maximum dollar amount of a contract that may be met using the small works roster.

[Statutory Authority: RCW 28B.30.150. WSR 09-19-071, § 504-50-020, filed 9/15/09, effective 10/16/09. Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-020, filed 6/20/01, effective 7/21/01.]

**WAC 504-50-030 Creation of small works roster or rosters.** The University may create a single general small works roster, or it may create a small works roster for different specialties or categories of anticipated work. The rosters may make distinctions between contractors based upon different geographic areas served by the contractors.

[Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-030, filed 6/20/01, effective 7/21/01.]

**WAC 504-50-040 Notice of small works rosters and solicitation of contractors.** At least once per year, the University shall publish, in a newspaper of general circulation within the counties where small works are expected to be performed, a notice of the existence of any rosters, and shall solicit the names of contractors for such roster or rosters.

(9/15/09)

[Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-040, filed 6/20/01, effective 7/21/01.]

**WAC 504-50-050 Contractors application form—Information required.** In response to the notifications above, or at any time, contractors desiring to be included on a small works roster established by Washington State University, may submit a completed application in a format prescribed by the director, department of facilities operations. Copies of the form may be obtained from the department of facilities operations and will contain the following information:

- (1) Name of contracting firm, including designation as corporation, partnership, sole proprietorship, or otherwise;
- (2) Address of contracting firm;
- (3) Telephone number;
- (4) Fax number;
- (5) Email address;
- (6) State contractor's license number;
- (7) Name of the owner or chief operating officer;
- (8) State of Washington department of revenue tax number;
- (9) Indication of type of construction firm by categories enumerated on the form;
- (10) An indication of those counties, enumerated on the form, in which the contractor is interested in being considered for projects;
- (11) Indication of whether contractor is certified as a minority or women's business enterprise pursuant to chapter 326-20 WAC;
- (12) Three references of satisfactorily completed contracts of a value of not less than twenty-five thousand dollars within the past two years.

Upon receipt of the application, the University shall evaluate the qualifications of the firm for inclusion on the small works roster, enter the information set forth therein into its small works roster, and send a copy of the information which is entered to the applicant contractor. Contractors should not consider themselves to be enrolled in a small works roster until they have received this verification.

It is the responsibility of the contractor to notify the agency of any incorrect information set forth on the notice of verification and to notify the agency of any change in the information set forth in its application, as such changes may occur from time to time.

[Statutory Authority: RCW 28B.30.150. WSR 09-19-071, § 504-50-050, filed 9/15/09, effective 10/16/09. Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-050, filed 6/20/01, effective 7/21/01.]

**WAC 504-50-060 Qualification requirements.** To qualify for placement on the Washington State University small works roster, contractors must demonstrate the following in experience and qualifications:

- (1) Be a licensed contractor in the state of Washington;

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(2) Have successfully completed at least three projects, each with a value of not less than twenty-five thousand dollars within the past two years;

(3) Have two years experience in the area of expertise for which listing is sought.

[Statutory Authority: RCW 28B.30.150. WSR 09-19-071, § 504-50-060, filed 9/15/09, effective 10/16/09. Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-060, filed 6/20/01, effective 7/21/01.]

**WAC 504-50-070 Denial or removal of contractors from small works roster—Reasons, notice, and hearing.**

A contractor may be denied placement on or, after such placement, may be removed from a small works roster for any of the following reasons:

(1) The information set forth in the contractor's application is not accurate;

(2) The contractor fails to notify the University of any changes in the information set forth in its original application for placement on the small works roster within thirty days of the effective date of such change;

(3) The contractor has failed to respond to five solicitations for bids on jobs offered through the small works roster;

(4) The contractor's past performance has demonstrated the firm not to be a responsible bidder as defined in RCW 39.04.350;

(5) The contractor fails to complete and return to the University any periodic update submitted by the University to determine the contractor's ongoing interest in maintaining its placement on the small works roster.

(6) Whenever the University believes that grounds exist for denying an application for placement on a small works roster, or removing the name of a contractor from a small works roster, notice of said grounds shall be given to the contractor by first class mail. If the contractor fails to object or request a hearing within twenty days after the mailing of said notice, then the denial or removal shall be made effective.

[Statutory Authority: RCW 28B.30.150. WSR 09-19-071, § 504-50-070, filed 9/15/09, effective 10/16/09. Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-070, filed 6/20/01, effective 7/21/01.]

**WAC 504-50-080 Procedures for use.** When using a Small Works Roster, the University 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 39.04.350, as follows:

(1) 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. 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. In those cases where there are fewer than five contractors on the appropriate small works roster, quotations will be invited from all contractors on the roster.

(2) If the estimated cost of the work is from one hundred fifty thousand dollars to three hundred thousand dollars, the University 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 University has the sole option of determining whether this notice to the remaining contractors is made by:

(a) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done;

(b) Mailing a notice to these contractors; or

(c) Sending a notice to these contractors by facsimile or other electronic means.

(3) For purposes of this resolution, "equitably distribute" means that the University 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 University representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project.

(4) A written record shall be made by the University 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.

(5) The University 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 University may call for new bids.

[Statutory Authority: RCW 28B.30.150. WSR 09-19-071, § 504-50-080, filed 9/15/09, effective 10/16/09. Statutory Authority: RCW 39.04.155. WSR 01-13-103, § 504-50-080, filed 6/20/01, effective 7/21/01.]