

WAC 172-330-100 Small works competitive contracting. (1) Small works bid process. Whenever the estimated cost of construction for a project does not exceed \$350,000 or the current threshold set in RCW 39.04.152, excluding state sales tax, EWU may use the small works competitive contracting process. EWU may either use the statewide roster or establish its own small works roster. Under the small works bid process, contractors included on a small works roster are invited to submit bids for small works projects. No project shall be broken into units or phases for the purpose of allowing the project to qualify for a small works roster process.

(2) Requirements. The small works bid process must meet all of the requirements of RCW 39.04.151, 39.04.152, and chapter 200-330 WAC. This includes, but is not limited to, the following requirements:

(a) Invitations to bid.

(i) Invitations to bid must include:

(A) Plans, specifications, and an estimate of the work sufficient to define the work and for the contractor to generate a bid; and

(B) A date and time for receipt of bids through the designated bidding system.

(ii) EWU must provide an invitation to bid to all contractors on the appropriate roster category associated with the work to be performed.

(b) Estimated cost. EWU's estimate of the work must be equal to or under the cost limit specified in RCW 39.04.152 to solicit bids under the small works competitive contracting process. EWU may award contracts for more than this amount if the contract cost is not excessive or does not constitute a cardinal change. A general guideline is that 10 percent or less of the statutory bid limit will not constitute a cardinal change.

(c) Change orders. Change orders may be added to the contract amount at the discretion of EWU if the change orders are necessary to complete the work described in the plans, specifications, and estimate, or do not constitute a cardinal change. EWU shall not use change orders to avoid the statutory bid limit for this type of solicitation.

(d) Retainage. Retainage may be waived or reduced by EWU. If EWU waives or reduces retainage, the waiver or reduction must be indicated in the invitation to bid at the time of solicitation, and EWU then assumes liability for any unpaid wages and taxes.

(e) Bid acceptance. EWU:

(i) Must accept written quotations or accept quotations through electronic methods such as electronic mail or an electronic bid system;

(ii) Shall not establish a formal bid opening; and

(iii) Must make bid tabs publicly available upon request. Bid tabulations may be requested by emailing EWU's public records manager at prr@ewu.edu.

[Statutory Authority: RCW 28B.35.120(12) and 39.04.151. WSR 25-01-082, s 172-330-100, filed 12/13/24, effective 1/13/25.]