

DES MOINES POOL METROPOLITAN PARK DISTRICT

P.O. Box 98711

Des Moines, WA 98198

Martin P. Martinson, President
Nancy N. Kuehnoel, Clerk of the Board
Gene Achziger, Commissioner
Eric Kasnick, Commissioner
Bernadette Barrett, Commissioner

Special Meeting Agenda
Friday, July 16, 2010 at 2:00 p.m.
at Midway Sewer District 3030 S 240th St Kent, WA 98032

Page

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. OLD BUSINESS

2-10

a. Resolution 2010-06, MRSC Small Works Roster

Recommended motion: "I move to adopt Resolution 2010-06, a resolution establishing a small public works roster process to award public works contracts and a consulting services roster for architectiural, engineering and other professional services."

11-12

b. KCDA Purchasing Cooperative

Recommended motion: "I move to authorize the District to join the KCDA purchasing cooperative and authorized President Martinson to complete and execute the Membership Profile and Associate Member Agreement."

c. City Currents Publication - Copy Review

V. ADJOURNMENT

**DES MOINES POOL METROPOLITAN PARK DISTRICT
RESOLUTION NO. 2010-06**

**MODEL SMALL PUBLIC WORKS
AND CONSULTANT ROSTERS RESOLUTION**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE DES MOINES POOL METROPOLITAN PARK DISTRICT, WASHINGTON, ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND A CONSULTING SERVICES ROSTER FOR ARCHITECTIURAL, ENGINEERING AND OTHER PROFESSIONAL SERVICES.

WHEREAS, RCW 35.61.135 authorizes the District allow certain public works contracts to be awarded by a small works roster process under RCW 39.04.155; and

WHEREAS, in order to be able to implement small works roster processes, the District is required by law to adopt a resolution establishing specific procedures;

WHEREAS, RCW 39.80.030 requires that an agency publish in advance that agency's requirement for professional services and that one of the ways to accomplish that notification is to announce generally to the public its projected requirements for any category or type of professional services and request qualification statements to be kept on file with the agency,.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF DES MOINES POOL METROPOLITAN PARK DISTRICT, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. MRSC Rosters. The District intends to contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for District use those state wide electronic databases for small public works roster and consulting services developed and maintained by MRSC and authorizes the Board President to sign that contract.

SECTION 2. Small Public Works Roster. The following small works roster procedures are established for use by the District pursuant to RCW 39.04.155:

- 2.1. Cost.** The District need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Three Hundred Thousand Dollars (\$300,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the District may use the Small Public Works Roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.
- 2.2. Publication.** At least once a year , on behalf of the District, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate MRSC Roster(s) at any time that they submit a written request and necessary

records. The District may require master contracts to be signed that become effective when a specific award is made using a small works roster.

2.3. Telephone or Written Quotations. The District 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 a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350 (2)

(a). 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.

(b). 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. "Equitably distribute" means that the District may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(c). If the estimated cost of the work is from one hundred and fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), the District may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The District has the sole option of determining whether this notice to the remaining contractors is made by:

- i. publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
- ii. mailing a notice to these contractors; or
- iii. sending a notice to these contractors by facsimile or email.

(d). At the time bids are solicited, the District representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;

(e). A written record shall be made by the District 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.

2.4. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars(\$35,000), the District may award such a contract using the limited public works process provided under RCW 39.04.155 (3). For a limited public works project, the District will solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the

contract to the lowest responsible bidder as defined under RCW 39.04.010 After an award is made, the quotations shall be open to public inspection and available by electronic request.

(a). For limited public works projects, the District may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the District shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(b). The District shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

2.5. Determining Lowest Responsible Bidder. The Board of Commissioners 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 Board of Commissioners may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350 and who meets any supplementary bidder responsibility criteria established by the District.

2.6. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the Board of Commissioners for consideration, determination of the lowest responsible bidder, and award of the contract.

SECTION 3. Consulting Services Roster.

3.1. Consulting Services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

3.2. Publication. At least once a year, on behalf of the District, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the District who can provide further details as to the District's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The District may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

3.3. Professional Architectural and Engineering Services The MRSC Rosters will distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the District's projected requirements for any category or type of professional or other consulting services. The District reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate District departments.

Adoption: ADOPTED by the Board of Commissioners of DES MOINES POOL METROPOLITAN PARK DISTRICT at an open public meeting of such Board on the _____ day of _____, 2010, the following Commissioners being present and voting:

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Clerk



Public Agency Membership Contract

This contract (the "Contract") is made by and between Municipal Research and Services Center of Washington ("MRSC"), a Washington not-for-profit corporation, and Des Moines Pool Metropolitan Park District (the "Public Agency").

Public Agency Information

Name of Public Agency Des Moines Pool Metropolitan Park District

County King

Mailing Address _____

Public Agency Website _____

1. Purpose. The purpose of this Contract is to provide the Public Agency with membership in a Contractor Roster - Small Public Works ("Contractor Roster") and a Consultant Roster - Consulting Services ("Consultant Roster" and, collectively, "MRSC Rosters"). MRSC is making membership in the MRSC Rosters available to a number of local government agencies in Washington State to provide them with more efficient and cost effective services.

2. Scope of Services. MRSC shall create and maintain the MRSC Rosters as allowed to the Public Agency and other Public Agency members by RCW 39.04.155 and Chapter 39.80 RCW, respectively. MRSC shall advertise at least annually for the Small Works Roster in accordance with statutory requirements on behalf of all Public Agencies with which MRSC has similarly contracted ("Roster Members"), receive and review contractor applications for compliance with basic statutory eligibility requirements, and maintain lists of Contractor Roster contractors. MRSC shall advertise at least annually the Consultant Roster in accordance with statutory requirements on behalf of all Roster Members, receive and review firms' applications for completeness, and maintain lists of architects, engineers, and other consultants on the Consultant Roster.

3. Use of MRSC Rosters by Public Agency. The Public Agency will use both the MRSC Rosters Small Works and Consultant Rosters as their official roster system. If the Public Agency decides to continue use of another roster system in addition to MRSC Rosters than that Public Agency is responsible to utilize both MRSC Rosters and that other system in their selection process either by contacting contractors/consultants from both systems on every project or through a rotation procedure using both systems.

(a) Contractor Roster - Small Public Works. The Public Agency will use the Contractor Roster to select contractors for public work projects up to \$300,000 in value or as otherwise limited by statutes, ordinances, and laws applicable to the Public Agency. The Public Agency shall be independently responsible for its own and the selected contractors' compliance with all additional or varying laws and regulations governing purchases, including all selection laws, retainage and bonds, prevailing wages, and any other appropriate requirements.

The Public Agency shall be independently responsible, consistent with applicable laws and its own policies and practices, for the determination that the selected contractors are responsible contractors. The Public Agency also shall be independently responsible to conduct a quotation or bid process consistent with applicable statutes, ordinances, and the requirements of the Public Agency and to enter into a contract directly with the contractor thus selected.

(b) Consultant Roster - Consulting Services. The Public Agency will use the Consultant Roster to select engineering, architectural, or other consultants for negotiations and contracts, and will do so in accord with all applicable laws and regulations. The Public Agency shall be independently responsible for its own and the selected consultants' compliance with all additional or varying laws and regulations governing services, including all selection laws, and any other requirements as appropriate.

The Public Agency shall be independently responsible, consistent with applicable laws and its own policies and practices, for the determination that the selected consultants or firms are responsible. The Public Agency also shall be independently responsible to conduct a consultant selection process consistent with applicable statutes, ordinances, and the requirements of the Public Agency and to enter into a contract directly with the consultant thus selected.

(c) Access to MRSC Rosters. MRSC shall make the MRSC Rosters and associated applications and qualifications for each available to the Public Agency by providing it with a user name and password for access to MRSC's electronic MRSC Rosters.

4. Compensation of Contractors and Consultants. The Public Agency shall be independently responsible for payments to any contractor that is selected as a result of its use of the Contractor Roster and to any consultant that is selected as a result of its use of the Consultant Roster. The Public Agency shall make all such payments directly to the contractor or consultant selected by the Public Agency.

5. Term. This Contract shall be effective upon its execution by both parties. It shall continue in force until cancelled by either party upon ___ days' notice and as provided in Section 10.

6. Compensation of MRSC. The Public Agency will pay MRSC an annual membership fee in the amount of \$100.00 based on the Public Agency's total capital expenditures for the most recent complete fiscal year for the services under this Contract. Total capital expenditures for cities are the total of BARS code lines 594 and 595 and similar BARS codes for other public agencies. This amount will be paid in full, within 30 days of the execution date of this Contract (and subsequent anniversary dates of this Contract).

Total Capital Expenditures*	Annual Membership Fee
Less than 5	\$100
5 to 10	\$200
10 to 15	\$300
15 to 25	\$400
25 to 50	\$500
More than 50	\$750

**Total Capital Expenditures in millions*

7. Relationship of Parties. MRSC agrees that it will perform the services under this Contract as an independent contractor and not as an agent, employee, or servant of the Public Agency. Nothing in this Contract shall be construed to render the parties partners or joint venturers.

8. Limitation of MRSC Liability. MRSC shall not be, directly or impliedly, a party to (i) any contract for public works construction into which the Public Agency may enter as a result of the Public Agency's use of the Contractor Roster; or (ii) any contract for engineering, architectural, or other services into which the Public Agency may enter as a result of the Public Agency's use of the Consultant Roster. MRSC does not accept responsibility or liability for the performance of any contractor or consultant used by the Public Agency as a result of its use of the MRSC Rosters.

9. Hold Harmless and Indemnification. Each party shall defend, indemnify, and hold the other party harmless from any and all claims, injuries, damages, losses, or suits, including attorney fees, arising from any negligent act or omission that party's officers, employees, volunteers, and agents in connection with the performance of this Contract.

10. Termination. This Contract may be terminated, with or without cause, by written notice of either party to the other. Termination shall be effective thirty (30) days after written notice.

11. Non-assignment. MRSC shall not subcontract or assign any of the rights, duties, or obligations imposed upon it by this Contract without the prior express written consent of the Public Agency.

12. Governing Law and Venue. This Contract shall be governed by the laws of the State of Washington.

13. Authority. Each signatory to this Contract represents that he or she has full and sufficient authority to execute this Contract on behalf of MRSC or the Public Agency, as the case may be, and that upon execution of this Contract it shall constitute a binding obligation of MRSC or the Public Agency, as the case may be.

14. Severability. Should any clause, phrase, sentence or paragraph of this Contract be declared invalid or void, the remaining provisions of this Contract shall remain in full force and effect.

15. Complete Agreement. This Contract constitutes the entire understanding of the parties. Any written or verbal agreements that are not set forth herein or incorporated herein by reference are expressly excluded.

16. Contacts. For purposes of Contract administration, the Public Agency designates the following contacts:

Primary Contact:	Alternative Contact:
Name: _____	Name: _____
Title: _____	Title: _____
Email: _____	Email: _____
Telephone: _____	Telephone: _____
Facsimile: _____	Facsimile: _____

17. Signatures. By signing this Contract, the signatories below certify that they have the authority to enter into this Contract, that they agree to payment of fees in accordance with the stated Public Agency Fee Structure and that they agree that the Public Agency shall be bound by and adhere to the Terms and Conditions stated.

MRSC

PUBLIC AGENCY

[Name]

Martin P. Martinson

[Title]

Board President

[Date]

[Date]

Submit signed contract with annual membership fee to:
MRSC Rosters - Municipal Research and Services Center
2601 Fourth Avenue, Suite 800, Seattle, WA 98121-1280

Des Moines Pool Metropolitan Park District.

Proposed Legislative Change to RCW 35.61.135(3).

Purpose: Under the current statute Metropolitan Park Districts must go through a formal bidding process (either sealed bids or the vendor list procedure) for purchases of equipment, material and supplies regardless of cost. Most municipal corporations in the State have a minimum bid threshold for equipment, materials and supplies so that small purchases may be made without going through a bid process. The bid threshold ranges from \$5,000.00 for certain counties to \$40,000 for school districts. The proposed change uses a threshold of \$10,000, the same threshold used for fire protection districts and sewer/water districts.

RCW 35.61.135 Contracts — Competitive bidding — Small works roster – Exemption.

(1) All work ordered, the estimated cost of which is in excess of twenty thousand dollars, shall be let by contract and competitive bidding. Before awarding any such contract the board of park commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once thirteen days before the last date upon which bids will be received, inviting sealed proposals for such work, plans, and specifications which must at the time of publication of such notice be on file in the office of the board of park commissioners subject to the public inspection. The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of park commissioners on or before the day and hour named therein. □

Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the metropolitan park district for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the metropolitan park district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with the bidder's bid, and no bid shall be considered unless accompanied by such check, cash, or bid bond. At the time and place named such bids shall be publicly opened and read and the board of park commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting the bidder's own plans and specifications. The board of park commissioners may reject all bids for good cause and readvertise and in such case all checks, cash, or bid bonds shall be returned to the bidders. If the contract is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract is entered into for doing the work, and a bond to perform such work furnished with sureties satisfactory to the board of park commissioners in the full amount of the contract price between the bidder and the metropolitan park district in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish the bond within ten days from the date at which the bidder is notified that the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the metropolitan park district. If the bidder fails to enter into a contract in accordance with the bidder's bid, and the board of park commissioners deems it necessary to take legal action to collect on any bid bond required by this section, then the metropolitan park district is entitled to

collect from the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. □ □

(2) As an alternative to requirements under subsection (1) of this section, a metropolitan park district may let contracts using the small works roster process under RCW [39.04.155](#). □ □

(3) Any purchase of materials, supplies, or equipment, with an estimated cost in excess of [forty ten](#) thousand dollars, shall be by contract [and competitive bidding](#). Any purchase of materials, supplies, or equipment, with an estimated cost of less than fifty thousand dollars ~~shall~~ [may](#) be made using the process provided in RCW [39.04.190](#). Any purchase of materials, supplies, or equipment with an estimated cost of fifty thousand dollars or more shall be made by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section. □ □

(4) As an alternative to requirements under subsection (3) of this section, a metropolitan park district may let contracts for purchase of materials, supplies, or equipment with the suppliers designated on current state agency, county, city, or town purchasing rosters for the materials, supplies, or equipment, when the roster has been established in accordance with the competitive bidding law for purchases applicable to the state agency, county, city, or town. The price and terms for purchases shall be as described on the applicable roster. □ □

(5) The park board may waive the competitive bidding requirements of this section pursuant to RCW [39.04.280](#) if an exemption contained within RCW [39.04.280](#) applies to the purchase or public work.

**WASHINGTON ASSOCIATE MEMBERSHIP
AGREEMENT – PUBLIC AGENCIES
(Intergovernmental Cooperative
Purchasing/Procurement Agreement)**

PURSUANT TO CHAPTER 39.34 RCW and to other provisions of law, the King County Directors' Association Purchasing Department, hereinafter called "KCDA", and the following named public agency of the State of Washington, _____, hereinafter called "the public agency", hereby agree to cooperative governmental purchasing and procurement upon the following terms and conditions:

1. KCDA, in contracting for the purchase of merchandise, supplies and equipment (hereinafter referred to as "goods") and procurement of services for the member public school districts, agrees to contract also on behalf of the public agency, to the extent permitted by law and agreed upon by the parties.
2. KCDA will contract for the purchase of goods and procurement of services according to the laws and regulations governing purchases by and on behalf of the public school system of the State of Washington. The public agency accepts responsibility for compliance with any additional or varying laws and regulations governing purchases or procurement by or on behalf of the public agency in question.
3. The public agency reserves the right to contract independently for the purchase or procurement of any particular class of goods or services, with or without notice to KCDA.
4. KCDA reserves the right to exclude the undersigned public agency, or any class containing the undersigned public agency, from any particular purchasing or service contract, with or without notice to the public agency.
5. The public agency agrees to pay for goods and services as billed by KCDA upon completion of transfer of goods or performance of services per normal terms as established by KCDA, unless otherwise provided in the contract governing such purchase or service. Any additional expense incurred by KCDA in regard to any transaction for the public agency shall be paid by the public agency.
6. This agreement shall continue in force in perpetuity, except that either party may cancel this agreement on thirty (30) day written notice.
7. Contacts:

A. Public Agency: _____
Name of Individual: _____
Phone: () _____ Fax () _____

B. KCDA (425) 251-8115
18639 80th Ave. S. (98032) 1-800-422-5019
P.O. Box 5550 Fax (253) 395-5402
Kent, WA 98064-5550 E-Mail www.kcda.org

Date: _____ Loc. Code Tax: _____
Agency Name: _____
Physical Address: _____
Printed Name: _____
Signature: _____
Title: _____
Telephone Number: _____
Fax Number: _____
E-Mail Address: _____

_____ Date
KCDA Executive Director



Member Profile

District/Agency		KCDA School Code
Mailing Address		County
City	State	Zip

Shipping Address, if different, for multiple addresses attach a separate list

City	State	Zip
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All orders placed by our district personnel require a purchase order number
 Yes No

If no, what is the maximum purchase amount that does not require a PO

School Board President/Mayor	Phone Number	Maintenance Supervisor	Phone Number
e-mail Address	Fax Number	e-mail Address	Fax Number
Superintendent/Dean/Headmaster	Phone Number	Transportation Supervisor	Phone Number
e-mail Address	Fax Number	e-mail Address	Fax Number
Business Manager/City Manager or Treasurer	Phone Number	Athletic Director	Phone Number
e-mail Address	Fax Number	e-mail Address	Fax Number
Purchasing Manager	Phone Number	Facilities Manager	Phone Number
e-mail Address	FAX Number	e-mail Address	Fax Number
Buyer	Phone Number	IT Manager	Phone Number
e-mail Address	Fax Number	e-mail Address	Fax Number
Accounts Payable	Phone Number	Warehouse Manager	Phone Number
e-mail Address	Fax Number	e-mail Address	Fax Number
Food Service Administrator	Phone Number	Print Shop Manager	Phone Number
e-mail Address	Fax Number	e-mail Address	Fax Number
Operation/Custodial Supervisor	Phone Number		
e-mail Address	Fax Number		

Additional Instructions

Person filling out questionnaire	Phone	Date
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Website Address