

Key Peninsula Metropolitan Park District
Db a Key Pen Parks



Resolution No R 2024-06

A RESOLUTION OF THE BOARD OF PARK COMMISSIONERS OF THE KEY PENINSULA METROPOLITAN PARK DISTRICT ON THE SUBJECTS OF ESTABLISHING A SMALL WORKS ROSTER AND THE AUTHORITY TO USE THE ROSTER PROCESS TO AWARD SMALL PUBLIC WORKS CONTRACTS, A CONSULTANT SERVICES ROSTER FOR GENERAL CONSULTING AND OTHER PROFESSIONAL SERVICES AND RESCINDING RESOLUTION R 2014-10

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 a small works roster process; and

WHEREAS to be able to implement a small works roster and process, Key Pen Parks is required to adopt a resolution, establish reporting procedures that are publicly available, and commit to providing the most practicable opportunities for small businesses when using Direct Contracting; and

WHEREAS to be able to use Direct Contracting on occasion, Key Pen Parks is required to develop a Business Utilization Plan; and

WHEREAS, RCW 39.80 and other laws regarding contracting for consulting services by municipalities allow certain contracts to be awarded by a consultant roster process.

NOW THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of Key Pen Parks that:

Section 1. Resolution R2014-10 is hereby rescinded and replaced with this Resolution.

Section 2. **MRSC Rosters.** Key Pen Parks 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 (MRSC).

Section 3. **Small Works Roster.** Key Pen Parks adopts the following to use in the management and awards of small public works projects as allowed under RCW 39.04.152. Key Pen Parks will maintain separate procedures and contracting templates for small works roster contracts.

- A. Small Works, as defined by RCW 39.04.152 are public works projects estimated to cost \$350,000 or less, excluding sales tax, for the construction, renovation, remodeling, repair, or improvement of real property.
- B. A Small Works Roster is a pre-established list of properly licensed contractors, registered to do business with Key Pen Parks under selected project types and categories.
- C. The Small Works Roster process is an alternative to publicly advertising public work projects.
- D. Every small works contract is subject to the same public works bidding, award, and compliance requirements of chapter 39.04 RCW unless specifically included in RCW 39.04.151-154, this resolution, or the incorporated policies or procedures.
- E. Small Work Roster contract procurements will be bid electronically through Key Pen Parks' procurement processes using the MRSC Small Works portal and email notifications, except as may be used in small works roster direct contracting process. (RCW 39.04.152(4))
- F. Only those contractors registered with MRSC Rosters will be invited to bid on small works roster projects.
- G. **Invitations for bid** or direct contracting negotiations 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.
- H. Small Works contracts will be awarded to a responsible contractor (RCW 39.04.350) submitting the lowest responsive bid, unless using direct contracting where a contract will be awarded to a responsible contractor submitting a competitive bid or negotiated bid.
- I. Small Works bidding and award information will be entered by Key Pen Parks into the statewide small works roster platform immediately upon conclusion of each small works roster award.
- J. Small Works bidding and award data will be part of Key Pen Parks' procurement files and records and all documents will be available for review with Key Pen Parks' Executive Director.
- K. **Annual Notification and Invitation.** At least once a year, MRSC shall, on behalf of Key Pen Parks publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the small works roster and

invite contractors to register on the statewide small works roster. Additionally, as required by RCW 39.04.151(1)(c), MRSC will notify the Office of Minority and Women's Business Enterprise (OMWBE) directory of certified firms and invite small businesses to apply to the roster.

L. MRSC shall add responsible contractors to the small works roster at any time that a contractor completes the online application provided by MRSC and meets minimum State requirements for roster listing.

M. **Direct Contracting.**

Key Pen Parks 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 sales tax. Key Pen Parks' has developed additional policies and procedures to ensure Key Pen Parks' uses Direct Contracting within the spirit and intent of the statute; and are incorporated herein as follows:

1. Direct Contracting Procedures (including rotation and negotiation options)
2. Business Utilization Plan

Key Pen Parks delegates authority to oversee and manage the use and outcomes of the small works roster to the Executive Director. As the delegated authority, the Small Works Roster Program Manager will be responsible for ensuring all necessary policies, procedures, templates, contracts or similar are developed and used in accordance with the applicable statutes and guidance provided by MRSC.

Further, the Small Works Roster Program Manager will be responsible for establishing and implementing Key Pen Parks' Business Utilization Plan and reporting annually on the utilization and improvements needed to the policy or contracting processes to meet or exceed the established goals for small business utilization through the Direct Contracting opportunities.

The Small Works Roster Program 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 MRSC, the state, or the public as required or requested.

Section 4. Consultant Services Roster. Key Pen Parks adopts the use of the MRSC Rosters Consultant Roster to be used for the procurement and award of consultant services.

A. **Consultant Services.** Consultant services can be "personal services" such as technical expertise, studies, project management, planning, or similar, or "architecture and engineering services" or "professional services" services as defined by RCW 39.80. For all services, Key Pen Parks reserves the right to procure using methods other than formal sealed bidding (low bid) as afforded under RCW 39.04.190.

- B. **Soliciting to join the Consultant Roster.** MRSC Rosters, as provided as part of their membership service, will publish twice a year, in a newspaper of general circulation within Key Pen Parks' county, a notice of the existence of the Consultant Roster and solicit consultants to join on our behalf. (RCW 39.04.190(2))
- C. **Procuring Consultants.** Key Pen Parks adopts the following as policies, procedures or similar when contracting for consultant services:
1. **Personal Services.**
 - a. Personal consultants, firms and individuals that provide subject matter expertise, or services more intellectual in nature such as studies, accounting, legal, project management, or similar shall be procured using a Request for Proposal (RFP). Selection should be based on the best value provided to Key Pen Parks and include scoring on experience and expertise in the field or industry needed, a proposed approach to completing services, capabilities of the businesses staff, time, and cost to complete the work.
 2. **Professional Services.**
 - a. Professional architecture and engineering services shall be procured under the requirements of RCW 39.80, using the MRSC Consultant Roster. Procuring professionals will be through a Request for Qualification (RFQ) and/or Request for Proposals (RFP) with Qualifications. Selection criteria should clearly define the scope of services and the details on how Key Pen Parks will determine the most qualified professional (or firm), which will be different depending on Key Pen Parks need. Further, selection criteria shall include a plan, as appropriate, to include minority and women-owned firms, small business, and veteran-owned firms to the maximum extent practicable.
 3. **Electronic Submissions.** As required by RCW 39.04.190(2), Key Pen Parks' established the following procedure for securing written proposals or submittals for consultant services.
 - a. Unless otherwise adopted, through establishment of an e-procurement tool, Key Pen Parks will use email communications to request and receive submissions.
 - b. An RFQ or RFP shall be developed that will include at a minimum a description of the services needed, the time of performance, the scoring criteria with descriptions and relative weighting, the schedule with due dates, and any other relevant information. Attached to each RFQ or RFP shall be the intended contract to be signed.

- c. A selection committee will be formed with at least 3 staff members, to review and score the submissions. The selection committee will sign statements attesting they have no conflicts of interest in the matter and all proceedings will be confidential until Award.
- d. A list of business will be pulled from the MRSC Rosters consultant roster under the category of need, and an email request will be sent only to the businesses on the roster list of businesses.
- e. Once submittals are received, the selection committee will review, score, and recommend award to the consultant scored the highest.
- f. **Records.** The original request, responses, scoring, and award documentation will be kept in Key Pen Parks' records and will be available upon request.

4. **Award of Consultant Contracts.**

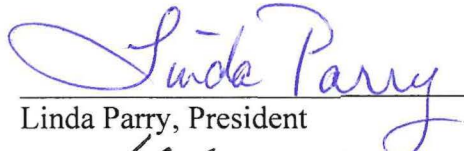
The Board of Parks Commissioners has delegated the authority to award contracts to Executive Director for consulting services costing less than or equal to \$30,000.00, the Executive Director shall have the authority to award contracts for consulting services without the Board of Park Commissioners approval, provided that the Board of Park Commissioners shall ratify the Executive Director's signature and delegation of authority through Key Pen Parks' standard process for such matters. For consulting services with an anticipated value more than \$30,000.01, following review and scoring by the selection committee, the Board of Parks Commissioners shall award these contracts for consulting services.

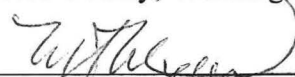
- D. **Posting of Awards.** In accordance with RCW 39.04.200, all consultant/services contract awards will be posted to Key Pen Parks' website at least every other month.

PASSED AND ADOPTED by the Board of Park Commissioners of Key Pen Parks at a Regular Meeting held at Key Peninsula Fire District Station 47, 1921 Key Peninsula Hwy NW, Home WA, held this 12th day of August 2024.


Attest:

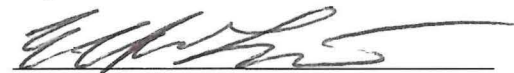
Key Pen Parks
Board of Park Commissioners
Pierce County, Washington


Linda Parry, President


Mark Michel, Vice-President


Kip Clinton, Clerk


Shawn Jensen, Member-at-Large

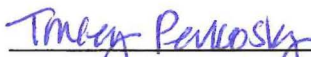

Edward Robison, Member-at-Large

Attest:

Ayes: Parry, Jensen, Michel, Robison, Clinton
Nays:

Absent:
Abstain:


Kip Clinton, Clerk of the Board


Tracey Perkosky, Executive Director