

**Spokane Regional Emergency Communications
Resolution No. 2019-8**

A Resolution of the Governing Board of the Spokane Regional Emergency Communications authorizing the adoption and implementation of a Procurement Policy.

WHEREAS, Spokane Regional Emergency Communications ("SREC") is a municipal corporation operating and existing under and pursuant to the Constitution and the laws of the state of Washington, pursuant to RCW 35.21.730 through RCW 35.21.759 and under the direction of its Governing Board (the "Board"); and

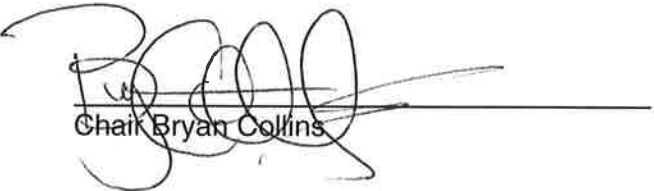
WHEREAS, the Board believes it to be in the best interests of SREC to authorize the adoption and implementation of a necessary procurement policy (the "Procurement Policy"), a copy of which is attached hereto as Exhibit "A" and by this reference incorporated herein.

THEREFORE, BE IT RESOLVED by the Governing Board as follows:

1. Steve Reinke, Executive Director of SREC, or his successor in functions, is hereby authorized and directed to adopt and implement the Procurement Policy on behalf of SREC in the form and under the terms as attached hereto as Exhibit "A."

2. The Executive Director is hereby authorized and directed to take such further action as may be appropriate in order to affect the purposes of this Resolution and the Procurement Policy.

Adopted by the Governing Board of Spokane Regional Emergency Communications at a regular meeting held on the 29th day of August, 2019.



Chair Bryan Collins

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SREC Procurement Policy

The purpose of this procurement policy ("Policy") is to maximize economy in the procurement activities of Spokane Regional Emergency Communications ("SREC") and to foster effective broad-based competition in the purchase of goods, the acquisition of services, and the performance of public works. SREC shall employ accepted procurement principles in regard to the purchase of goods and services and the performance of public work, reserving in all cases the right to reject all bids, proposals or other offers, and shall in all procurements of public works, goods and services promote the public interest as the trustee of public funds.

A. Purchasing Authority. The Executive Director is authorized to establish procedures to implement this Policy. Staff shall acquire pre-authorization for purchases in accordance with the following:

1. Products and services with a cost less than \$5,000: Executive Director or designee;
2. Products and services with a cost between \$5,000 and \$50,000: Executive Director;
3. Technical system products and services between \$5,000 and \$50,000: Executive Director, Deputy Director or Technical Services Manager.
4. Products and services costing more than \$50,000: SREC Governing Board.

B. Definitions. As used in this Policy:

1. "Contract" means: an agreement creating a legal relationship between SREC and another person or entity, or any amendment or renewal thereto.
2. "Minor Change" means a change or clarification to a contract that does not affect a material term or condition of the agreement.
3. "Goods" means: all things that are moveable at the time of identification to a contract.
4. "Personal service" means: the furnishing of labor, time, or effort by a contractor, not involving performance of a specific person as an independent the delivery of goods or the public work. "Personal service" includes professional or technical services by an architect, engineer, or other consultant to accomplish a specific project task, completion of a specific study, or the performance of similar work.
5. "Public works" means: all work, construction, alteration, repair, or improvement, other than ordinary maintenance performed by SREC employees, executed at the cost of SREC.
6. "Prevailing Wage Rates" means: the rate of hourly wage, usual benefits, and overtime paid in the area as established by the Industrial Statistician at the Washington State Department of Labor and Industries.

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7. "Small Works Roster" means: a roster of licensed and registered public works contractors and/or vendors maintained by SREC, Spokane County or Municipal Research and Services Center (MRSC).

C. Competitive Procurements. SREC shall competitively purchase products and services, excluding personal services, in accordance with the following:

1. Micro-purchases: procurements costing less or equal to \$5,000:
 - a. Equitably distribute among qualified suppliers.
 - b. Document that the purchase was "fair and reasonable" with a description of how this determination was made.
2. Small purchases: procurements costing greater than \$5,000 but less than \$100,000:
 - a. Perform an independent cost estimate.
 - b. Avoid unreasonable qualifications, specified brand, and geographic preference.
 - c. Obtain documented price or rate quotations from an adequate number of qualified sources.
 - d. Perform a cost or price analysis.
3. Large procurements: procurements costing \$100,000 or more:
 - a. Formal bid process consisting of:
 - i. Publication of a formal Invitation to Bid, a Request for Qualifications or a Request for Proposals; or
 - ii. Procure through an approved cooperative or interlocal purchasing agreement as authorized by state law.

D. Contracts - Execution. All contracts to which SREC is a party shall be in writing and executed in the name of SREC by the Executive Director or designee, under the authority or direction of SREC Board of Directors.

1. Minor Contracts.
 - a. The Board of Directors hereby authorizes and directs the Executive Director or designee, to execute minor contracts without prior individual approval of each contract by the Board of Directors if the amount of the contract is within the amount of the funds appropriated for that purpose in the adopted budget. Procurement

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requirements of SREC may not be artificially divided so as to constitute a minor procurement under this section.

- b. Procurements not subject to public bid, as minor procurements, shall be made with such competition as is practicable under the circumstances. The Executive Director, or designee, shall establish a procedure for securing telephone or written quotations for minor procurements.
 - c. The Executive Director or designee may, upon their own volition, place any specific contract on the Board of Directors agenda for individual Board of Directors authorization as he or she may see fit.
2. Contracts which were publicly bid require Board approval prior to execution.
 3. In accordance with the provisions of Ch. 39.04 RCW as now adopted or as subsequently amended, the Executive Director or designee is authorized to utilize the Spokane County vendor and consultant lists and small works roster as deemed appropriate.

E. Public Bidding. The procurement of public works, goods, and services shall be by public bidding as follows:

1. Public works are by public bidding when:
 - a. the cost of the public work, as estimated by the Executive Director or designee, exceeds Two Hundred Thousand Dollars (\$200,000) if more than a single craft or trade is involved in the project; or
 - b. the cost as estimated by the Executive Director or designee exceeds One Hundred Thousand Dollars (\$100,000) if only a single craft or trade is involved in the project.
2. Purchasing of goods shall be by public bidding when the cost thereof, as estimated by the Executive Director or designee, exceeds Thirty Thousand Dollars (\$30,000) in a 12-month period.
3. Procurement of personal services shall be by public solicitation of a Request for Proposals when the estimated cost of the proposed services exceeds Thirty Thousand Dollars (\$30,000) in a 12-month period.
4. The Spokane County Small Works Roster may be utilized by the Executive Director or designee for awarding contracts for public works when the estimated cost of the project will not exceed Two Hundred Thousand Dollars (\$200,000) including the costs of materials, supplies, equipment and labor.

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- a. A contract awarded from a Small Works Roster need not be advertised; however, the Executive Director or designee shall invite proposals from all appropriate contractors on a Small Works Roster.
- b. Whenever possible, SREC shall solicit at least three (3) contractors from an approved Small Works Rosters to submit bids on a proposed project.
- c. The Invitation to Bid for a project submitted to contractors on an approved Small Works Roster shall include an estimate of the scope and nature of the work to be performed and all materials and equipment required to be furnished for completion of the project.
- d. The Invitation to Bid shall set forth the date, time, and place for submittal of bids or quotes for performance of the project work.
- e. If the project work is to be performed on a time and materials basis, without formal plans or specifications, the hourly rates for labor and equipment and an estimate of the total project cost shall be submitted by qualified contractors.

F. Public Bidding Process.

1. Invitation to Bid. An Invitation to Bid includes the specifications, terms, and conditions applicable to the procurement. Notice of the Invitation to Bid is published in the official newspaper of SREC and the notice shall state the place, time and date of bid opening, and the location for obtaining a copy of the Invitation to Bid.
2. Bid security. Bid security is required for all public bids submitted in response to an Invitation to Bid for a public works contract when the estimated cost of the project will exceed Two Hundred Thousand Dollars (\$200,000) including the costs of materials, supplies, equipment and labor. Bid security is a bond provided by a surety company authorized to do business in the state of Washington, or the equivalent in cash, or otherwise provided to SREC in a form satisfactory to the Executive Director. The amount of bid security for all public works contracts shall be in accordance with state law.
 - a. Rejection of bids for noncompliance. When the Invitation to Bid requires bid security, noncompliance with this requirement will result in the bid being rejected by the agency unless it is determined that the bid fails to comply in any non-substantial manner with the bid security requirements.
 - b. Withdrawal of bids. After the bids are opened by SREC, the bids are irrevocable for the period specified in the Invitation to Bid..
3. Bid Opening. At the time and place set forth in the Invitation to Bid, all bids shall be opened publicly by the Executive Director, or other person designated by the Executive Director to receive and evaluate bids.

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4. Evaluation of Bids. Bids shall be evaluated by the Executive Director, or other person designated by receive bids, based upon the requirements the Invitation to Bid. No criteria may be used that are not set forth in the Invitation to Bid. Bid evaluation shall be based on, but not limited to, the following criteria where applicable:

- a. the price submitted by the bidder for the performance of the contract work. Price may be determined by the lifecycle costing method if so indicated in the Invitation to Bid.
- b. the conformity of the goods, public work and/or services bid with the Invitation to Bid;
- c. the ability, capacity, and skill of the bidder to perform the contract or provide the services required;
- d. the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- e. whether the bidder can perform the contract within the time specified in the Invitation to Bid;
- f. the quality of performance by the bidder on previous public contracts;
- g. such other information as may be secured by SREC having a bearing on the decision to award the contract.
- h. An Invitation to Bid may be cancelled, or any and all bids may be rejected in whole or in part, when the Executive Director, acting on the recommendation of bid evaluation person or team, determines that it is in the best interests of SREC. The Board of Directors may also reject any or all bids prior to formal award of the contract.

G. Intergovernmental Purchase Contracts. The SREC Governing Board hereby authorizes the purchase of goods and services from a purchasing contract available through:

1. The State of Washington; or
2. Any other state or local governmental unit in accordance with Chapter 39.34;
3. Through the federal General Services Administration.
4. MRSC Rosters.

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H. Public Bidding – Award of Contract.

1. Following the evaluation of the bids submitted, the Executive Director or designee, shall submit a recommendation to the Board of Directors for the award of the contract.
2. Notice of the award hearing shall be published in the agenda of the Board of Directors. The name and bid amount of the successful bidder shall be available at least twenty-four (24) hours prior to the Board of Directors meeting on the award of the contract.
3. Bidders wishing to formally protest the award of a bid must follow the procedures adopted by the Executive Director which shall be included in all public bidding documents issued by SREC.

I. Remedies for Solicitations or Awards in Violation of the Law.

1. **Prior to Bid Opening.** If, prior to bid opening, it is determined by the Executive Director, or upon judicial review, that a bid solicitation is in violation of applicable law, the Invitation to Bid shall be cancelled or revised to comply with such law.
2. **Prior to Contract Award.** If, after bid opening, it is determined by the Executive Director, or upon judicial review, that a solicitation or proposed award of a contract is in violation of applicable law, the solicitation or proposed award shall be cancelled.
3. **After a Bid Award.** If, after an award of a contract, it is determined by the Executive Director, or upon judicial review, that a solicitation or award of a public contract was in violation of applicable law, then:
 - a. if a person awarded the contract has not acted fraudulently or in bad faith:
 - i. the contract may be ratified and affirmed by the SREC Governing Board, if it is determined that doing so is in the agency's best interest; or
 - ii. the contract may be terminated on order of the SREC Governing Board;
 - b. if a person awarded the contract has acted fraudulently or in bad faith, the SREC Governing Board may declare the contract null and void, if such action is in the agency's best interest, without prejudice to SREC's rights to any damages.

J. Alternatives to Public Bidding.

1. When it is considered impractical to prepare a procurement description to support the award of a contract based solely on price, the Executive Director may utilize a request for proposals. The information received in response to the Request for Proposals may serve as the basis for a future Invitation to Bid, or as the basis for competitive negotiation.

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2. Sole Source Procurements. The SREC Governing Board may, by resolution, waive public bid requirements on the recommendation of the Executive Director or designee for:
 - a. Purchases, public works, and services that are clearly and legitimately limited to a single source of supply;
 - b. Purchases, public works, and services involving the requirements of special facilities.
- K. Emergency procurement.
1. The SREC Governing Board may, by resolution, declare an urgency and emergency and may waive all requirements for public bidding for purchases, public works, and services deemed necessary, in the opinion of the Executive Director, Deputy Director or Technical Services Manager, to respond to the emergency. "Emergency" means unforeseen circumstances beyond the control of the agency that:
 - a. present a real, immediate threat to the proper performance of essential public functions; or
 - b. will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
 2. If the emergency requires procurements prior to SREC Governing Board action in an open public meeting, the Executive Director may declare an emergency situation exists, waive public bidding requirements, and award all necessary contracts on behalf of SREC to address the emergency situation. If a contract is awarded without public bidding due to an emergency, a written finding of the existence of an emergency must be made by the SREC Governing Board no later than two weeks following the award of the contract.
 3. Emergency procurements shall be made with such competition as is practicable under the circumstances.
- L. Change Orders and Contract Amendments.
1. The SREC Governing Board hereby delegates approval authority for change orders to public works contracts to the Executive Director or designee under the following conditions:
 - a. if the change order does not substantially change the scope of the project; and
 - b. if the total increase or decrease in the contract amount, as a result of the change order, does not exceed fifteen percent (15%) of the bid total stated in the contract; and

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- c. if the total contract amount as adjusted by the change order is within the funds available in the appropriate budget account.
 2. Where the Executive Director or designee approves and signs the change orders according to the conditions above, they shall request ratification by the SREC Governing Board of the approval and signing of the change order within thirty (30) days of the date of signing the change order or contract amendment.
 3. If the change order or contract amendment does not meet the conditions set forth in the above section, the Executive Director must obtain the approval of the SREC Governing Board in advance of approving and signing the change order or contract amendment.
- M. Procurement of Architect and Engineer Services.
 1. SREC shall publish all requirements for architect and engineer services in advance, stating the general scope and nature of the projects or works for which the services are required, and the address of the agency representative who can provide further details on the project work.
 - a. To provide for the expeditious procurement of architect and engineer services, the Executive Director or designee shall encourage firms engaged in the lawful practice of their profession to submit to SREC annually a statement of qualifications and performance data.
 - b. The Executive Director or designee shall evaluate current statements of qualifications and performance data for professional architect and engineering firms on file with the agency, together with any specific qualifications and data that may be submitted by other professional firms regarding the proposed project, and determine the firms best qualified to perform the professional services for the agency.
 - c. The Executive Director or designee shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required professional services for the project. The selection of the firm deemed most qualified to provide the necessary professional services shall be made by the Executive Director or designee following those discussions based upon criteria established by SREC in the Request for Proposals.
 2. Minor Professional Services Contracts. Individual project advertisements for architect and engineer services are not required when the estimated cost for such services is fifty thousand dollars (\$50,000) or less. In such cases, the Executive Director or designee shall only be required to evaluate the current statements of qualification and performance data for architect and engineer firms on file with SREC.
 3. Negotiations for Architect and Engineer Services.

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- a. A contract shall be negotiated with the most qualified firm at a fair and reasonable price for the agency. In making this determination, the Executive Director or designee shall consider the estimated value of the services to be rendered, as well as the scope, complexity and professional nature thereof.
- b. If the agency is unable to negotiate a satisfactory contract with the selected firm at a fair and reasonable price to the agency, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with the previous evaluation by the Executive Director or designee.