



# PREPARING FOR THE FUTURE: SMALL WORKS CHANGES

The new “statewide” roster

# LOGISTICS



Safety



Recording



Questions

# INTRODUCTIONS, PARTNERS

- **Janet Jansen**

Program Manager

Engineering & Architectural Services | Facility Professional Services  
Washington State Department of Enterprise Services



- **Alissa North** (*a-lee-sa*)

Public Works Contracts Manager

Facility Professional Services

Washington State Department of Enterprise Services



# INTRODUCTIONS, PARTNERS

- **Sharon Harvey**  
Director of Policy  
Public Works Small Business Enterprise (PWSBE) Lead  
Office of Minority and Women Business Enterprises
- **Max Wedding**  
Programs Manager, Public Works Board  
Washington State Department of Commerce
- **Tiffany Scroggs**  
Program Director  
Washington APEX Accelerator, formerly PTAC  
Thurston Economic Development Council





# INTRODUCTIONS, MRSC STAFF

Event Coordination



Jon Rose

Finance and  
Administration  
Manager



'Ula  
Kamaka



Josh Klika

Procurement  
Consultant



Theresa  
Gonzales



Brynn  
Linville

Rosters Coordination

# INTRODUCTIONS, SPEAKER

## ***Aleanna Kondelis, MPA***



Aleanna is a contracted consultant with MRSC. Aleanna was a public procurement officer for 15 years here in the State of Washington. Aleanna volunteers on numerous statewide committees, boards, and community organizations focused on public procurement and public works for the past 20 years. She has held several certifications and accreditations from various organizations in the contracting and public works industry.

[pwtraining@mrsc.org](mailto:pwtraining@mrsc.org)

Ask MRSC



# QUESTIONS?

Submit questions  
here to be  
answered in our  
Post Training Q&A



# WHY ARE WE HERE?

- ❖ Talk about changes to the small works roster in effect *July 1, 2024*
- ❖ Discuss tip and practices to
  - ❖ maximize the use of the small works roster process,
  - ❖ focused bid pools,
  - ❖ transparency and data collection
  - ❖ awarding small projects to small contractors as efficiently as possible.





# AGENDA

1. Small Works Overview
2. Small Works Changes
3. “*statewide*” Small Works Roster
4. Small Works Process
5. Tips and Practices
6. Lunch
7. Direct Contracting (new)
8. [Business] Utilization Plans

# DISCLAIMER

- MRSC is a research agency who supports local governments by providing practices and industry accepted approaches
- MRSC is the administrator of the statewide small works roster
- Presenters today are not attorneys or auditors...but we do work with them
- Practices presented today are recognized among owners and the public works industry as “good” or “best” practices
- Tips presented today we believe will improve the small works roster and process, but they are not for everyone. Each agency will need to do their own due diligence.

# ROSTERS AND SMALL WORKS DEFINED

Rosters, small works,  
small works roster

# WHAT IS A ROSTER?

*Pre-determined list of eligible vendors, consultants, service providers or contractors.*

*Multiple types of rosters* are used in the State:

- **Small Works** for public works/construction projects
- **Professional Services or Consultants** for architects and engineers, technical studies, planning, or similar.
- **Services** for maintenance, janitorial, landscaping and tree trimming, or similar.
- **Vendor** for goods, products, equipment, materials, etc.



# SMALL WORKS ROSTER DEFINED

## What is a small works roster?

- A *pre-established list of contractors* to compete for, and award, small public works projects.
- A *general roster* or a series of contractor lists for:
  - Different specialties (e.g., mechanical, electrical, plumbing, etc.) and/or,
  - Categories (e.g., buildings, roads, pipes, etc.) and/or,
  - Geographic areas (e.g., cities, counties, etc.)



*A roster is a way to focus bid pools.*

# SMALL WORKS DEFINED

- Small works are **public works projects** that are ***estimated to cost less*** than \$350,000.
- Small works projects are projects for *construction, building, renovation, remodeling, alteration, repair, or improvement of real property. (RCW 39.04.152)*
  - *This includes utilities, infrastructure, roads, etc.*
- “Project” practiced as **one-time** (vs. recurring, on-going, as needed, or on-call)

# SMALL WORKS ROSTER PROCESS DEFINED



You can use the pre-established list of contractors to **bid, compete or award**, your small public works **using** the ***small works roster contracting process***.

In the State “small works roster” is both an opportunity to *focus bidding pools* AND a *process to compete and award* public works projects.



## WHAT IS A SMALL WORKS ROSTER AND PROCESS?

- Small work roster is a pre-established list of contractors to **focus bid pools**.
- Small works roster process is used to **compete** and **award** small public works projects. (\$350,000 or less)
- Small Works Roster process **replaces “publicly advertised” with “roster solicited.”**



# WHAT CHANGED AND WHY?

Understanding the objective and the background

# BACKGROUND

## What changed?



Creates **Small Business Certification** (race and gender neutral)



Establishes **statewide** small works roster (MRSC)



Standardizes cost thresholds and adds **direct contracting** option



Clarifies language and adds **small works specific definitions**



Requires **reporting** and information be available publicly



Builds automatic threshold review



Washington State  
DEPARTMENT OF  
ENTERPRISE SERVICES

# BACKGROUND

## What changed?

- **Removed “Limited” Public Works** or under \$50,000 options
  - invite “3 bid” option
- **Removed the “between \$50,000 and \$250,000**
  - invite 5 bids option
- Retainage slight modification, not required under \$5,000
- No significant changes to bonding or retainage options on smaller projects above \$5,000.

### Previous Statute Overview:

PUBLIC WORKS CATEGORIES	THRESHOLD	COMPETITION REQUIREMENT	RETAINAGE REQUIREMENT	BOND REQUIREMENT	INTENT/AFFIDAVIT REQUIREMENT
Limited Public Works	< \$50,000	Small Works Roster Process, Invite Quotes from All or select minimum of 3	Public Owners allowed the option to assess risk and determine waiver of retainage	Allows waiver of bonds	Allows for combined intent/affidavit forms per 39.12.040 (2)  Otherwise, Individual Intent/Affidavits Required
Small Works	\$50,000 - \$250,000	Small Works Roster Process, Invite Quotes from All or select from minimum of 5	Public Owners allowed the option to assess risk and determine waiver of retainage	Allow 10% retainage in lieu of Bond for public works contracts under \$150,000	Individual Intent/Affidavits Required
	\$250,000 – \$350,000 *\$300,000 for Port and Irrigation Districts	Small Works Roster Process, Invite Quotes from all Contractors on Rosters	Public Owners allowed the option to assess risk and determine waiver of retainage	Performance & Payment Bond Required	Individual Intent/Affidavits Required

### Proposed Legislation Overview:

PUBLIC WORKS CATEGORY	THRESHOLD	COMPETITION REQUIREMENT	RETAINAGE REQUIREMENT	BOND REQUIREMENT	INTENT/AFFIDAVIT REQUIREMENT
Small Works	Under \$150,000	1) Contract through direct negotiation with equitable distribution OR 2) solicit quotes from all on the appropriate roster	Under \$5,000 – No retainage Required  All remaining contracts - Public Owners allowed the option to assess risk and determine reduction or waiver of retainage	Under \$5,000 – No bond Required  Allow 10% retainage in lieu of Bond	Under \$5,000 – Combo Forms allowed  Individual Intent/Affidavits Required
	\$150,000 – \$350,000	Invite Quotes from all Contractors on Rosters	All remaining contracts - Public Owners allowed the option to assess risk and determine reduction or waiver of retainage	Performance & Payment Bond Required	Individual Intent/Affidavits Required

# 2024 SMALL WORKS PROCESS TABLE

## What changed?

Project Estimate	Competition	Retainage	Bond (Payment & Performance)	Intent & Affidavit
Under \$150,000	<p><i>Direct contracting (option) with rotation*</i></p> <p><b>OR</b> invite bids from every contractor on the “project specific roster”</p>	<p>Under \$5,000 no retainage required</p> <p>\$5,000 or more owner’s option to assess risk and determine reduction or waiver</p>	<p>Under \$5,000 no payment or performance bond required</p> <p>For \$5,000 or more contractors have the option to indicate a preference to withhold 10% in retainage in lieu of a payment and performance bond.</p>	<p>Under \$5,000, combined form will be allowed (vs. old \$2,500)</p> <p>\$5,000 or more Intents and Affidavits required</p>
\$150,000 – 350,000	Invite all contractors on the project specific roster	owner’s option to assess risk and determine reduction or waiver	Payment/Performance Bonds Required	Intents and Affidavits required



# BACKGROUND

## *What changed?*

### Direct Contracting

What is *direct contracting*?

A contracting ***process*** option for awarding a small work projects estimated to cost \$150,000, or less, through *negotiation without traditional competition*.

The direct contracting process is intended to **focus awards to small businesses first**.



# BACKGROUND

## *Why change?*

- Increase administration efficiency and use of the small works roster and process by adding direct contracting option
- Improve transparency – “centralized” data collection that is publicly available
- Spread the wealth, using more small businesses, avoid favoritism
- *Increase the number small projects being awarded to small contractors*
- Move toward a “one-stop-shop” for small businesses and public agencies to connect in the establishment of an official statewide small works roster





Key  
Takeaways

# KEY TAKEAWAYS

## What changed

- Thresholds
- **Reporting requirements**
- *Direct contracting*
- Official statewide small works roster created
- Definitions
- Small Business Certification

## Why it changed

- Administration efficiency
- Transparency
- More focus on small projects going to small businesses
- Progress to a “one-stop-shop”

# QUESTIONS ON WHAT CHANGED OR WHY?



# THE “STATEWIDE” SMALL WORKS ROSTER

MRSC Rosters  
Reimagined



# MRSC ROSTERS REIMAGINED

## How is MRSC rosters changing?

- to be an official “statewide tool” making enhancements
- user friendly, “one-stop-shop” approach for both businesses and agencies
- “data collection” that is publicly accessible, consistent, and real-time
- support to smaller public agencies who may not have data collecting/reporting resources
- Real-time connections to L&I contractor verification and OMWBE certifications
- refined project types and categories for a more focused public works space



# “STATEWIDE ROSTER” FRAMEWORK

The statewide small works roster will be an **administration tool** to help agencies **procure small public works project**, collect data, and organize it and it will help to *facilitate* the small works roster contracting process.

## DATA

## CONTRACTING

<b>Administration</b> (statewide small works roster)	<b>Management</b> (agency user of the statewide roster)
<b>Host</b> a website/portal where contractors can apply and register at any time	Develop, refresh, <b>internal controls</b> enact small works policy, rules, resolutions, etc.
<b>Verify any contractor</b> applicants licensing and registration when applied and <i>1 x annually</i>	Project planning, estimating, and funding
Interface with OMWBE <b>certified business</b>	<b>Engage contractors</b> when it is time to solicit a project
Automate the <b>solicitation and award process</b>	Draft and maintain <b>templates</b> for bidding and a contract
<b>Record</b> award and process use	Perform <b>procurement</b>
General <b>advertisement</b> 1 x annually	<b>Award to the responsible bidders with lowest price</b>
<i>(separate tool) Offer electronic bidding solution</i>	Public works <b>contract compliance</b>

# WHAT DOES THE STATEWIDE ROSTER PROVIDE?

1. Application process
2. Contractor verification
3. Small business identification
4. Accessible reporting and data collection
5. Facilitation of the small works process
6. Annual notifications



# FREQUENTLY ASKED QUESTION

## Will MRSC Rosters post annual notifications in my news publication of record?

- Yes, MRSC sends to approximately 40 “news publications of record.” You can confirm yours is on the list by clicking the link [here](#). (MRSC Rosters Legal Notices)
- MRSC Rosters will post annually with OMWBE on the “opportunities board” inviting certified firms to join MRSC Rosters.



# CONTRACTOR VERIFICATION AND IDENTIFICATION

## At the time of registration or renewal

- L&I Vendor Lookup based on UBI
  - OMWBE Certification(s) if any
1. If a business **does not** have an active general contractor's license or are showing an ineligibility to bid, or are debarred, *registration or renewal is not allowed*.
  2. If a business has a OMWBE certification it will be populated at the time of registration/renewal.

The image shows two screenshots of a contractor verification process. The top screenshot is titled "Licenses" and features a progress bar at the top with nine steps: Contact Information, Roster & Business Type, Licenses, Certifications, Capability Statement, Select Your Services, Public Agencies, Review Your Application, and Application Complete. The "Licenses" step is highlighted in green. Below the title, there is a note: "If you need to update your UBI number, please contact [mrsrosters@mrsc.org](mailto:mrsrosters@mrsc.org)". Below that, the UBI number is listed as "UBI #: 123456789" and the Contractor's License # is "XXXXXXXXXXXX".

The bottom screenshot is titled "Certifications" and features the same progress bar, with the "Certifications" step highlighted in green. Below the title, there is a note: "Public Agencies care about your business's Certifications, so make sure you provide accurate information. Contact the Washington State Office of Minority and Women's Business Enterprises if you disagree with auto-populated fields or to inquire about obtaining Equal Opportunity Certifications." Below that, the Public Works Small Business Enterprise (PWSBE) status is listed as "Public Works Small Business Enterprise (PWSBE): ? XXXXXXXX".

# BID READY VS. AWARD READY

*What level of “verification” is MRSC doing to businesses?*

Bid Ready	Award Ready
Active general contractor’s license (RCW 18.27)	Specialty Licensing
Current UBI Number	Applicable industrial insurance coverage
Not debarred	Not disqualified from bidding
	Have received “public works training” from L&I
	Within a previous 3-year period no citations
	Provide a signed statement of responsibility
	<i>“Supplemental Bidder Responsibility Criteria”</i>

**RCW 39.04.350 “...at the time of bid”**

# FREQUENTLY ASKED QUESTIONS

## Can you stop contractors from selecting all agencies and all categories?

- No, but we have made it so a business must individually select each and have removed the ability to “select all” with a button.

## Can you remove “bad actors” and/or “non-responders” from the roster?

- No. There are many reasons, circumstances, experiences and definitions. If a contractor has an active general contracting license they will be on the roster. Any agency may develop their own supplemental bidder responsibility criteria (RCW 39.04.350) and include with their Invitations or Requests.

# WHAT ARE AGENCIES RESPONSIBLE FOR

1. **Adopt and maintain** resolutions, policies, processes, and procedures to implement small works processes
2. **Planning** your projects with the intent to use small works roster process
3. Develop and maintain and “**bidding/solicitation**” documents
4. **Engaging** or preparing your bid pool
5. **Procuring**

# WHAT ARE AGENCIES RESPONSIBLE FOR

6. **Awarding** to the lowest responsive and responsible contractor, **or**
7. **Awarding** to a responsible contractor small business after negotiation (using direct contracting)
8. Adding the bidding and award data into the statewide platform
9. **Managing** the project (e.g., ensure payment of prevailing wage)



# KEY TAKEAWAYS

- MRSC is administering the statewide small works roster
- MRSC will perform a “bid readiness” check at business registration and at annual renewal
- Agencies are responsible for understanding and engaging your target bid pools
- Agencies are responsible for procurement outside the “roster platform”
- Agencies are responsible for inputting the bidding and award data of each awarded small works project
- Agencies are responsible for managing your projects consistent with public works requirements

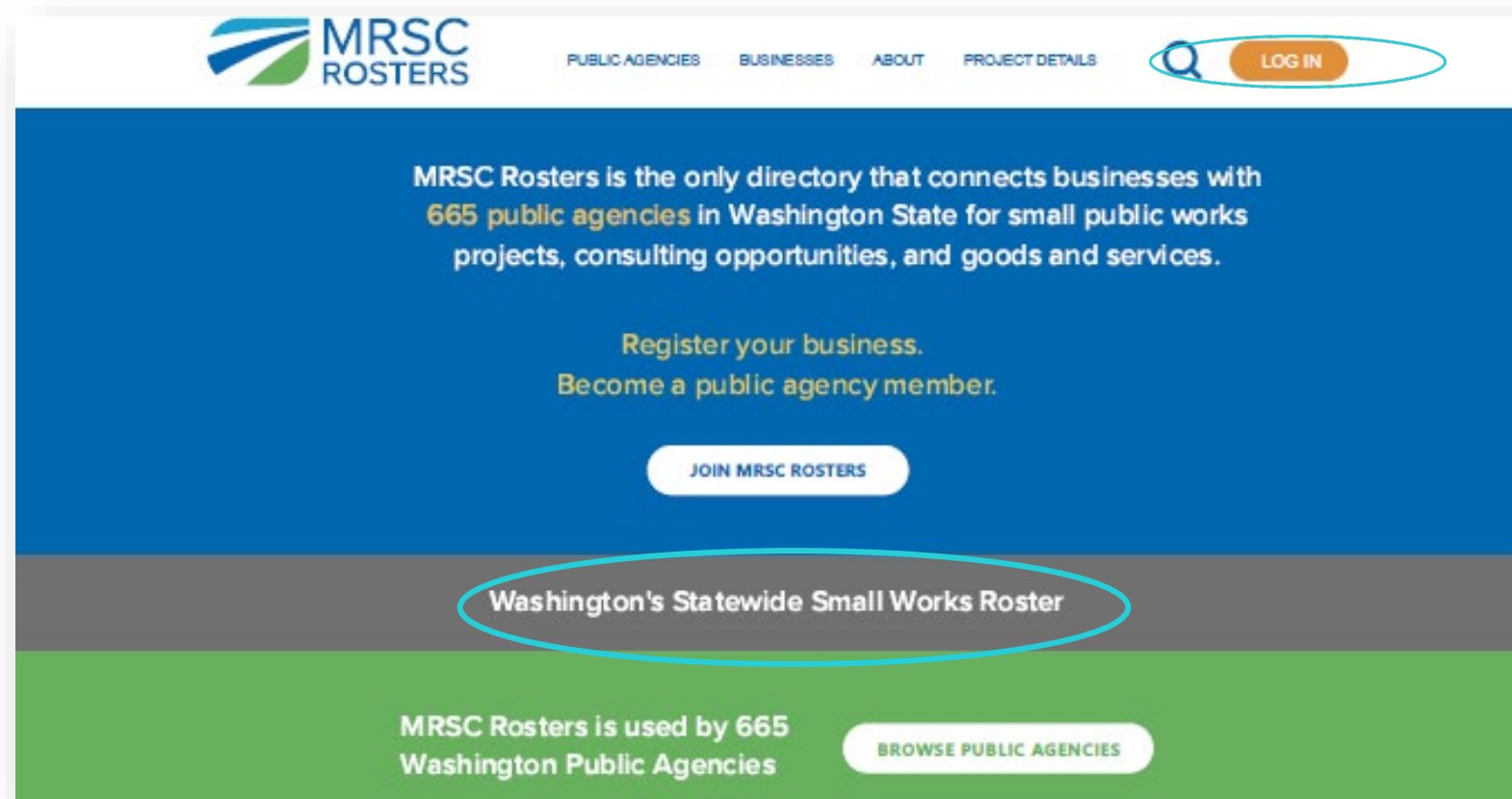
# QUESTIONS



# THE STATEWIDE SMALL WORKS “PLATFORM”

A look at the new MRSC  
Roster...statewide small  
works portal

# MRSC ROSTERS LANDING PAGE



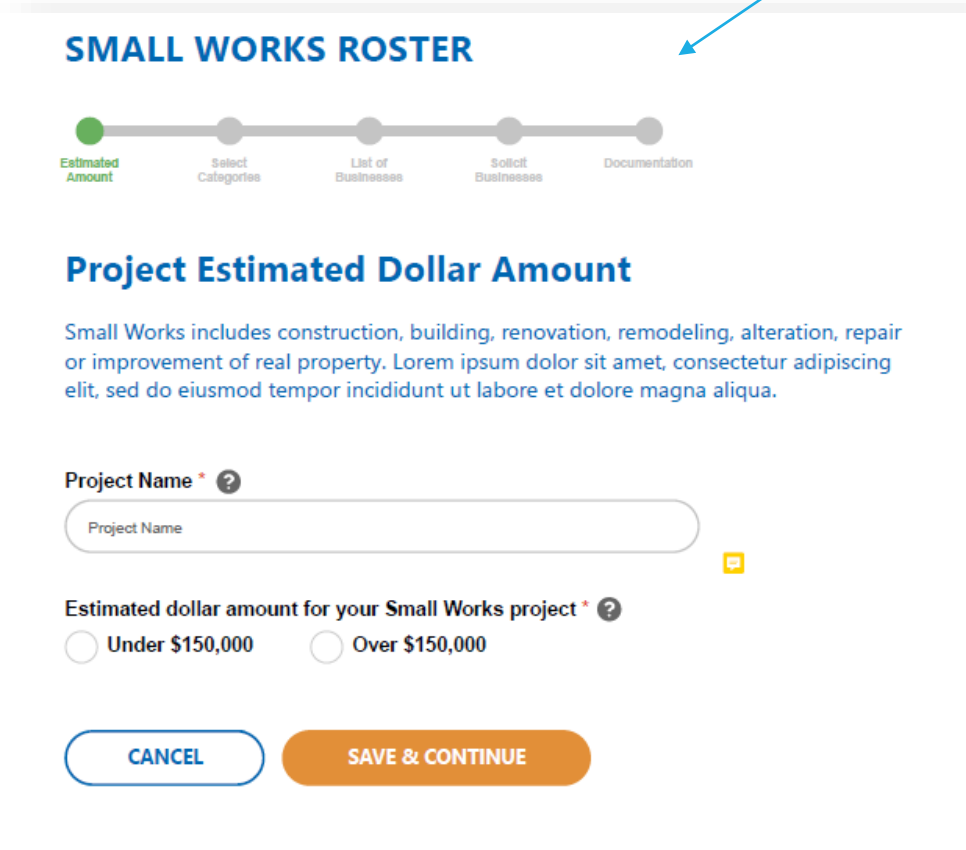


# STATEWIDE SMALL WORKS ROSTER

## Small Works Process indicator

- Once you select “small works roster” the platform will prompt you to put in your **project name** and indicate your project’s estimate.

If you select your project estimate is **under \$150,000** the platform will provide you a couple of options for **direct contracting**.



The screenshot shows a form titled "SMALL WORKS ROSTER". At the top, there is a progress indicator with five steps: "Estimated Amount" (green dot), "Select Categories" (grey dot), "List of Businesses" (grey dot), "Solicit Businesses" (grey dot), and "Documentation" (grey dot). Below the progress indicator, the form asks for the "Project Estimated Dollar Amount". It includes a text input field for "Project Name" and two radio button options: "Under \$150,000" and "Over \$150,000". At the bottom, there are two buttons: "CANCEL" and "SAVE & CONTINUE". A blue arrow points from the "Small Works Process indicator" text to the progress indicator.

**SMALL WORKS ROSTER**

Estimated Amount Select Categories List of Businesses Solicit Businesses Documentation

**Project Estimated Dollar Amount**

Small Works includes construction, building, renovation, remodeling, alteration, repair or improvement of real property. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua.

Project Name \* ?

Project Name

Estimated dollar amount for your Small Works project \* ?

Under \$150,000  Over \$150,000

CANCEL SAVE & CONTINUE

# STATEWIDE SMALL WORKS ROSTER



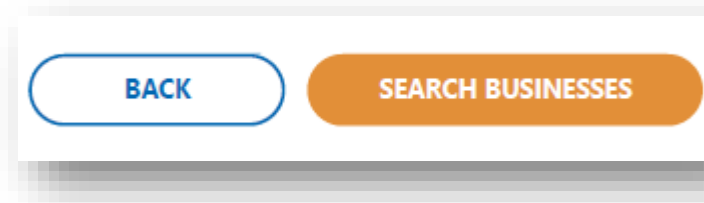
**SMALL WORKS ROSTER**

Estimated Amount    **Select Categories**    List of Businesses    Solicit Businesses    Documentation

### Select Work Categories

Select the work categories you would like to search and click "Search Businesses" to generate your roster of service providers.

- Next you will select the **project type and category** you are intending to solicit and hope to award.
- Then you will select **"search businesses"**



**BACK**    **SEARCH BUSINESSES**



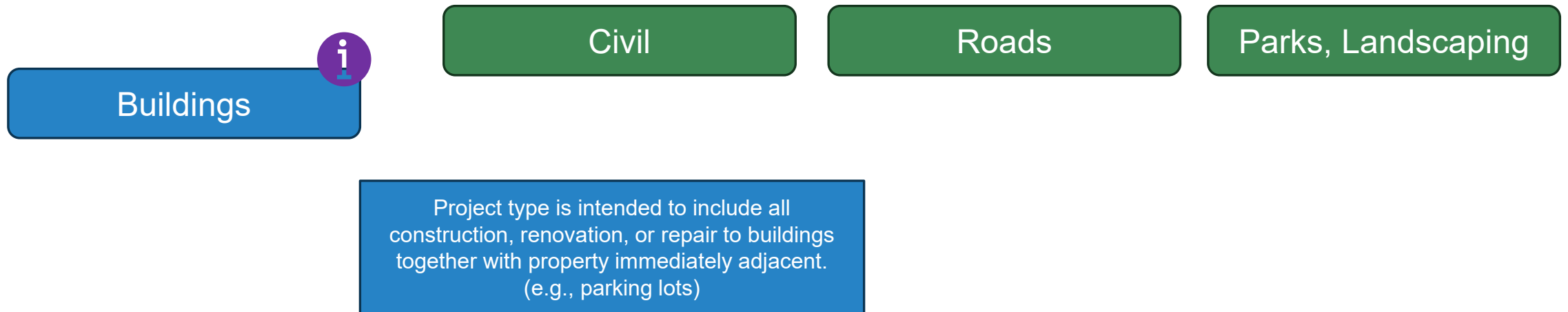
**Project Types**

- Buildings and Facilities
- Roads and Bridges
- Parks, Grounds, and Landscaping
- Civil  
(demo, site work, earthwork, excavation, pipes. etc.)



# PROJECT TYPES

- *New feature to concentrate categories*
- In the statewide roster each project type will include an **information icon** that can be accessed and will display descriptions in the event the title is unclear or may have multiple meanings.



# CATEGORIES

- **Buildings/Facilities (vertical)**
  - “tenant improvements” remodeling and renovation
  - Roofs
  - Upgrading/replacing security systems/access controls
  - Upgrading/replacing HVAC systems
  - Lighting replacements/LED conversions
  - Building controls installs (thermostats, lighting sensors)
  - Window and door replacements
  - Curtain walls and foundations repairs
  - Siding repairs or replacements
  - Specialty (hospitals, sports and event facilities)
- **Roads and Bridges (horizontal)**
  - Asphalt paving
  - Pedestrian Improvements
  - Signalization
  - Channelization
  - ADA curb ramps
- **Civil (horizontal)**
  - Demolition and deconstruction
  - Stream Restoration and fish passage
  - Site clearing
  - Marine construction
- **Parks, grounds, and landscapes (vertical)**
  - Playgrounds
  - Trails
  - Kiosks/Interpretive Signage
  - Ballfields (turf and lighting)
  - Landscape replacements
- **Utilities and pipes (horizontal)**
  - Storm, water, sewer pipes
  - Telecommunications and fiber optics
  - Pumps

*Illustrative list.*

# CATEGORY IMPROVEMENTS

- As the “statewide small works roster” goes live, **there will be no significant changes** to the current MRSC roster categories list...just a reorganization and focus.
- A handful of the categories have been removed as they were only services and *didn't meet the definition of small works*.
- Once you, or a contractor, **select a Project Type, the associated categories will be displayed. (nested)**
- Like the Project Types, an *information icon* will be listed, so there is direct access to view the description of the category in the event the title is not clear and/or has multiple meanings.

# CATEGORY IMPROVEMENTS

Buildings

← Select the **Project Type**

Electrical

← broad category(ies) appear

Access Controls **i**

← Select the main **category**



Specialty category. May require secure building identity management and integrated security solutions and/or an electrical license. Leads all work related to building access controls and security (e.g., card readers and remote locking). Generally, includes CSI Division 28 scope. Category includes providing all labor, materials, equipment and any applicable manufacturer's warranty and training; together with any applicable permitting that may be required.

**Tip:** you will see the best results if you only select a single project type and a single work category vs. trying to guess all the subcontracted scopes.

# WHAT IS HAPPENING TO SERVICES?

## *MRSC Roster to Statewide Small Works Roster.*

- **Services** such as grounds keeping, HVAC, alarm testing are generally procured using an **RFP** which includes a proposal for approach, staffing plan, **recurring needs**, warranty issues, and rates for an indefinite quantity over multiple years. (vs. a one-time project for construction, etc.)
  - Prevailing wage requirements are different for services and multi-year, multiple-award contracts (e.g., annual filing, no certified payrolls, etc.)
- ✓ *The requirement to pay prevailing wage does not make a contract “public works,” the scope and nature of the work does.*



# QUESTIONS





# SMALL WORKS ROSTER PROCESS

- Creating a *project-specific roster*
- Platform calls it “List of Businesses”
- Addresses the terms “*appropriate roster*” or “*applicable roster*” in the statute

***RCW 39.04.152(4)(ii)*** A state agency or authorized local government contracting through a small works roster shall invite bids notifying all contractors [on the applicable roster...](#)

# SMALL WORKS ROSTER PROCESS



CERTIFIED BUSINESS NAME	LAST CONTRACT DATE	MORE
● B&B Structures LLC	XX / XX / XXXX	+
● Brock Construction Inc	XX / XX / XXXX	+
● DARDAN ENTERPRISES, INC	XX / XX / XXXX	+
● Empire Well Drilling LLC	XX / XX / XXXX	+
● HUIZENGA ENTERPRISES LLC	XX / XX / XXXX	+
● Imperial Demolition & Earthworks	XX / XX / XXXX	+
● Mr. Asphalt and Sons LLC	XX / XX / XXXX	+
● Nordvind Company	XX / XX / XXXX	+
● Petersen Brothers, Inc.	XX / XX / XXXX	+
● Stanley Patrick Striping	XX / XX / XXXX	+
● Stan's Construction and Son, LLC	XX / XX / XXXX	+
● Talakai Construction, LLC	XX / XX / XXXX	+
● = Certified Businesses		
UNCERTIFIED BUSINESS NAME	LAST CONTRACT DATE	MORE
Archer Construction	XX / XX / XXXX	+
Black Rock Construction & Development LLC	XX / XX / XXXX	+
L.W. Sundstrom, Inc	XX / XX / XXXX	+
North Fork Excavating Inc.	XX / XX / XXXX	+
Rotschy, Inc.	XX / XX / XXXX	+
TRICO Companies, LLC	XX / XX / XXXX	+
Welwest Construction Inc.	XX / XX / XXXX	+

- The roster will then generate a project-specific roster or *list of businesses* for solicitation.

Which Small Works Roster Process do you intend to use? \*

Competitive Bid   
  Direct Contracting

# STATEWIDE SMALL WORKS ROSTER

CERTIFIED BUSINESS NAME	LAST CONTRACT DATE	MORE
● B&B Structures LLC	XX / XX / XXXX	+
● Brock Construction Inc	XX / XX / XXXX	+
● DARDAN ENTERPRISES, INC	XX / XX / XXXX	+
● Empire Well Drilling LLC	XX / XX / XXXX	+
● HUIZENGA ENTERPRISES LLC	XX / XX / XXXX	+
● Imperial Demolition & Earthworks	XX / XX / XXXX	+
● Mr. Asphalt and Sons LLC	XX / XX / XXXX	+
● Nordvind Company	XX / XX / XXXX	+
● Petersen Brothers, Inc.	XX / XX / XXXX	+
● Stanley Patrick Striping	XX / XX / XXXX	+
● Stan's Construction and Son, LLC	XX / XX / XXXX	+
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TRICO Companies, LLC	XX / XX / XXXX	+
Welwest Construction Inc.	XX / XX / XXXX	+

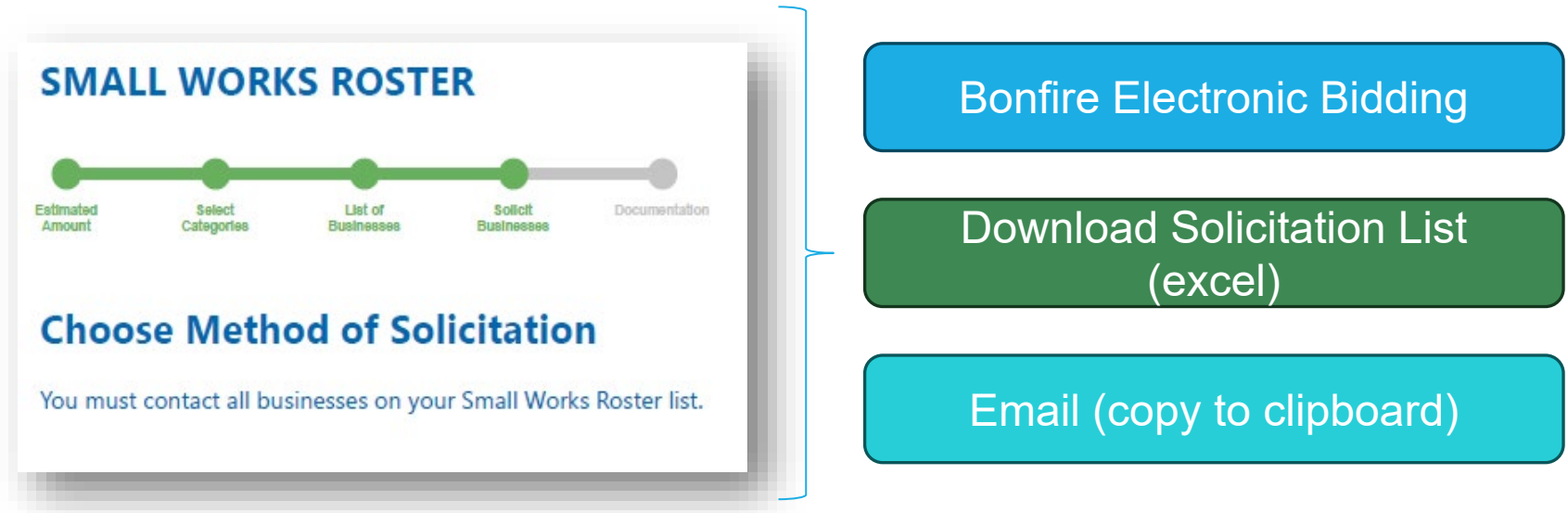
## Project Specific Roster

- Organized alphabetically
- Certified small businesses are separated
- Over \$150,000 you will still see the list broken out this way



# STATEWIDE SMALL WORKS ROSTER

- The solicitation list of businesses will be compiled and ready to send to your solicitation mode of choice.

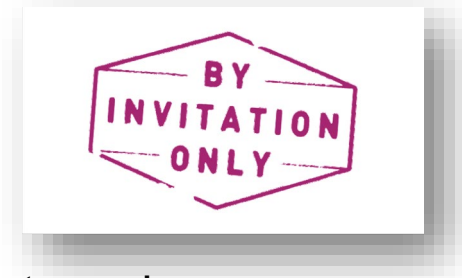


- *The actual **solicitation/bidding process** of businesses happens outside the statewide small works platform. You will return to the platform to document responses and indicate award.*

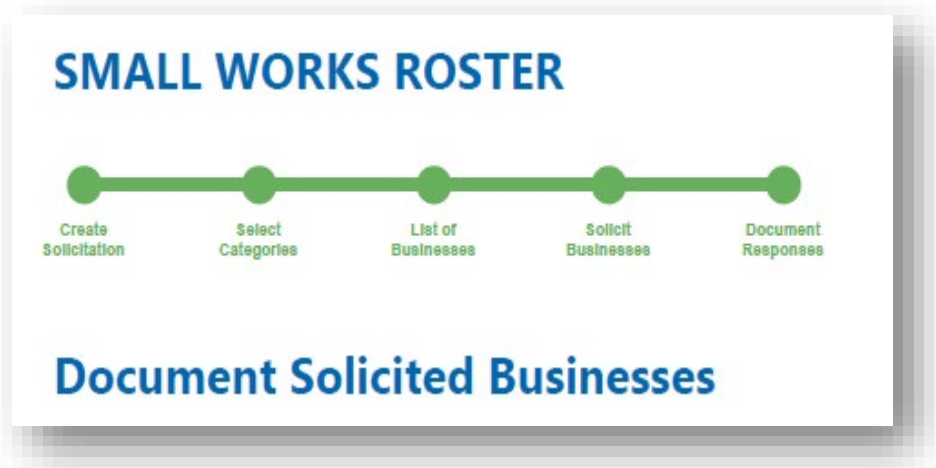
# PROCUREMENT OUTSIDE THE “ROSTER”

## *Tips for procuring small works roster projects using a 3<sup>rd</sup> party system:*

- Reminders that contractors must be *registered in both places*, MRSC and the procurement portal (e.g., *procureware, bonfire, publicpurchase, etc.*)
- Sending your “project specific roster” or “list of businesses” is done through a “private solicitation,” or similar, where **ONLY your roster contractors are sent the invitation.**
- If your portal generates a bid tab/bid report for you, the statewide portal does not receive documents; you still need to *manually enter* the bid and award numbers in the statewide portal.



# STATEWIDE SMALL WORKS ROSTER



- Next you will document each response of the businesses you solicit.
- This is a “bid tab” function and is there to use even in direct contracting scenarios when you may have to move to the next business on the list.

Project Canceled     Project Awarded    Sort by: Last Contract Date ▼

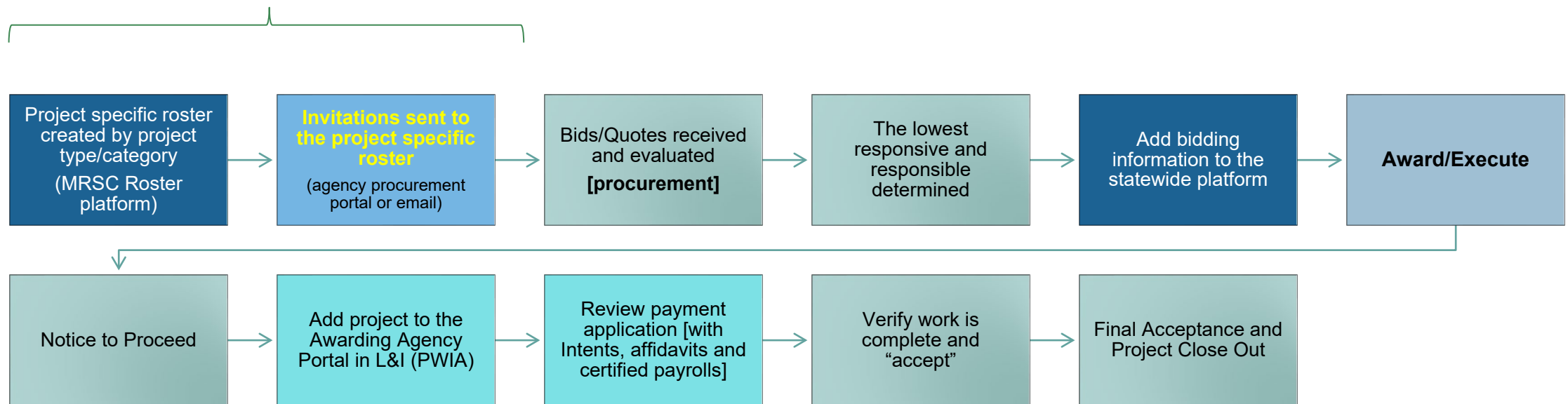
BUSINESS NAME	RESPONSE	BID AMOUNT	SELECTED	MORE
● Talakai Construction, LLC	Select ▼		<input type="radio"/>	+
● Stan's Construction and Son, LLC	Not Responsive ▼	\$120,000	<input type="radio"/>	+
● B&B Structures LLC	Not Responsive ▼	\$100,000	<input type="radio"/>	+
● Stanley Patrick Striping	No Reply ▼		<input type="radio"/>	+
● Brock Construction Inc	Bid Received ▼	\$150,000	<input type="radio"/>	+
● DARDAN ENTERPRISES, INC	Select ▼		<input type="radio"/>	+
● Empire Well Drilling LLC	Bid Received ▼	\$90,000	<input checked="" type="radio"/>	+
● HUIZENGA ENTERPRISES LLC	Select ▼		<input type="radio"/>	+
● Imperial Demolition & Earthworks	Select ▼		<input type="radio"/>	+
● Mr. Asphalt and Sons LLC	Select ▼		<input type="radio"/>	+
● Nordvind Company	Select ▼		<input type="radio"/>	+
● Petersen Brothers, Inc.	Bid Received ▼	\$150,000	<input type="radio"/>	+
Welwest Construction Inc.	Select ▼		<input type="radio"/>	+
Black Rock Construction & Development LLC	Select ▼		<input type="radio"/>	+
L.W. Sundstrom, Inc	Select ▼		<input type="radio"/>	+
TRICO Companies, LLC	Select ▼		<input type="radio"/>	+
Rotschy, Inc.	Select ▼		<input type="radio"/>	+
Archer Construction	Select ▼		<input type="radio"/>	+
North Fork Excavating Inc.	Select ▼		<input type="radio"/>	+

● = Certified Businesses



# SMALL WORKS ROSTER PROCESS

Difference in small works contracting process v. traditional design-bid-build



RCW 39.04.152(1)

# POLLING

*What do you think is the average response time given on small works invitations?*

- A. 3 days
- B. 5 days
- C. 10 days
- D. No date given



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# What is the average response time given on small works invoices



## Content



### Your question ?

What is the average response time given on

Add longer description

### Options ?

- 3 days ×
- 5 days ×
- 10 days ×
- No date given ×

+ Add

### Extras

Choose correct answers ?

Show responses as percentage ?

Let participants submit multiple options

JR

Account



Content



Design



Settings



Help & Feedback

# STATEWIDE SMALL WORKS ROSTER

## SMALL WORKS ROSTER DASHBOARD

### [Name of Public Agency] Projects

Click on the "Project ID #" to document businesses contacted and outcomes.

STATUS	TYPE	PROJECT ID #	PROJECT NAME	LAST EDIT DATE
Open	Direct Contracting	<a href="#">ABC-23-0007</a>	Lorem Ipsum 7	XX / XX / XXXX
Open	Competitive Bid	<a href="#">ABC-23-0006</a>	Lorem Ipsum 6	XX / XX / XXXX
Evaluate	Competitive Bid	<a href="#">ABC-23-0005</a>	Lorem Ipsum 5	XX / XX / XXXX
Complete	Competitive Bid	<a href="#">ABC-23-0004</a>	Lorem Ipsum 4	XX / XX / XXXX
Awarded	Competitive Bid	<a href="#">ABC-23-0003</a>	Lorem Ipsum 3	XX / XX / XXXX
Canceled	Direct Contracting	<a href="#">ABC-23-0002</a>	Lorem Ipsum 2	XX / XX / XXXX
Evaluate	Direct Contracting	<a href="#">ABC-23-0001</a>	Lorem Ipsum 1	XX / XX / XXXX

ROSTERS HOME

One of the **benefits** of the statewide small works platform is a **“dashboard”** feature.

- **Keep track** of each of your solicitations
- Track solicitation **statuses**
- Link to each to help actively manage each solicitation



# TRACKING AND REPORTING

Improved transparency and  
collecting data



# TRACKING AND REPORTING SMALL WORKS

## *What does the statute say?*

### **RCW 39.04.152**

(6) After an award is made, the bid quotations obtained shall be recorded, publicly available, and available by request.

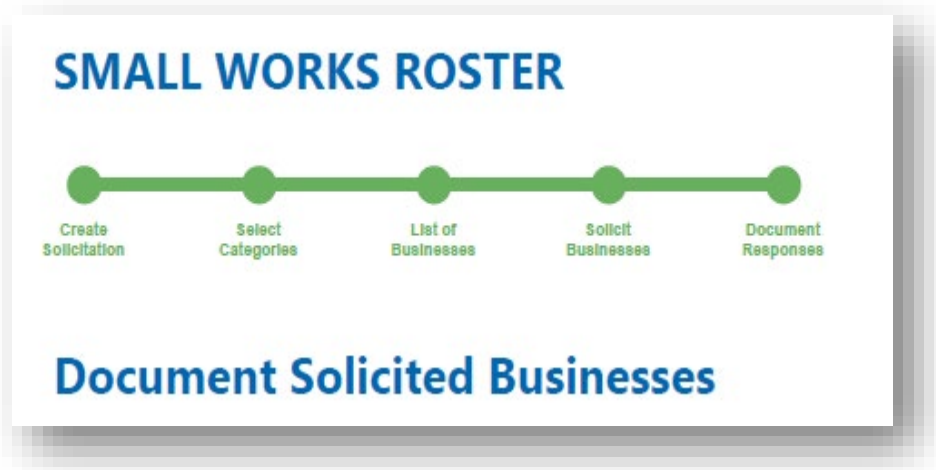
(7) Annually...authorized local government **must publish** a list of small works contracts awarded and contractors contacted for direct negotiation pursuant to RCW **39.04.200**.

The list shall contain

- (a) the name of the contractor or vendor awarded the contract,
- (b) the amount of the contract,
- (c) a brief description of the type of work performed or items purchased under the contract,
- (d) and the date it was awarded.
- (e) The list shall also *state the location where the bid quotations for these contracts are available for public inspection.*

Enter each award in the “bid tab”  
in the statewide platform

# STATEWIDE TRACKING AND REPORTING



- Another reminder that this “*bid tab*” page is where the data collection starts.
- Only as good of information as you put into it.
- Please write this into your procedures and do it as soon as a contractors is selected.

Project Canceled     Project Awarded    Sort by: Last Contract Date ▼

BUSINESS NAME	RESPONSE	BID AMOUNT	SELECTED	MORE
● Talakai Construction, LLC	Select ▼		<input type="radio"/>	+
● Stan's Construction and Son, LLC	Not Responsive ▼	\$120,000	<input type="radio"/>	+
● B&B Structures LLC	Not Responsive ▼	\$100,000	<input type="radio"/>	+
● Stanley Patrick Striping	No Reply ▼		<input type="radio"/>	+
● Brock Construction Inc	Bid Received ▼	\$150,000	<input type="radio"/>	+
● DARDAN ENTERPRISES, INC	Select ▼		<input type="radio"/>	+
● Empire Well Drilling LLC	Bid Received ▼	\$90,000	<input checked="" type="radio"/>	+
● HUIZENGA ENTERPRISES LLC	Select ▼		<input type="radio"/>	+
● Imperial Demolition & Earthworks	Select ▼		<input type="radio"/>	+
● Mr. Asphalt and Sons LLC	Select ▼		<input type="radio"/>	+
● Nordvind Company	Select ▼		<input type="radio"/>	+
● Petersen Brothers, Inc.	Bid Received ▼	\$150,000	<input type="radio"/>	+
Welwest Construction Inc.	Select ▼		<input type="radio"/>	+
Black Rock Construction & Development LLC	Select ▼		<input type="radio"/>	+
L.W. Sundstrom, Inc	Select ▼		<input type="radio"/>	+
TRICO Companies, LLC	Select ▼		<input type="radio"/>	+
Rotschy, Inc.	Select ▼		<input type="radio"/>	+
Archer Construction	Select ▼		<input type="radio"/>	+
North Fork Excavating Inc.	Select ▼		<input type="radio"/>	+

● = Certified Businesses

# WHAT DOES “PUBLICLY AVAILABLE” MEAN?

## *Simple definition:*

Information in any form that is generally accessible, without restriction, cost, or similar; to any interested party.

## May include:

- On a website
- At an open-to-the-public location

## Most likely **does not** include:

- Cost to obtain the information
- Specialty equipment to view
- Complex processes to view

# STATEWIDE DATA COLLECTION

## STATEWIDE SMALL WORKS AWARD DATA

Filter and search options

Filter:

Awarding Agency

- AAWWD
- Adams County
- Select
- Select
- Select
- Select
- Select
- Select
- Select

Prime Contractor Name

- AAA Contractors
- Acme Built
- Select
- Select
- Select

Another benefit of the statewide small works platform, is *the continuous tracking and searchable data* regarding use and awards.

Search dataset...

Award Date	Process	Project ID#	Project Name	Awarding Agency	Firm Name	Bid Amount	More
2024-01-04	Competitive	969081	WOID 34882	CLOVER PARK	LAKEWOOD GLASS Company AAA Company BBB Company CCC Company DDD Company EEE Company FFF Company GGG Company HHH	\$568.18 \$882.00 Not Responsive \$750.00 Not Responsive \$999.99 Not Responsive Not Responsive \$800.00	
2024-01-04	Direct	949445	Broken	LIND SCHOOL	BASIN	\$4,978.78	
2024-01-04	Competitive	972617	McNeil Island	CORRECTIONS,	MCKINSTRY CO	\$945.26	
2024-01-04	Competitive	972617	Olivia Park	MUKILTEO	TECTAAMERICA		
2024-01-04	Competitive	957130	2622 N	SNAP	CAMCO	\$750.00	
2024-01-04	Direct	921176	9105 SE 44th	MERCER ISLAND,	BOLLES	\$13,250.00	
2024-01-04	Competitive	998195	Emergency	WHITE SALMON,	ARTISTIC	\$3,553.95	
2024-01-03	Direct	960149	Vacant	KELSO, CITY OF	C & L PEST/	\$1,399.89	
2024-01-03	Direct	998300	Brownsville	CENTRAL KITSAP	ROTO ROOTER	\$2,019.22	



# KEY TAKEAWAYS

- Use a concise but **descriptive project title**, use it consistently.
- Be thoughtful about your **project type** and **work category**.
- Be prepared to “migrate” your project-specific roster to your **procurement environment outside the statewide roster platform**.
- Once bids/quotes are returned and evaluated, remember to **return to the platform and document the results** so data can be accurately recorded.

# QUESTIONS





# QUICK BREAK



- Stand up and stretch
- Network, discuss
- Refreshments
- Leave questions in the “parking lot”



# SMALL WORKS CONTRACT BIDDING DOCUMENTS

Invitations, Documents,  
Forms, etc.

# BIDDING PACKAGES: SMALL WORK VS. STANDARD ADVERTISEMENT

Small Works Bidding Package	“Traditional” Bid Packaging
Invitation with instructions	Advertisement (“invitation to bid”)
	Instructions to Bidders
Budget or Estimate	“Engineer’s” estimate
<i>Scope of Work</i>	Plans
	Specifications
Form of Contract (“short form”)	General Terms and Conditions
	Agreement/Contract Form
Existing Conditions Information (as needed)	
Permits (as needed)	

# SMALL WORKS ROSTER DOCUMENTS

*What does the statute say?*

## **RCW 39.04.152(3)**

- Invitations for bids or direct contract negotiation **must include, at a minimum,**
- **an estimate** for
- **the scope of work** including the nature of the work to be performed
- as well as the materials and equipment to be furnished.

*Detailed plans and specifications need not be included.*

# POLLING

*Why don't contractor's respond to invitations to bid small works?*

- 1) Not enough information
- 2) Too busy
- 3) Can't "prime" the work
- 4) Too much competition



Join at [menti.com](https://menti.com) | use code 4996 0911

# Why don't contactors respon invitations to bid small works'







# SCOPE OF WORK

- **Scope of work is different from a description of Work**
- The level of detail really depends on the project.
- Scope of work should have enough information to inform:
  - What?
  - When?
  - Where?
  - Why?
  - How?



# SMALL WORKS ROSTER DOCUMENTS

In practice, the following is recommended to be included with invitations

## 1. Scope

- What do you need?
- What are the current or existing conditions?
- *Nature of the work of the project?*
- What do I expect a contractor bring/do?
- Permits

## 2. Schedule

- When do I need it?
- When can the work be done?
- Are there any constraints?

## 3. Budget

- *Estimated cost of the work*
- How much do I have to spend?

## 4. Bid Evaluation/Award Criteria

- Responsibility
- Supplemental bidder responsibility

## 5. Contract

- Prevailing Wage
- Bonding
- Insurance
- Payment process

## 6. Bid Form/Bid Due Date/How to submit

## 7. How to submit questions/contact information

# FREQUENTLY ASKED QUESTIONS

**Q. What if I have no way to “estimate” the cost of my project?**

**A.** Many public agencies use the following ways to estimate projects

- Use in-house staff like maintenance, engineering or public works, or,
- Hire a consultant off the consultant roster to prepare an estimate, or
- Review bidding projects that may be similar in size and scope, gauge a range

**Q. Can I use the small works roster to have a contractor “bid”, so I know the cost?**

**A. No,** RCW 39.04.152(3) states that Invitations must include *an estimate* for the scope.

# SMALL WORKS ROSTER TEMPLATES

## *What does the statute say?*

RCW 39.04.152(4) The department of enterprise services (DES) **must develop** and make available on its public-facing website templates for

- *bid invitations,*
- *bidding,* and
- *contracting*

# SMALL WORKS ROSTER TEMPLATES

- Updates will be available by July 1, 2024
- Can locate them on our [“forms and reference document page”](#)
- Will include *Invitations to Negotiate* and other templates for direct contracting

## Bidding

### Construction manual by solicitation type

#### Construction contractors only (Bonfire)

- [Bidding terms and conditions \(bid form\)](#) - updated April 16, 2024
- [Advertisement for bids](#) - updated Nov. 29, 2023
- [Construction manual \(general conditions and instructions to bidders\)](#) - effective Oct. 2, 2023

#### Small works roster (SWR)

- [Bid form](#) - effective Feb. 28, 2024
- [Request for bids \(advertisement\)](#) - effective March 6, 2024
- [Construction manual](#) - effective Sept. 12, 2023

<https://des.wa.gov/services/facilities-and-leasing-management/construction-contractors/formsreference-documents>

[Home](#) > [Services](#) > [Facilities and Leasing Management](#) > [Construction \(For Contractors\)](#) > Forms/Reference Documents

## Forms/Reference Documents





# SMALL WORKS CONTRACT ADMINISTRATION

Monitoring compliance on  
small public works projects



# SMALL WORKS CONTRACTING

Small works contracting should follow the same requirements as any other public works contracting method unless there is specific option.

- Award to the lowest responsive bid from a responsible bidder ([RCW 39.04.350](#)), unless direct contracting then it is award to a responsible bidder after negotiation ([RCW 39.04.010\(2\)](#))
- Pay prevailing wage is required to be paid ([RCW 39.12](#))
- Payment/Performance Bonding, unless using small works options ([RCW 39.08](#))
- Retainage, small works option ([RCW 60.28](#))
- Written Contract for a fixed or determinable price ([RCW 39.04.010\(3\)](#))
- Insurance (agency policy)

# SMALL WORKS AND BONDS

Project Estimate	Small Works Option(s)
\$150,000+	Payment/Performance Bond Required (RCW 39.08)
\$149,999-5,000	Agency option to withhold 10% retainage in lieu of bond
\$4,999-	No project* bond required



# PAYMENT/PERFORMANCE BONDS

PROS	CONS
Protects the public agency in case of lack of performance	Cost of bond premiums added to the cost of the project (bid)
Protects the public owner in case of non-payment by the contractor to others owed on the project	May limit bidder pool if they can't get a bond*
<b><i>Uses “credit” instead of “cash” if there is a call on the bond</i></b>	Does not protect against subcontractor default or lack of performance unless the subcontractor also has a surety bond.
Surety “vouches” for financial accountability of the contractor	
Protects the contractor and the owner if there is lack of performance or deficiencies on the project	

*\*Did you know: a continuous contractor surety bond is required to become a registered general contractor in the state? \$12,000*

# SMALL WORKS AND RETAINAGE

Project Estimate	Small Works Option(s)
\$150,000+	Option to reduce or waive*
\$149,999-5,000	Option to reduce of waive*
\$4,999-	No retainage required

\*RCW 39.04.152(5) the awarding state agency or authorized local government *may reduce or waive retainage requirements* set forth in RCW [60.28.011](#)(1)(a), *thereby assuming the liability for the contractor's nonpayment....*

## ***Additional things to consider:***

1. The “form” by which retainage is held is the contractor’s election (RCW 60.28.011(4)), if there is no retainage being withheld, there is no form to elect, so remember to use the appropriate forms/bidding documents. (e.g., if you use a separate retainage election form)
2. If you are using the bond option of holding 10% in lieu of bond, probably shouldn’t waive retainage.

# SMALL WORKS AND RETAINAGE

*How are you approaching retainage?*

## *Retainage “trends” in small works*

- Common to see retainage reduced to 2% or 3%
- Common to see retainage reduced among “larger” owners
- Uncommon to see retainage waived *as a matter of policy*, more situational
- Not uncommon to see increased retainage withholding in lieu of payment and performance bond

# QUESTIONS





# SMALL WORKS AND PREVAILING WAGE

*Like all contracts that require the payment of prevailing wage.*

1. Project set up in PWIA\*
2. Confirm intents, affidavits and certified payroll entered **before** making any payments to a contractor
3. If you have elected to withhold part of the payment in lieu of retainage or waived retainage, you *remind yourself every payment*. (indicate in PWIA)
4. Subcontractors that may come onto the project are also tracked in PWIA

*\*Public Works Intents and Affidavits Platform (L&Is prevailing wage portal). Has an Awarding Agency (AA) facing and a Contractor facing application.*



# COMBINED INTENT AND AFFIDAVIT

- Create a project using the “combined form” project
- Contractor submits the form for review once the work is done

The screenshot displays a web application interface for managing a 'Combined Form Project'. On the left, a sidebar contains the text 'Combined Form Project' and 'Combined form projects can be up to subcontractors.', with a 'Create Combined Form Project' button below. The main content area features a notification banner for 'Newcastle Library Roof Repair' by 'XYZ CONSTRUCTION', stating 'A combined form has been submitted' with a 'View Combined Form' link. Below this is the 'Combined Form Project Overview' section, which shows the status as 'Pending your review' and a message: 'This combined form is pending your review and ready for your agency to process.' A table of project details is provided:

Project name	Contract no.	Award Date	Prime Contractor Name
For Your Eyes Only	7/7/2015 Testing	6-2-2015	Anderson Roofing Inc
Job site	Project cost	Bid Date	
An undisclosed location	\$3,500	6-2-2015	
Awarding Agency Contact			

Below the table, there are two radio button options: 'Approve this combined form' and 'Send a correction request to the contractor'. A red box highlights these options. To the right of the options is an 'Approve combined form' button. At the bottom, there are 'Cancel' and 'Continue to next step' buttons. Red arrows point from the 'Process combined form' button in the top right to the 'Approve this combined form' radio button, and from the 'Continue to next step' button to the 'Continue to next step' button at the bottom right.

# SET UP THE PROJECT IN AA PORTAL

*Selecting the contracting type (or method).*



Public Works Projects Manage / Add Agency Users | Print

Awarding Agency: OLYMPIA, CITY OF

Public Works Combined Form Projects

+ Create Project



Public Works Projects

Awarding Agency: ROSALIA HIGH SCHOOL

### Create public works project

Contract Type \*Small Works (Less than \$350,000)

The asterisk(\*) indicates contract types that limit when and/or who can use them.

[Learn more about Contract Types](#)

# SET UP THE PROJECT IN AA PORTAL

Bid Date

Award Date

Will the retainage, as required per RCW 60.28.011, be waived on this project?  Yes  No

**Bid Date** = the date the “bid” was due, if you are using small works and a quote or using alternative and you are asking for a proposal, then use the **due date**.

**Award date** = as defined by your contract that is the **effective date** of the contract.

**Retainage Tip:** *If retainage is being changed or reduced but not waived, you check “no” here. If you have a retainage bond, you check no.*

## **Why Do They Have Us Enter the two dates?**

*Establishing the correct prevailing wage date, if the difference is 6 months or more, the award date is used.*

# SET UP THE PROJECT IN AA PORTAL



**Prime Contractor**

WA UBI Number	<input type="text" value="9 Digit Business License"/>
Contractor Name	<input type="text" value="Select Contractor Name"/>
Phone Number	<input type="text" value="Contractor Phone Number"/>

## Awarded Contractor

*UBI first then the Contractor Name should populate.*

*Note: drop down should reflect currently registered general contractors. If they are not on the drop down, may be an issue.*

# SET UP THE PROJECT IN PWIA

Enter project information.

- **Contract name** = project name
- **Contract number** = agency contract number
- **OMWBE utilization** = is there a certified subcontractor goal on the project?
- **Original project amount** = *award amount*
- **Project description\*** = description from your invitation to the contractor.

*\*Best practice is to put in PWIA what your invitation states for **consistency** of information to the public.*

The screenshot shows a web form titled "Project" with the following fields and options:

- Contract Name:** A text input field with the placeholder "Contract Name".
- Contract Number:** A text input field with the placeholder "Contract Number".
- Is apprentice utilization required?:** Radio button options for "Yes" and "No".
- Is OMWBE utilization required?:** Radio button options for "Yes" and "No".
- Original Project Amount:** A text input field with the placeholder "Original Project Amount".
- Project Site Address or Directions:** A large text area with the placeholder "Street address and city, or mile marker and highway where this project was done" and a character count of "0/1000".
- Project Description:** A large text area with the placeholder "Project Description" and a character count of "0/4000".

An orange "Create project" button is located at the bottom right of the form.



# ENSURE INTENTS ARE FILED

## Project Overview

Information found in the shaded box is the main information about the project.

The navigation bar includes: Project (highlighted), Contractor Alerts, Intents Not Filed (1), Affidavits Not Filed, Notice of Completion (1), Utilization, Messages (6), and Files.

**Project Overview**

Project name	Contract no.	Award Date	Prime Contractor Name
Culvert Replacement	T.8286	6-8-2018	ABC CONSTRUCTION COMPANY
Job site	Project cost	Bid Date	Phone number
Bickford Ave	\$14,311,311.00	5-9-2018	360-902-1234

Contract No.	Project Name	Contract Amount	Bid Date	Award Date	Prime's Intent Status	Actions
YEW ST	YEW ST GENERATOR ENCLOSURE SUMMIT FENCE CO LLC, UBI: 602989588	\$7,048.11	7-15-2012	7-15-2012	Intent approved by L&I	View

WA UBI Number 601234567

Also, the affidavits when work is complete.

**Project Structure** + expand | - collapse

- TUNDRA MECHANIC
  - Intents (1)
    - 000012
  - Affidavits (1)
    - 000011 \$55,000.
  - Requests for Certified Payroll
    - No requests found for Intent
    - Create a New Payroll Request
  - Subcontractors (1)
    - KELLY COATINGS INC
      - Intents (1)
        - 000099 \$45,000.00 - Approved 5-22-2017
      - Affidavits (1)
        - 000098 \$45,000.00 - Approved 5-22-2017
      - Certified Payroll Reports
        - View All for Intent 000099 1 weeks Affirmed through 5-16-2015
      - Requests for Certified Payroll
        - No requests found for Intent
        - Create a New Payroll Request
      - Subcontractors (1)
        - + ACME ROOFING INC + 1 subcontractor

Select the intent or affidavit ID to view the form.

Shows the # of contractors hired by the contractor.

# PAYMENT APPLICATIONS AND PREVAILING WAGE CHECKS

- Intent and Affidavit Check
- Certified payroll

## Sample Language:

*“Before payment is made by the Owner of any sums due under this Contract, the Contractor and each Subcontractor regardless of tier must have a Statement of Intent to Pay Prevailing Wages approved by L&I.”*

*“Each progress estimate submitted for payment must include an Owner-provided form listing all Subcontractors and Suppliers, who performed Work on the project during that pay period, including but not limited to, Subcontractor Name, UBI Number, Intent Number and Affidavit Number as applicable, along with a statement completed and signed by an authorized representative of the Contractor certifying the prevailing wages have been paid per RCW 39.12.040.”*

For the week ending	Status	Actions
10-24-2015	✓ Affirmed Amended 11-4-2015	View... (4)
10-17-2015	✓ Affirmed Amended 11-4-2015	View...

Source: L&I AA Portal Step by step



## SMALL WORKS DOCUMENTS AND ADMINISTRATION

- Have templates specifically ready for small works roster contracts and bidding/negotiating
- Be as detailed as possible in your scopes
- Bonding and retainage approach go into your bidding documents
- *Set up the project in PWIA as awarded*
- Monitor for prevailing wage and certified payrolls



# RESOLUTIONS, POLICIES AND PROCEDURES

Internal controls

# RULES AND RESOLUTIONS

## *What does the statute say?*

### **RCW 39.04.151(4)**

- A state agency establishing a small works roster *shall adopt rules* implementing this section.
- A local government establishing a small works roster shall adopt an **ordinance or resolution** implementing this section.
- General interpretation, is if using this contracting method, you need to have formal “legal” document approved by your governance (council, board, etc.) that adopts “rules” with ways to implement the statute and be accountable to the requirements.

# RULES: DEPARTMENT OF ENTERPRISE SERVICES

Washington State Administrative Code, [200-330](#)

- *Example of “Rules”*
- Applies to state agencies, can be a model for local agencies
- Includes changes to the small works roster including, but not limited to:
  - definitions
  - direct contracting
  - rotation
  - estimated costs and change order



Washington State  
DEPARTMENT OF  
ENTERPRISE SERVICES



# RESOLUTIONS

## *Recommended contents in resolutions:*

- Tie to agency type, **public works authority** & small works statute
- **Delegation of authority** (who will be responsible) and how accountability will occur
- Intent, purpose, outcome, **agency specific process requirements** (e.g., tie to other agency documentations or procedures)
- Establish if you will create your own or use another one (e.g., MRSC, etc.)
- Where/how annual notification occurs
- Contracting requirements to include for your agency
- *(NEW) direct contracting with rotation, negotiation, and use definitions*
- *(NEW) roster use and award information availability*

# POLICIES AND PROCEDURES

*What are some current practices in small works?*

- Ordinances
- Resolutions
- Policies
- Procedures
- Manuals
- Guides

**Practice Tip:** Use the same approach that you have for other forms of contracting. *Best to have consistent internal controls.*



# POLICIES AND PROCEDURES

Do you need policies and procedures in addition to rules and/or resolutions?

- **Yes, RCW 39.04.152(1)** State agencies and authorized local governments using small works rosters *must establish procedures for implementing...*
- Policies and procedures help agencies be efficient and consistent
- Could include:
  - ✓ Procurement processes
  - ✓ Data collection in statewide roster and in procurement files/reporting
  - ✓ Bid or offer evaluation
  - ✓ Award processes
  - ✓ Documenting efforts in direct contracting
  - ✓ Negotiating
  - ✓ Managing contracts

# POLLING

*Have you completed your policy update?*

1. Yes, done and ready for July 1.
2. Working on it.
3. No, maybe next year.
4. What policy?



Join at [menti.com](https://menti.com) | use code 4996 0911

# Have you completed your update?





# KEY TAKEAWAYS

Agencies **must have**

an “authorizing” resolution,  
and procedures

...To implement small works  
roster and process

- *Even* if you are not using direct contracting
- *Even* if you are using the statewide small works roster



# QUESTIONS





# TIPS FOR USING THE STATEWIDE SMALL WORKS ROSTER

Is there a secret sauce?

# I THOUGHT IT WOULD BE DIFFERENT

*“A single stop of that has a “significant” pool of small, responsible prime contractors ready, willing, and able to bid/respond any project at any time.”*

## *Frequent discussions*

- *Not enough contractors in the categories needed*
- *Too many business on “the list,” unsure if they are contractors*
- *No one responding to the invitation*
- *Contractors are not award ready*



# IMPROVEMENTS ADDRESSING CHALLENGES

*What is MRSC doing to address the current challenges?*

**Challenge:** Not enough of the “right” contractors in the “right” categories.

**Mitigation Strategy:**

1. Restructuring the categories into public works contracting **project types** and focusing categories on common work scopes in those project types.
2. Attempting to curb contractor’s selection of all categories and all public agencies.

# IMPROVEMENTS ADDRESSING CHALLENGES

**Challenge:** *Contractors are not “vetted,” and are not award ready*

Mitigation Strategy:

1. **Verified with L&I.** Contractors, when registering or renewing, are checked automatically with L&I registration protocols and are not placed on the roster without an active contractor’s license.
2. **Bid Ready.** Contractors, when registering or renewing, have an active general contracting license. Same standard found under RCW 39.04.350 for “at the time of bid..”



# IMPROVEMENTS ADDRESSING CHALLENGES

**Challenge:** *Too many business on a project specific roster, unsure if they are prime contractors.*

## **Mitigation Strategy:**

1. Licensed as general contractor. Every contractor/business on the statewide small works roster will have an active general contracting license.
2. Restructured categories with descriptions.
3. Invitations to Bid or Negotiate need to further clarify the request and need for specific experience or capabilities.
4. In future work on the statewide platform there is a vision for a subcontracting and networking space.



# IMPROVEMENTS ADDRESSING CHALLENGES

**Challenge:** *No one responding to the invitation*

## **Mitigation Strategy:**

1. Plan your projects and invitation around the project types and categories available on the roster.
2. Have clear bidding or negotiation documents
3. Have adequate time to respond
4. **Engage your bid pool** ahead of the solicitation, give them a heads up

# TIPS FOR AGENCIES

## *Maximizing the small works roster and process*

“Tips” that have helped improve the outcomes and use of the small works roster

1. Plan
2. Engage
3. Notify
4. Partner



# PLAN

*As with any public works contracting method it is important to plan your projects around them.*

Keep the small works roster and process in mind when:

- Requesting money and setting your budget
- Updating internal processes and procedures
- Defining and scoping your work (use roster project types and work categories, right size)



# FREQUENTLY ASKED QUESTION

## Can I use the small works roster with federal funding?

- Potentially, but unlikely.
- If allowed at all under the specific grant you are pursuing, it is likely to be more restrictive than RCW 39.04.152 provides. ([2 CFR 200](#))
- Under federal acquisition regulations (FAR [Part 13](#)), with a procurement within the *standard simplified acquisition threshold* (\$250,000 or less), an authorized agency may use a “source list” (roster) of small, disadvantaged, women-owned, etc. businesses, to *equitably compete* among similar types of businesses.
- *Direct Contracting is most likely not allowed*, unless the procurement falls within the federal sole source guidelines, and/or through a set-aside program for small business concerns. ([FAR Part 6.3](#), [48 CFR 6.3](#))
- It is recommended you coordinate with your grant agency in the region when applying for grants and coordinate the specific procurement method you would like to use.



WASHINGTON STATE  
**PUBLIC WORKS BOARD**  
*INFRASTRUCTURE IS FUNDAMENTAL*





- A part of Washington State Department of Commerce, the Public Works Board (PWB) provides loans for planning and construction of infrastructure projects across the state.
- **Who is eligible?** Cities, Towns, Counties, Utility Districts, and Special Purpose Districts
- **What is eligible?** Water, sewer, storm, roads, bridges, solid waste, recycling and organics, broadband
- **What is available?** Pre-construction (planning), Construction, and Emergency LOANS, unless the project area qualifies for financial hardship assistance.
- FY25 has **\$148M** available for construction and **\$7.3M** for Pre-construction and planning
- **Application cycle is open now** and closes June 28<sup>th</sup>. Awards are anticipated to be issued by Aug. 2



# Pre-Construction Program

- **Purpose:** Improve project readiness and capital facilities planning.
- **Eligible activities:** Design engineering, bid-document preparation, environmental studies, right-of-way acquisition, value planning, permits, cultural and historic resources, public notification, and more.
- Applications are accepted on an **ongoing basis** and will be reviewed **quarterly** for funding awards.



[www.pwb.wa.gov](http://www.pwb.wa.gov)    



# IMPORTANT DATES

## FY25 Application Cycle – Pre-construction Funding

State Fiscal Year Quarter	Pre-construction Application Pooling	Anticipated Award Date
SFY25 Q1	June 28, 2024	August 2, 2024
SFY25 Q2	September 30, 2024	November 1, 2024
SFY25 Q3	January 10, 2025	February 7, 2025
SFY25 Q4	March 31, 2025	May 2, 2025



# ENGAGE

- Use “search” and “filter” functions to understand bid pools available in what project types and categories.
- Find out more about the businesses that might be in the needed category



The screenshot shows the MRSC ROSTERS website. At the top left is the logo, which consists of three curved lines in blue and green above the text 'MRSC ROSTERS'. Below the logo, the text reads 'Welcome. Get connected with businesses in MRSC Rosters:'. A prominent blue button labeled 'Download Business Contacts' is centered. Underneath, it says 'Need to send out an announcement, or track your registered businesses? Download an Excel spreadsheet with business contact information by'. At the bottom, there are three orange buttons: 'Small Works Roster', 'Consultant Roster', and 'Vendor Roster'.



# NOTIFY

Provide *additional notice of upcoming work*, help contractors prepare for the invite

- WEBS
- OMWBE
- Webpage or procurement portal
- Community Organizations (e.g., Tabor 100, etc.)

Bids & Contracting Opportunities





# PARTNER



## Engaging the Bidding Community with APEX Accelerator

Washington APEX Accelerator helps businesses prepare to do business with the government (federal, state and local) through trainings and advising.

APEX is funded by the US Department of Defense and services provided are at *no cost to businesses*.

# HOW APEX SUPPORTS BUSINESSES

- **Individualized no-cost advising & training** on how to succeed long term in selling to federal, state, local governments and primes.
- **Outreach events** with prime contractors and government agencies
- **Bid Matching Service**
- **Referrals to other resource partners**
  - We don't write proposals for businesses
  - We don't estimate costs for businesses
  - We don't represent the firms we work with
  - We don't provide legal advice, general business planning support, access to capital advising, etc.
  - We can't MAKE our clients do anything



# HOW APEX SUPPORTS AGENCIES

Enhance awareness of what your agency procures

- E-Bid Matching if bid can be found publicly on consistent site
- Advising
- Special Events

Grow Responsive & Responsible Bidders

- Core work is getting firms “*bid ready*”
- Advising – Pre award & Post Award
- Compliance Reviews

Assist with outreach

- “Meet the Agencies” Event Series
- Stand Alone Events
- Newsletters

Collaborate on New Initiatives

- APEX can help “get the word out”
- Training
- Newsletter



### 1 Kitsap Economic Development Alliance

Mary Jo Juarez, Terry Homburg, James Davis



### 2 Thurston Economic Development Council

Grady Smith



### 3 Columbia River Economic Development Council

Julia Krivoruk



### 4 Economic Alliance Snohomish County

Cara Buckingham, Mark Johnson



### 5 Green River College

Darrell Sundell, Melinda Martirosian



### 6 Washington APEX Accelerator in Pierce County

Trena Payton, Maryam Lynch-Tate



### 7 Greater Spokane Incorporated

Aleesha Roedel



### 8 Tri-City Regional Chamber of Commerce

Maria Alleman

### Other APEX Accelerators Serving Washington State

**North Olympic Peninsula APEX Accelerator:**

Rebekah Miller  
[ptac@clallam.org](mailto:ptac@clallam.org)

**American Indian Chamber Education Fund PTAC:**

Jeremy Sandoval  
[Jeremy.sandoval@aicccal.org](mailto:Jeremy.sandoval@aicccal.org)

**NW Native Apex Accelerator:**

Chuck Jehle  
[cjehle@nnapex.org](mailto:cjehle@nnapex.org)

### Innovation & SBIR Program Manager

Kate Hoy [innovationstation@washingtontapex.org](mailto:innovationstation@washingtontapex.org)



See full staff listing at [washingtontapex.org/about-apex/staff](http://washingtontapex.org/about-apex/staff)

360.860.6945 [info@washingtontapex.org](mailto:info@washingtontapex.org) [washingtontapex.org](http://washingtontapex.org)

# HOW TO REACH US

1. Refer Firms to our No-Cost Services (No need to vet them. We help any size, type.)

Washington State: [www.washingtonapex.org](http://www.washingtonapex.org), [info@washingtonapex.org](mailto:info@washingtonapex.org)

Clallam/Jefferson: <https://www.clallam.org/apex>, [rmiller@clallam.org](mailto:rmiller@clallam.org)

Native American Owned Firms & Tribally Owned Firms:

- <http://www.aicccal.org>, [Jeremy.sandoval@aicccal.org](mailto:Jeremy.sandoval@aicccal.org) &/Or
- <https://nnapex.org/>, Chuck: [Cjehle@nnapex.org](mailto:Cjehle@nnapex.org)

Not WA firm: [www.aptac-us.org](http://www.aptac-us.org)

2. Participate in our events
4. Give us a call/email to see how we can support
5. Encourage your Primes to also engage with us

[info@washingtonapex.org](mailto:info@washingtonapex.org) | [www.washingtonapex.org](http://www.washingtonapex.org)





**LUNCH**

**RETURN AT 1PM**



# OFFICE OF MINORITY AND WOMEN ENTERPRISES

Certifying small, minority, and  
women owned businesses



# ABOUT US

The Office of Minority and Women's Business Enterprises leads the Statewide M/WBE program as the sole agency that certifies minority- and women-owned business enterprises to participate in public contracting and procurement. This program includes a comprehensive certification process, small business support services, and the Supplier Diversity team that works with the Governor's Subcabinet on Business Diversity, state agencies, and institutions of higher education to instill equitable and inclusive purchasing practices.

These efforts help small businesses owned by minorities, women, and veterans to obtain more government contracts which strengthens our communities, makes our economy more resilient, and improves the quality of life for all Washingtonians.





# CORE SERVICES

## Certification

- Certify minority and women owned businesses.
- Maintain a public directory so state agencies, primes, and educational institutions can find firms to work with.
- State: 3,156
- Federal: 1,787
- Total: 4,943

## Business Development Support for certified firms

- Provides post-certification services and supports certified firms.
- Outreach to communities and small businesses.
- Linked Deposit Program provides access to capital for state certified firms.

## State Supplier Diversity

- Reports annual spend with certified businesses. Posted on our website.
- Coordinates with 63 state agencies, 8 higher educational institutions, and many prime contractors on their business diversity spending goal plans and best practices.

## Governor's Subcabinet on Business Diversity

- Seeks statewide, big-picture solutions to increase public spending with certified firms that are long-term and sustainable.
- Support and educate on how to improve contracting with certified firms and how to tailor efforts to be inclusive through the "equity toolkit"



# WHAT IS Certification?

---

OMWBE certifies small businesses that are owned & controlled by minorities, women, and other disadvantaged individuals and businesses that are economically disadvantaged.

Public agencies, institutions of higher education, and prime contractors use **OMWBE's directory** to locate small and diverse vendors.

# CERTIFICATION Types

## FEDERAL CERTIFICATION

- ✓ Disadvantaged Business Enterprise (DBE)
- ✓ Airport Concession Disadvantaged Business Enterprise (ACDBE)
- ✓ Small Business Enterprise (SBE)

## STATE CERTIFICATION

- ✓ Minority Business Enterprise (MBE)
- ✓ Minority Woman Business Enterprise (MWBE)
- ✓ Woman Business Enterprise (WBE)
- ✓ Combination Business Enterprise (CBE)
- ✓ Socially and Economically Disadvantaged Business Enterprise (SEDBE)

**(NEW) Public Works Small Business Enterprise (PWSBE) Certification!**

# Public Works Certification



## Public Works Small Business Enterprise (PWSBE) **(NEW)**

- New State Certification that is *Race and Gender Neutral*
- Public works focused using NAICS codes
- Established as a tool for ***small works roster direct contracting***, but can be used in all public works contracting types to increase spend with certified firms

### What does the statute say?

RCW 39.04.010 (7) "Small business" means a business **meeting certification criteria** for size, ownership, control, and personal net worth adopted by the office of minority and women's business enterprises in accordance with RCW [39.19.030](#).



# Communicating PWBSE



*Apply Now!*

**Public Works  
Small Business  
Enterprise  
(PWSBE)**



## Public Works Small Business Enterprise

Public Works Small Business Enterprise (PWSBE) is a new type of State Certification that fosters small business participation in public works contracting. PWSBE Certification also grants businesses free access to the Municipal Research and Services Center's (MRSC) [Small Works Roster](#), where public agencies are looking for qualified vendors.

"Public Works" refers to all work, construction, alteration, repair, or improvement paid for by state and local governments, public universities, school districts, and other public organizations. Examples of public works projects include road construction, roof repair, HVAC upgrades, building remodeling, or parking meter installation.

### **PWSBE Certification Is Now Available!**

Create an account in our certification portal, Access Equity, to start your application or opt-in if you are already certified with OMWBE. If you need help, please email [technicalassistance@omwbe.wa.gov](mailto:technicalassistance@omwbe.wa.gov).

Apply Now

<https://omwbe.wa.gov/certification/public-works-small-business-enterprise>

# PWSBE IN ACTION



## OMWBE Certified Directory

Search and/or join our database of certified businesses

[Search For Certified Businesses](#)

[Apply for / Renew Certification](#)

### Search by Certification Type

#### CERTIFICATIONS

- Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
- Combination Business Enterprise (CBE)
- Disadvantaged Business Enterprise (DBE)
- Disadvantaged Business Enterprise (FAA Only) (DBE (FAA Only))
- Minority Business Enterprise (MBE)
- Minority/Women Business Enterprise (MWBE)
- Public Works Small Business Enterprise (PWSBE)
- Small Business Enterprise (SBE)
- Socially and Economically Disadvantaged Business Enterprise (SEDBE)
- Women Business Enterprise (WBE)

## Search Results

12 firms with 12 certifications found

[Click the certification type for contact information and certification details](#)

Vendor	Location	Certification
1794 Excavating LLC, DBA 1794 Excavating	Enumclaw, WA	<a href="#">PWSBE</a>
Apex Electrical Group LLC	Sumner, WA	<a href="#">PWSBE</a>
Dean Alan Architects, PLLC, DBA Dean Alan Architects, PLLC	Seattle, WA	<a href="#">PWSBE</a>
Forza Homes, Inc, DBA Forza Construction Group	Edmonds, WA	<a href="#">PWSBE</a>
Jewel Mechanical Insulation, LLC	Southworth, WA	<a href="#">PWSBE</a>
KB Markings LLC	Spokane Valley, WA	<a href="#">PWSBE</a>
Land Development Consultants, Inc., DBA LDC, INC.	Woodinville, WA	<a href="#">PWSBE</a>
PNW Diverse Consulting LLC	Spanaway, WA	<a href="#">PWSBE</a>
Richaven PLLC, DBA Richaven Architecture & Preservation	Seattle, WA	<a href="#">PWSBE</a>
Weigh Anchor LLC	Snohomish, WA	<a href="#">PWSBE</a>
wero and sons concrete llc	Wapato, WA	<a href="#">PWSBE</a>
Wheeler Excavation LLC.	Benton City, WA	<a href="#">PWSBE</a>

<https://omwbe.diversitycompliance.com/>



# Supporting Agencies

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OMWBE supports agencies by

- **Certifying** eligible businesses statewide
- Maintaining a **directory** of certified firms
- Supporting certified firms in business development
- Providing *equity in procurement practices* through the Equity Toolkit
- *Host a bidding opportunities page!*





# WHAT IS THE Equity Toolkit?

---

OMWBE maintains a repository of policies, templates, and best practices to assist public agencies increase spend with certified firms.

As part of OMWBE's Supplier Diversity Program, the equity toolkit will assist public agencies in creating meaningful opportunities for small and diverse businesses to work with government, eliminating disparities in public spending.

# ACCESSING the Equity Toolkit?



## Tools for Equity in Public Spending

Washington State is committed to combating discrimination and ensuring that public money is spent equitably in the private sector. This toolkit will assist public agencies in creating meaningful opportunities for small and diverse businesses to work with the state, eliminating disparities in public spending.

The tools below each contain equitable practices that support the economic vitality of Washington State by ensuring all businesses have competitive access to public bidding opportunities in a variety of different industries. Implementing these tools is critical to the state's efforts to eliminate discrimination and help all sectors of the state economy thrive. Additional tools will be added periodically to ensure contract specialists have access to up to date, comprehensive information to guide their inclusive spending efforts.

Forecasting

Statewide Contracts

Internal Processes

Outreach

Subcontractor  
Inclusion Plans

Toolkit Workshops

***You can also post bid opportunities to reach certified firms!***

### Submit a Bid Post:

**Bid posting is a FREE service that OMWBE offers.** Please use the Create Bid Post button below to submit your opportunity. Submitted posts will be reviewed by OMWBE before they are published. If you need to update a published bid post, please email [OMWBEWebAdmin@omwbe.wa.gov](mailto:OMWBEWebAdmin@omwbe.wa.gov) to request an edit.

Create Bid Post

Opportunities must include the following information:

1. Title
2. Description
3. Closing Date
4. Organization
5. Point of Contact
6. Scheduled Publish Date

<https://omwbe.wa.gov/state-supplier-diversity-reporting/tools-equity-public-spending>



# Questions?

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**Sharon Harvey, Director of Policy**

Email: SharonH@omwbe.wa.gov

Phone: (360) 704-8437

**Lee Lim, PWSBE Supervisor**

Email: LeeL@owmbe.wa.gov

Phone: (360) 890-6305

**Office of Minority & Women's Business Enterprises**

1110 Capitol Way S #150, Olympia, WA 98501

Phone: (360) 664-9750 | [omwbe.wa.gov](http://omwbe.wa.gov)







# SMALL WORKS PROJECTS UNDER \$150,000

Direct Contracting Option

# PROJECTS ESTIMATED TO COST \$150,000 OR LESS

## Two options:

1. Invite all contractors on the applicable roster/ project-specific roster (competitive bid)
2. Direct Contract – *Invite one business to Negotiate*







# DIRECT CONTRACTING

The “art” of selecting the next in line...

# POLLING

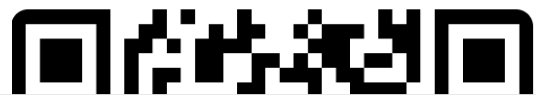
*Are you interested in Direct Contracting?*

1. For sure, I'm all in
2. Yes, interested but overwhelmed
3. Not going to bother



Join at [menti.com](https://menti.com) | use code 4996 0911

# Are you interested in Direct Contracting?



# IN THIS MODULE

## Direct Contracting

1. What does the statute say
2. Rule of “6” or more
3. Five or less
4. Rotation
5. Negotiation
6. Small Business Certification
7. [business] *Utilization Plans*

# DIRECT CONTRACTING

*What does the statute say?*

**RCW 39.04.152 (3)** “...invitations for direct contract negotiations, must include at a minimum...”

**RCW 39.04.152(4)(b)**

For small public works projects with an **estimated cost less than \$150,000**....local governments *are encouraged to and may direct contract with **small businesses**.*

*Two Parts:*

- ✓ **6 or more small businesses on a project specific roster**
- ✓ **5 or fewer small businesses on a project specific roster**

# DIRECT CONTRACTING

## RCW 39.04.152 (4)(b)(i)

- If there **are six or more contractors** *meeting the definition of small business* on the applicable roster (project specific roster)...
- **must** direct contract with one of those small businesses on the applicable roster (project specific roster).
- local government utilizing direct contracting...**must rotate** through the contractors on the appropriate small works roster (project specific roster)
- and **must**...utilize different contractors on different projects.





# DIRECT CONTRACTING

## RCW 39.04.152(4)(b)(ii)

- If there are **five or less** contractors *meeting the definition of small business* on the applicable roster, ....
- **may direct contract with any contractor** on the applicable roster (project specific roster).



# DIRECT CONTRACTING

## RCW 39.04.152(4)(b)(iii)

- The...authorized local government **must notify** small, minority, women, or veteran-owned businesses **on the applicable roster** (project specific roster) *when direct contracting is utilized*.



# DIRECT CONTRACTING

## RCW 39.04.152(4)(b)(iv)

- It is **the intent** of the legislature to **increase utilization** of small, minority, women, and veteran-owned businesses.
- Each state agency and authorized local government shall establish a small, minority, women, and veteran-owned **business utilization plan**.



# DIRECT CONTRACTING

## RCW 39.04.152(4)(b)(iv)

- ...A state agency or authorized local government **engaging in direct contracting may not favor certain contractors** ....
- by **repeatedly awarding** contracts....
- without documented attempts to direct contract with other....



***Discussion Scenario: Fence replacement example...all your fence work to the same fencing company.***

# DIRECT CONTRACTING

## *Summarizing what RCW says*

- For projects estimated to cost less than \$150,000 **agencies are encouraged** to use *direct contracting*
- **Two options** to implement (6+, 5-) depending on how many small businesses are on your project specific roster
- When direct contracting you need to spread the wealth, **rotate**, first with small business and even with businesses who are not small...direct contract with different contractors
- **Before** you use direct contracting, you need to have a business **utilization plan**
- **Must establish “procedures”** implementing small works process is implied to contain direct contracting (RCW 39.04.152(1))



# QUESTIONS



# DIRECT CONTRACTING IN PRACTICE

3 likely scenarios when selecting the business to directly negotiate and contract with.



Project Specific Roster (Applicable or Appropriate Roster)

# DIRECT CONTRACTING IN PRACTICE

## Starting with your “project-specific roster” [List of Businesses]

CERTIFIED BUSINESS NAME	LAST CONTRACT DATE	MORE
● B&B Structures LLC	XX / XX / XXXX	+
● Brock Construction Inc	XX / XX / XXXX	+
● DARDAN ENTERPRISES, INC	XX / XX / XXXX	+
● Empire Well Drilling LLC	XX / XX / XXXX	+
● HUIZENGA ENTERPRISES LLC	XX / XX / XXXX	+
● Imperial Demolition & Earthworks	XX / XX / XXXX	+
● Mr. Asphalt and Sons LLC	XX / XX / XXXX	+
● Nordvind Company	XX / XX / XXXX	+
● Petersen Brothers, Inc.	XX / XX / XXXX	+
● Stanley Patrick Striping	XX / XX / XXXX	+
● Stan's Construction and Son, LLC	XX / XX / XXXX	+
● Talakai Construction, LLC	XX / XX / XXXX	+

● = Certified Businesses

UNCERTIFIED BUSINESS NAME	LAST CONTRACT DATE	MORE
Archer Construction	XX / XX / XXXX	+
Black Rock Construction & Development LLC	XX / XX / XXXX	+
L.W. Sundstrom, Inc	XX / XX / XXXX	+
North Fork Excavating Inc.	XX / XX / XXXX	+
Rotschy, Inc.	XX / XX / XXXX	+
TRICO Companies, LLC	XX / XX / XXXX	+
Welwest Construction Inc.	XX / XX / XXXX	+



● **B&B Structures LLC** jwelcome@frontier.com x

CONTACT: Jane Smith  
PHONE: (206) 123-4567  
LAST CONTRACT DATE: XX / XX / XXXX  
UBI #: 123456789  
CERTIFICATION: XXXXX

Apply your **rotation policy** or whatever procedure(s) your agency has developed for directly selecting a contractor off the applicable roster.



# DIRECT CONTRACTING IN PRACTICE

No certified business  
Contract with any you can  
come to terms with, **rotate**



## Scenario 1: Project Specific Roster has *no small businesses*



*Q. Do you “have to” rotate, even if you there are no small businesses on the project-specific roster?*

A. **Yes**, we believe that RCW 39.04.152(4)(iv) “...a(n) authorized local government may not favor certain contractors by repeatedly awarding contracts without documented efforts..” speaks to rotation in all scenarios when using direct contracting.

# DIRECT CONTRACTING IN PRACTICE



**Scenario 2:** Project Specific Roster has *6 or more small businesses [rule of six]*



(4)(b)(i) If there are six or more ...small business on the applicable roster, ...authorized local government **must direct contract** with one of those small businesses...**must rotate through** the contractors on the appropriate small works roster



# DIRECT CONTRACTING IN PRACTICE



## Scenario 3: Project Specific Roster has *5 or fewer small businesses [5 or fewer]*



(4)(b)(ii) If there are five or less ...small business on the applicable roster, the ...authorized local government may direct contract with any contractor on the applicable roster.

*Q: How will you approach negotiation? Ask for a quote within your estimate?*

# DIRECT CONTRACTING IN PRACTICE

## *Rotation Policy Discussion*

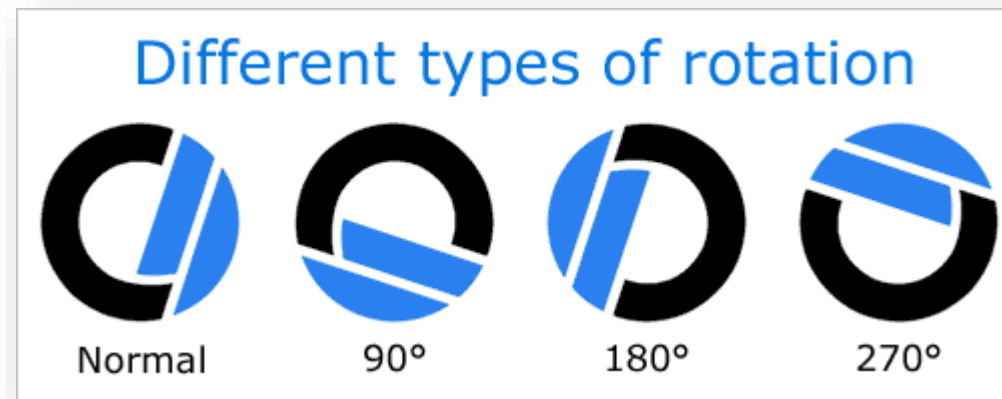
1. Previously contracted with,
2. A different contractor for a different project
3. Other?

# DIRECT CONTRACTING IN PRACTICE

## *Policy considerations:*

- **Changing rosters.** Project-specific rosters **are not static** on the statewide roster, each time you “create” a project specific roster for a new solicitation, there is the potential of being a new list of businesses. *[even if using the same project type and category]*
- **Attempts to be made.** How will your policy be developed so you can document attempts to contract with a different contractor each project within a project type and category?
- **Time period.** How long will your rotation policy be? Will it be flexible when you have more similar projects planned?

# TABLE CHALLENGE



# DIRECT CONTRACTING IN PRACTICE

## *Negotiation*

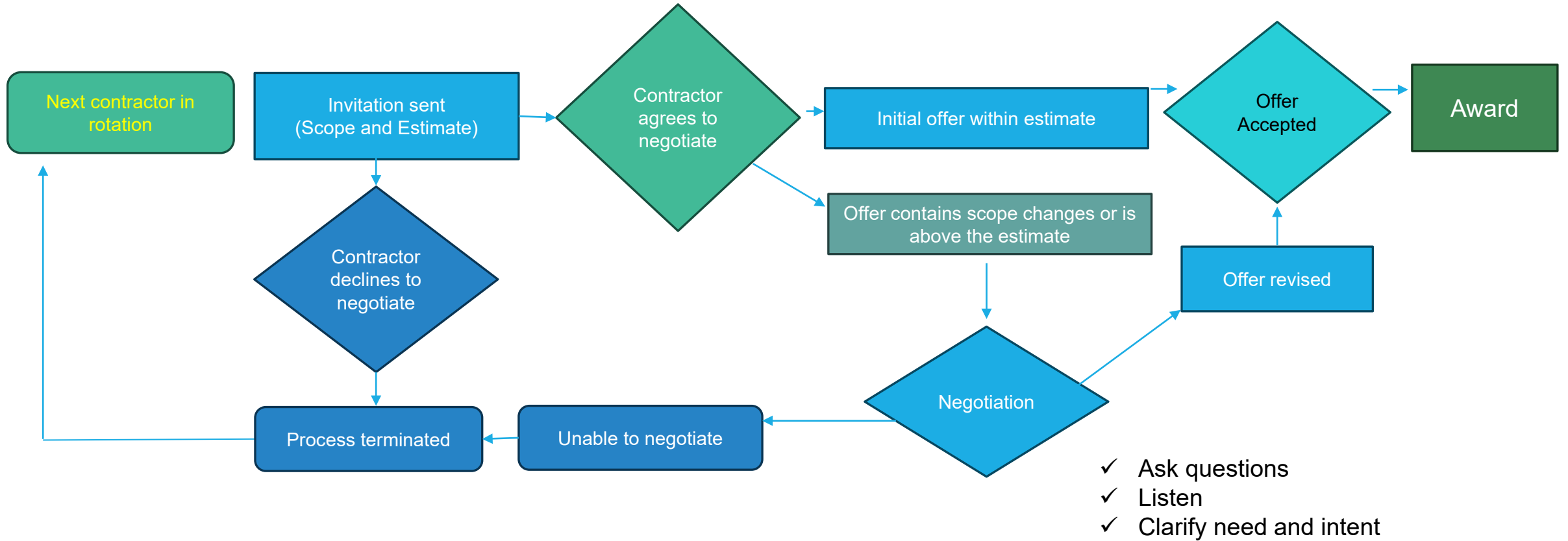
### *Key elements for Invitations and Contract Documents*

- Budget/estimate stands – be clear
- Clear scope - the outcome
- Initial offer and counter - detailing the process and how many times, *no haggling*
- Evaluation or review criteria included - dollar, scope, etc.
- *Bid Form or Offer Form with instructions*

If direct contract and negotiations are going to be part of your contracting program recommend a careful *policy, use of a form or template, train staff.*



# NEGOTIATION



# DIRECT CONTRACTING

## *What does the statute say?*

**RCW 39.04.152(4)(v)** If the...authorized local government **elects not to use the methods outlined in this subsection**, it may not use direct contracting and must invite bids by electronically notifying all contractors on the applicable roster (project specific roster).

## **Methods Outlined:**

- Have a **“business” utilization plan**
- **Rotate** and use different contractors on different projects
- **Don’t favor** without documented efforts
- **Notify** other small, minority, women and veteran businesses on the project specific roster



# DIRECT CONTRACTING IN PRACTICE

1. Rotation
  - *Will you have multiple projects of the same project type and category over the course of a year, two years, three years? How will you spread the wealth?*
2. Negotiation
  - *If there is not pricing to compare to determine the lowest, what number will you decide on for award?*
3. Notification
  - *When you have selected a business to direct select you must notify all the other “diverse” firms on that project-specific solicitation list.*
4. Reporting
5. Plan to utilize “diverse” and small businesses

# QUESTIONS







# BUSINESS UTILIZATION PLAN

A roadmap for direct  
contracting



# BUSINESS UTILIZATION PLAN

*As a reminder, what does the statute say...*

## RCW 39.04.152(4)(b)(iv)

- It is the intent of the legislature **to increase utilization of small**, minority, women, and veteran-owned businesses.
- Each ...authorized local government **shall establish a** small, minority, women, and veteran-owned **business utilization plan**.
- A ...authorized local government engaging in direct contracting **may not favor certain contractors** on the appropriate small works roster **by repeatedly awarding contracts without documented attempts** to direct contract with other contractors on the appropriate small works roster.

A **utilization plan** is intended to be a “roadmap” to help agencies “*spread the wealth*” to small businesses.

# BUSINESS UTILIZATION PLAN

*Inclusion vs. Utilization ...*a difference in practice

- **Inclusion Plans** are *submitted by contractors* and outlines how prime contractors intend to include small and diverse businesses through subcontracting and supplier opportunities.
- **Utilization Plans**, are *developed by public agencies* and detail “how” you intend to award/utilize small businesses through direct contracting.

# BUSINESS UTILIZATION PLAN

## *Let's try to define it...*

- Just as the title suggests the most common interpretation of a “utilization plan” is a plan for how an *agency intends to utilize* in this case small and diverse businesses.
- The plan is *developed ahead of soliciting* and negotiating and is *monitored*
- A business utilization plan generally includes:
  1. A policy statement or general principal
  2. Outcomes desired
  3. A goal or target
  4. Action
    - Implementation
    - Responsible party
    - Reporting

*How will you demonstrate your application and how the plan worked.*

# BUSINESS UTILIZATION PLANS

## Commonly used approaches to develop a business utilization plan...

- Develop a policy or values statement\*
- Identify needs. Which project types and categories you will procure in what timeframe? (e.g., fencing projects)
- Identify business types. Use businesses registered on the small works roster to identify small, minority, women, and veteran owned businesses.
- Reporting. When and how will you check to see if the plan worked and/or adjust.

*\*Tip: policy statements, intents, values, desired outcomes or similar are good things to have in your resolution.*

# DEVELOPING BUSINESS UTILIZATION PLANS

## Key information to know to develop a *Utilization Plan...*

1. What is your agency's intent or policy?
2. What project types and categories you are going to bid or are likely to bid.
  - *Do you have an upcoming bids list?*
  - *Do you have a capital improvement plan?*
  - *Have you requested/been given funding?*
3. Which businesses are in your potential bid pools.
4. How will you rotate?

# BUSINESS UTILIZATION PLANS

## Sample

- Not required, just for thought
- Needs to be agency specific
- Needs to reflect appropriate levels of resources and capabilities available
- Needs to be something that you can use and maintain

### Small Works Roster Direct Contracting Small Business Utilization Plan

Agency			
Effective Date		End Date	
Plan Administrator			

#### Purpose

[AGENCY] is reserving the option to use Direct Contracting as practicable in the Small Works Roster process. As required under RCW 39.04.152(4)(b)(iv), [AGENCY] is preparing the following *small, minority, women, and veteran-owned business utilization plan*.

#### Intent and Policy

It is the agency's policy to not favor contractors by repeatedly awarding contracts without documented attempts to negotiate with others.

This plan is intended to help increase the likelihood of small works roster awards going to a broad range of small businesses.

This plan is to be referred to with each procurement for small works with a **\$150,000** estimate or less and will be referred to by [AGENCY] staff as they solicit and negotiate using Direct Contracting.

#### Transparency

This plan will be assessed and posted annually [Q2] by the **plan administrator**. The achieved utilization will be publicly reported **where and when**.

#### Goal

The agency's goal is to award small and diverse businesses **half [50%]** of all the small works projects awarded the *Utilization Plan's Effective Period* in the following way.

Projects Anticipated	Target Small Business Awards
10	5

Project Type	Categories	Small Business Id
Building/Facilities	Renovations	X
Building/Facilities	Parking Lot Rehab	
Building/Facilities	Security Upgrades	
Parks, Grounds, Landscaping	Irrigation Replacements	X
Parks, Grounds, Landscaping	Lighting Upgrades LED	
Roads	Sidewalk repairs	X
Roads	Crosswalk Enhancements	
Roads	Pedestrian Improvements	
Civil	Water pipe replacements	
Civil	Side sewer repairs	X
Civil	Slope stabilizations	X



# BUSINESS UTILIZATION PLANS

## Sample

- Good practice to reflect outcomes
- Good practice to be able to adjust
- Ok not to achieve your plan if everyone involved is trying.

### Utilization Achieved (SAMPLE)

The [agency] achieved [50%] utilization of small business as follows:

Project Name	Project Type	Category	Small Business
Permit Counter Reno	Building/Facilities	Renovation	X
South Hall Parking Lot Restriping	Building/Facilities	Parking Lots	X
Main Street Channelization	Roads	Street Channelization	
Sidewalk Repairs 1 <sup>st</sup> to 3 <sup>rd</sup>	Roads	Sidewalks	X
Star Park Playground Replacement	Parks	Playgrounds	
19 <sup>th</sup> Ave Side Sewer Repairs	Civil	Side Sewer	

For details on each award, please see our small works award data publicly available [INSERT].

### Plan Evaluation and Improvements ["+" = positive/useful, "-" = needs improvement]

- Projects Identification/Planning:
  - o Rating: +
  - o Discussion: even though achieved projects were not the same as initially planned the project types and categories were used.
- Businesses Identification:
  - o Rating: -
  - o Discussion: not all bidder pools were reviewed ahead of each solicitation.
- Business Engagement:
  - o Rating: +
  - o Discussion: *notice of upcoming solicitations* were sent ahead of invitations which resulted in small business representation with each solicitation.
- Process Review:
  - o Rating: -
  - o Discussion: struggling with *negotiations*, process is taking too long.

**Overall Evaluation:** *Not suggesting any significant changes other than identifying new projects and small business opportunities for the next year. Recommend continued training or similar on negotiation process.*

### Related Policies

1. Small Works Resolution
2. Direct Contracting Policy and Procedure
3. Rotation Policy
4. Negotiation Procedure

### Reviewed By:

- Manager X: \_\_\_\_\_ [initials], [Name], [Title], [Date]
- Director X: \_\_\_\_\_ [initials], [Name], [Title], [Date]
- Other: \_\_\_\_\_ [initials], [Name], [Title], [Date]

# QUESTIONS



# NEXT STEPS

Are you ready for July 1,  
2024

# ARE YOU READY?

- Update/write your resolutions and policies.
- Direct Contracting policy?
- Business Utilization Plan?
- Messaging to contractors
- Invitation and documents updates
- Electronic bidding

# ARE YOU READY?

## *Documents, Paperwork, Templates*

- Resolutions, Policies, and or Procedure – *Update or Create*
  - Direct Contracting – Utilization Plan
  - Rotation
  - Negotiation
- Invitation to Bid - Small Works
- Invitation to Negotiate – Small Works Direct Contracting
- Instructions to Bidders – Small Works
  - Negotiation Option
  - Award considerations
  - Reservations of rights
- Form of Small Works Contract (“Short Form” Public Works)
  - Payment and Performance Bonding Options – Small Works
- Bid Form – Small Works
- Retainage Election Form – Small Works (if needed)
- Notice to Proceed – Small Works
- Change Order Cover Page
- Payment Cover Page

# FREQUENTLY ASKED QUESTIONS

## When will notifications go out to businesses, how, and what notifications?

- Businesses on the current roster will be notified in late May early June, through a roster notification
- They will be encouraged to go back into their registration and confirm their project types and work categories
- MRSC's June and July newsletters will also contain information

## When will current roster businesses be transitioned to project types, work categories, etc.

- Existing roster businesses have been transitioned to the “new” work category structure through a general title exchange. (e.g., demolition to demolition in any project type)
- *A more robust shift will happen when a business renews* their registration after July 1, 2024.



# ARE YOU READY?

## Policies, Procedures, and/or Rules: Update or Create.

- Decide if you will stick with your own or transition to statewide roster.
- Include policy and procedure for **direct contracting**, if you intend to use.
  - With that include definition or policy around **rotation** and **negotiation practices**.
- Registration process (possibly new) to your own roster that includes identification of the small, minority, women and veteran businesses.
- Data collection and "reporting." All bid tabs, award data, and direct contracting is to be publicly available, if not already posting award information need a plan to do it.
- *Prepare an agency "diverse" business utilization plan. (RCW 39.04.152(4)(b)(iv))*

# ARE YOU READY?

## Marketing campaign.

- Notify current contractors that have been bidding small works and/or small contracts, let them know your intentions under the new small works opportunities and the best way stay involved and continue to be part of the roster.
  - Should they re-register?
  - Is anything changing in the bid notification or bidding process?
- Part of your marketing should include *PWSBE certification opportunities*.

## *Transitioning to the statewide roster?*

If transitioning to the statewide roster develop a marketing plan that includes dates when the bids and contractors will/should “migrate.” Set target dates for bidding, etc. Any re-registration that should happen, etc. *Recommendation is to start notifying now!*

*Tip: Think about when your annual notifications would go out.*

# ARE YOU READY?

## Plan your projects.

- Think now about which project will use the small works process and **align with specific roster categories**.
- Develop, revise, update documents...*invitations, bid forms, and contracts* that reflect the intent of the small works roster process.

## Relook at service needs.

- If planning to use the statewide roster, plan to switch service contract procurements through the *Vendor Roster*.

# QUESTIONS



# OTHER RESOURCES

# DEFINITIONS

- **appropriate roster** means project specific roster, list of businesses, and/or applicable roster.
- **authorized local government** means the same as defined in [RCW 39.04.010](#).
- **category** means a description or division of work used in the small works roster to further describe a project type.
- **diverse business** is a general term used to group small, minority, women and veteran owned businesses.
- **invitation** means the written request by an authorized local government to receive a quote or bid, which at a minimum includes, an estimate for the work, a scope of work including the nature of the work and any materials and equipment to be furnished.
- **negotiation** means a process in direct contracting where an agency and a contractor reach agreement on a project award amount as specified in the invitation.



# DEFINITIONS

- **notification** means providing award information to all contractors on the project specific roster.
- **project type** is a broad classification of different construction, renovation, or improvement categories.
- **responsible contractor** means registered contractors on the small works roster that, at the time of registration, had an active general contractor's license and was not debarred.
- **rotation** means the intent, unless otherwise defined by rule or policy, of not using the same contractor consecutively for similar work on the same roster.
- **small works roster process** means a **contracting method** described in RCW 39.04.152, to compete and/or award public works projects using the pre-established list of responsible contractors.

# DEFINITIONS

- **small works package** means a compiled set of documents such as, but not limited to, an invitation, bid form, instructions to bidders, and *form* of a small works contract.
- **small works project** means a **single project for construction, building, renovation, alteration, repair or improvement** anticipated to cost \$350,000 or less that will be awarded using the small works roster process. (RCW 39.04.152(1))
- **small works program** means a public works contracting method that includes the establishment of a responsible contractor list and procedures for a contracting process using the list.
- **statewide small works roster** means an administered list of responsible contractors eligible to compete for small works projects across the State with a partially automated small works process available for use by registered local governments with MRSC.

# ACRONYMS

AA: awarding agency

DES: department of enterprise services

PWIA: Public Works Intent and Affidavit portal (L&I's project tracking application)

MRSC: Municipal Research Services Center of Washington

OMWBE: Washington State's Office of Minority and Women Business Enterprises

# FREQUENTLY ASKED QUESTION

## What is the State Auditors Office role, how are they involved in small works?

- Making sure public money is spent wisely and in the public interest.
- Provide independent and transparent examinations on how state and local governments use public funds and are efficient.
- “[Buying and Bidding](#)” publication is being updated and currently includes small works
- SAO will provide guidance and “after the fact” support through audit.



Office of the Washington State Auditor

Pat McCarthy



WASHINGTON STATE  
**PUBLIC WORKS BOARD**  
*INFRASTRUCTURE IS FUNDAMENTAL*

## **PWB Funding Opportunities**

**May 2024**

# TRADITIONAL PROGRAMS: ELIGIBILITY

## Applicants

Cities and Towns

Counties


Water/Sewer Districts

Public Utility Districts

Other Special Purpose Districts –  
*Irrigation, mosquito control, diking, etc.*

## Systems

- Roads, streets
- Bridges
- Wastewater
- Drinking water
- Stormwater
- Solid waste, recycling, and organics

[www.pwb.wa.gov](http://www.pwb.wa.gov)    



# TRADITIONAL PROGRAM OVERVIEW

## Funding Basics

- Awards are 100% loan unless the project area qualifies for financial hardship assistance.
- Max. \$10m award for Construction - **\$148m** available in FY25
- Max. \$1m award for Pre-construction and Planning - **\$7.3m** available in FY25
- Max. \$1m award for Emergency (except for catastrophic emergencies) – **\$7.3m** available in FY25
- Max. \$10m total combined awards per jurisdiction per biennium.



# IMPORTANT DATES

## FY25 Application Cycle – Construction Funding

March 15, 2024: Board acted to open cycle, set interest rates

April 8, 2024: Application opens

June 28, 2024, 11:59pm: Application closes

August 2, 2024\*: PWB anticipates awards (depending on # of apps received)




# EMERGENCY PROGRAM

**What is an emergency?** *A project made necessary by a natural disaster or an immediate and emergent threat to public health and safety due to unforeseen or unavoidable circumstances.*

**What are eligible activities?** *Activities that repair, replace, and/or reconstruct a facility that will restore essential services.*

**When are applications accepted?** *Continuously until funds expended.*

[www.pwb.wa.gov](http://www.pwb.wa.gov)    





# FY25 INTEREST RATES AND GRANT ELIGIBILITY

Program and Loan Term	Non-distressed Rate	Distressed Rate	Severely Distressed Rate
Pre-construction and Planning awards – 5 years	0.86%	0.68%	0.43%
Construction and Emergency awards – 20 years	1.71%	1.37%	0.86%
Grant Eligibility	Not eligible*	Up to 25% with \$1m limit**	Up to 50% with \$2m limit**

\*Unless the PWB determines a priority for specific programs.

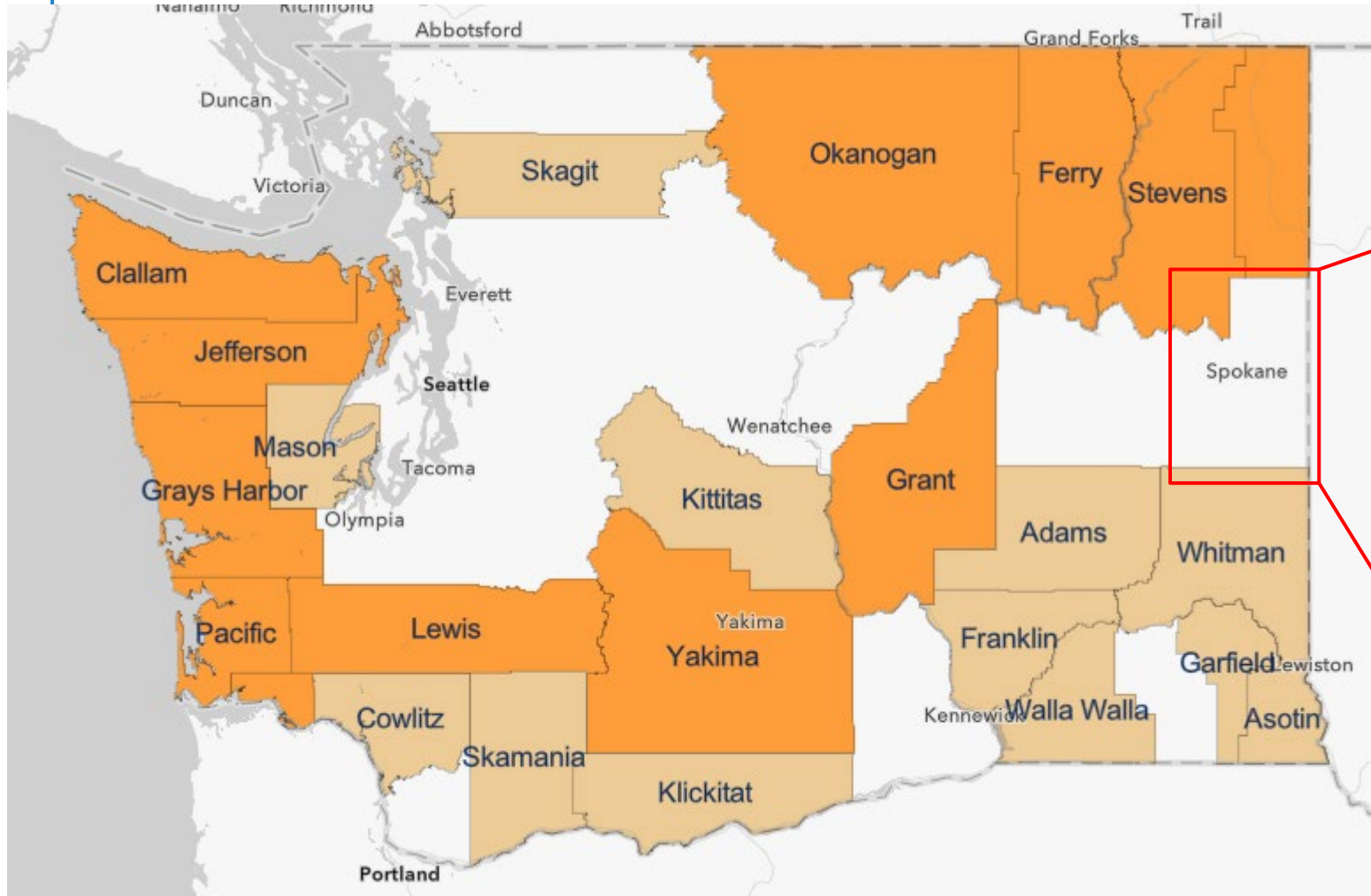
\*\*As determined by availability of grant resources and discretion of the Board.

[PWB Hardship Map](#)

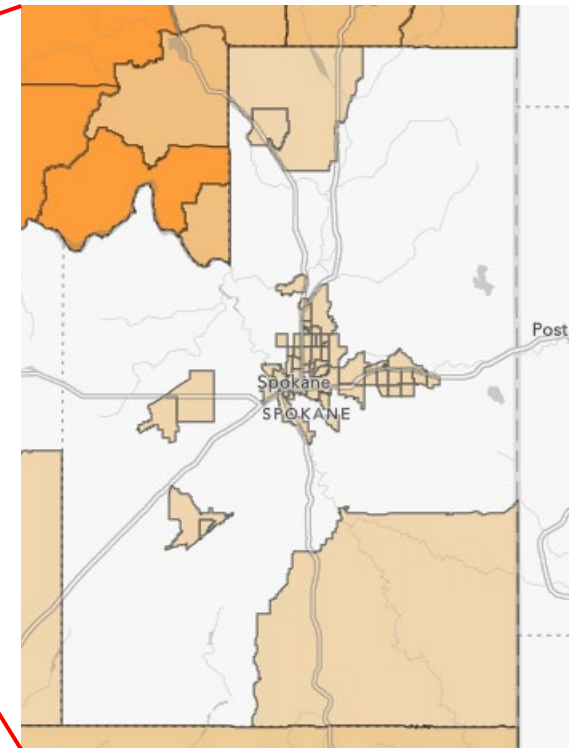
[www.pwb.wa.gov](http://www.pwb.wa.gov)    







# FINANCIAL HARDSHIP



<https://maps.arcgis.com/apps/mapviewer/index.html?webmap=8db819e2c67b442d8ad7de337e31fdac>



[www.pwb.wa.gov](http://www.pwb.wa.gov)    

# REMINDERS AND BEST PRACTICES

## How to Prepare for Submitting a PWB Funding Application

- **Get your project schedule and budget together ASAP.**
- Plan for contingencies. Costs are rising – give yourself some cushion.
- Plan for cultural review time and costs. DAHP or a Tribe may require a cultural resources survey, on-site archaeologist, or professional monitoring plan.
- Tell us the story. Current state, future outcomes, What's The Why?
- Upload your project documentation.
- Read and answer each question and table **FULLY**. Don't lose out on points!
- **Application workshop recordings are online at [pwb.wa.gov](http://pwb.wa.gov).**



# RECAP

Applications, guidelines, and fact sheets are on the Board's website, [pwb.wa.gov](http://pwb.wa.gov).

Maximum award amount is \$10 million awarded per jurisdiction and per biennium.

Maximum interest rate is 1.71% for construction and .86% pre- construction.

# PUBLIC WORKS BOARD CONTACTS

- **Chris McCord**, Boards Unit, Managing Director [Chris.McCord@commerce.wa.gov](mailto:Chris.McCord@commerce.wa.gov)
- **Maria Jawad**, PWB Executive Director [Maria.Jawad@commerce.wa.gov](mailto:Maria.Jawad@commerce.wa.gov)
- **Sheila Richardson**, PWB Programs Director, [Sheila.Richardson@commerce.wa.gov](mailto:Sheila.Richardson@commerce.wa.gov)
- **Alison Mitchell**, PWB Project Manager [Alison.Mitchell@commerce.wa.gov](mailto:Alison.Mitchell@commerce.wa.gov)
- **Ava Gombosky**, PWB Project Manager [Ava.Gombosky@commerce.wa.gov](mailto:Ava.Gombosky@commerce.wa.gov)
- **Max Wedding**, PWB Programs Manager [Max.Wedding@commerce.wa.gov](mailto:Max.Wedding@commerce.wa.gov)
- **Tammy Mastro**, PWB Programs Manager [Tammy.Mastro@commerce.wa.gov](mailto:Tammy.Mastro@commerce.wa.gov)

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