

Small Works Contracting

Mission

- GA helps its customers succeed

Vision

- Customers seek and value our services and expertise
- Others recognize our innovation and efficiency.
- People want to work here.

John Lynch and Roland Orr

State of Washington

Division of Engineering and Architectural Services

Division of Engineering and Architectural Services

- Design and Construction Project Management
- Energy Performance Contracting
- We serve a number of major state agencies
 - Community Colleges - 33 campuses
 - Department of Corrections
 - Department of Social and Health Services
 - Department of Veterans Affairs
 - Washington State Patrol
 - Department of General Administration
 - Approximately 20 additional small agencies

Objectives for Today

- Demonstrate examples showing when to follow a public works procurement process vs. a purchasing process
- Outline the general differences in the public works process depending on the size and nature of the project
- Discuss the “Limited Public Works” process used by the Department of General Administration for small public works projects

Characteristics of Public Works

- Work is performed on public property
- Work is more than “ordinary maintenance”
- Work tends to require a building permit
- Cost of labor is a significant portion of the total cost of the work
- The level of the project cost and the source of project funding are not factors that determine public works

State Statute References

- RCW 39.04 Public Works
- RCW 39.06 Licensed Contractors Required
- RCW 39.10 Alternative Public Works
- RCW 39.12 Prevailing Wages
- RCW 39.80 Architect/Engineering Contracts
- RCW 43.19 General Administration
- RCW 60.28 Liens for labor, taxes, etc.
- RCW 39.34 Inter-local Cooperation Act
- RCW 28A School Districts
- RCW 35 Counties
- RCW 36 Cities

Example Project #1



Example Projects

Number 1

Convert an existing classroom into four individual private offices. Build framed walls, provide new lighting & receptacles, modify existing HVAC, modify fire alarm system, and carpet etc.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process

Example Projects

Number 1

Convert an existing classroom into four individual private offices. Build framed walls, provide new lighting & receptacles, modify existing HVAC, modify fire alarm system, and carpet etc.

Which procurement process should be used?

- ☒ Public Works process
- ☐ Purchasing process

Example Project #2



Example Projects

Number 2

Replace an existing rooftop HVAC unit. The existing electrical wiring can be re-used and the existing ductwork should match with only minor modifications.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process

Example Projects

Number 2

Replace an existing rooftop HVAC unit. The existing electrical wiring can be re-used and the existing ductwork should match with only minor modifications.

Which procurement process should be used?

- ☐ Public Works process
- ☒ Purchasing process

Example Project #3



Example Projects

Number 3

Replace an large existing rooftop HVAC unit.

New electrical wiring may be needed and the existing ductwork will need modifications. The new unit may be heavier.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process

Example Projects

Number 3

Replace an large existing rooftop HVAC unit. New electrical wiring may be needed and the existing ductwork will need modifications. The new unit may be heavier.

Which procurement process should be used?

- ☒ Public Works process
- ☐ Purchasing process

Example #4



Example Projects

Number 4

Repaint a two story building.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process

Example Projects

Number 4

Repaint a two story building.

Which procurement process should be used?

- ☒ Public Works process
- ☐ Purchasing process

Example #5



Example Projects

Number 5

Provide new carpet in a 20,000 sq. foot office building.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process

Example Projects

Number 5

Provide new carpet in a 20,000 sq. foot office building.

Which procurement process should be used?

- ☐ Public Works process
- ☒ Purchasing process

Example Project #6



Example Project #6



Example Projects

Number 6

Provide a thin sealer coat and new paint striping for an asphalt parking lot.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process

Example Projects

Number 6

Provide a thin sealer coat for an asphalt parking lot.

Which procurement process should be used?

- ☐ Public Works process
- ☒ Purchasing process

Example Project #7



Example Projects

Number 7

Provide new asphalt paving for a parking lot.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process

Example Projects

Number 7

Provide new asphalt paving for a parking lot.

Which procurement process should be used?

- ☒ Public Works process
- ☐ Purchasing process

Example #8



Example Projects

Number 8

A civic organization has offered build a commemorative memorial with landscaping at a state facility campus.

Which procurement process should be used?

- ☐ Public Works process
- ☐ Purchasing process
- ☐ Neither

Example Projects

Number 8

A civic organization has offered build a commemorative memorial with landscaping at a state facility campus.

Which procurement process should be used?

- ☒ Public Works process
- ☐ Purchasing process
- ☐ Neither

Example Projects

RCW 39.04.010 Definitions

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality,

The Ideal World

**Purchasing
Process**

**Public Works
Process**

The Real World

Purchasing
Process

Gray Area

Public
Works
Process

Purchasing Process

- State agencies typically have delegated purchasing authority up to \$10,000
- Higher Ed has independent authority
- Refer to the Washington Purchasing Manual:
 - <http://www.ga.wa.gov/PCA/Manual.htm>

Public Works Process

- Limited Public Works
- Small Works Roster
- Job Order Contracts
- Advertised Projects
- Other Alternative Processes for >\$10 M
 - General Contractor/ Construction Manager
 - Design - Build

Small Works Roster

RCW 39.04.155

Small Works Roster - - Procedure for securing quotations:

Construction, repair, or alteration projects estimated to cost less than two hundred thousand dollars are exempt from the requirement that the contracts be awarded after advertisement and competitive bid as defined by RCW 39.04.010.

Limited Public Works

- A Manual describing the Limited Public Works Process is available on line:
 - <http://www.ga.wa.gov/eas/doc-form.htm>
- Forms referenced in the manual are available at the same site.

Limited Public Works

Limited Public Works is a process used for projects less than \$35,000. RCW 39.04.155 allows us to solicit contractors through the Small Works Roster without a public advertisement since the cost is less than \$35,000.

Limited Public Works

- Architect/Engineer Contract Services
 - A/E is selected based on qualifications per RCW 39.80
 - E&AS maintains on-call A/E contracts that are available for state agencies to use
- Some LPW projects will not require an A/E contract for the design

Limited Public Works

- Assemble Bid Package Including:
 - Cover Sheet w/project number, title and location
 - Table of Contents
 - Request for Bids
 - General Conditions (May be referenced in the specification if available for Contractor review)
 - Bid Proposal Form
 - Technical Specification w/ Detailed Project Scope of Work
 - Applicable Drawings

Limited Public Works

- Compile a list of capable, licensed, contractors utilizing the Small Works Roster
 - Notify contractors located within your region with the applicable specialty
 - Consider MBE and WBE contractors
- Send Bid Packages to interested contractors with notice of pre-bid meeting time and date
- Hold a Pre-Bid meeting

Limited Public Works

- Compile contractors Q&A into an addendum to the contract documents
- Distribute the addendum to all contractors who received a bid package
- Receive and open bids
 - Record date, time, and initials on bid envelopes
 - Open bids with at least two staff
 - Record bids on bid summary sheet

Limited Public Works

- Notify all bidders of the bid results
- Prepare LPW Contract
 - Check Contractor is licensed (call L & I Contractor Registration (360) 902-5202)
 - Contract w/Bond Waiver/Bond Form/Insurance Certificate and/or Retainage Bond Form
 - Letter of Transmittal
 - Retainage Investment Form
 - Transmittal to Insurance Agent attach Certificate of Ins. Form, Insurance Req., and Bond Form

Limited Public Works

- Send contract to contractor
- Receive contract back from contractor
- Verify that contract requirements have been met
 - No changes to document have been made by contractor
 - Contract is signed
 - Insurance coverage is on State Certificate
 - Insurance certificate shows required coverage

Limited Public Works

- Verify contract req. (cont.)
 - Insurance Effective Dates cover contract period
 - Insurance Company is recognized by the Office of the Insurance Commissioner (phone (360) 753-7307)
 - Payment & Performance Bond Waiver is signed/or Payment & Performance Bond is provided/ and Retainage Bond Form if desired

Limited Public Works

- Contracting Officer signs contract
- Issue the Notice to Proceed
 - Send contractor NTP transmittal
 - Send invoice voucher forms
 - Send L&I the Notice of Award
- If a Change Order is needed, follow the contract requirements

Limited Public Works

- Process Contractors invoice
 - A copy of the L&I Intent to Pay Prevailing Wages form to be received with first invoice
 - Verify/approve the percent complete on the contractors schedule of values
 - Approve the invoice and arrange for payment

Limited Public Works

- Conduct final walk-thru of project
 - Create punch list if necessary
 - Verify that punch list items are corrected
 - Establish the contract acceptance date
 - Issue acceptance letter
- Send Notice of Completion Form
 - For contracts less than \$20,000, send directly to Employment Security
 - For contracts over \$20,000, send to Dept. of Revenue

Limited Public Works

- Final Payment

- Lien period has expired (45 days from the Acceptance Date)
- Receive Affidavit of Wages Paid from Contractor
- Receive release from L & I
- Receive release from Employment Security
- Receive release from Dept. of Revenue for contracts over \$20,000
- Release the contract retainage

Limited Public Works

QUESTIONS ?

Limited Public Works

- Important Telephone Numbers
 - E&AS Contracts Section (360) 902-7272
 - L&I Contractor Registration (360) 902-5202
 - L&I Contracts Release (360) 902-4764
 - Employment Security (360) 902-9626
 - Dept. of Revenue (360) 753-3830

Division of Engineering and Architectural Services

- Please contact us if you have additional questions or want copies of our standard documents
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