

ACTION ITEM #2

Recommendation to Adopt Amendments to the Washington Administrative Code (WAC), Chapter 504-50
Small Works Roster
(Greg Royer)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Recommendation to adopt amendments to the WAC, Chapter 504-50, Small Works Roster for Washington State University

PROPOSED: That the Board of Regents adopt the proposed amendments to the Small Works Roster WAC for Washington State University

SUBMITTED BY: Greg Royer, Vice President for Business and Finance

SUPPORTING
INFORMATION:

The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code. WAC Chapter 504-50 authorizes Washington State University to create a Small Works Roster and to adopt procedures to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property in lieu of other procedures for such work with an estimated cost of two hundred thousand dollars (\$200,000) or less. The University, in establishing a small works roster, shall use the procedures set forth in this chapter.

Rule changes are proposed for the Small Works Roster to comply with changes in RCW 39.04.155, Public Works - Small Works Roster contract procedures -- limited public works process and WAC 236-28 General Administration - Small Works Roster, and to address several issues that have arisen with contractor application forms. The text of these proposed changes are attached for your review.

On July 23, 2009, a public hearing was conducted to solicit public comments regarding the amendments to WAC Chapter 504-50: Small Works Roster. No comments were received, oral or written from the public concerning these changes.

Summary of Proposed Action on Small Works Roster Rules

Changes to WAC 504-50-010 Purpose and Authority, and WAC 504-50-020 Project Construction Cost

- Changed \$200,000 dollar limit to \$300,000 to reflect change in law.

Changes to WAC 504-50-050 Contractors Application Form – Information Required

- Clarifies WAC reference for contractor MWBE certification.
- Deletes incomplete reference.
- Adds language clarifying contractor responsibility for incorrect information.

Changes to WAC 504-50-60 Qualification Requirements

- Deletes requirement for contractor to have public works contract experience.

Changes to WAC 504-50-70 Denial or Removal of Contractors from Small Works Roster - Reasons

- Adds the words “notice and hearing” to the title.
- Changes language for contractor removal from roster based on: failed to respond to bid solicitations from three consecutive to fail to respond to five solicitations.
- Added RCW reference.
- Deleted RCW 43.19.1911 reference for Responsibility Review
- Added section concerning notification to contractor and contractor objection of application being denied or their removal from roster.

Changes to WAC 504-50-80 Procedures for Use

- Minor grammatical change
- Changed dollar limits in section 2 to reflect change in law
- Added correct Responsibility Review RCW and deleted responsibility review criteria.