

## Procurement Policy and Procedure

### 212.1 PURPOSE AND SCOPE

- (a) It is the purpose of this policy and procedure to provide guidelines for the purchase of goods and services (construction, repairs or public works) by Klickitat County Fire District 3 ("K-3" or "Fire District") in order to maintain an accountable procurement process.
- (b) It is also the purpose of this policy to allow for the flexible application of these guidelines for more efficient and cost-effective purchases where their strict application would not be in the District's best interest.

#### 212.1.1 ORIGINATED/UPDATED

Originated: 2019 05/09

updated: 2021 02/11 3/11 Approved.

### 212.2 DEFINITIONS

- A. **Bid Exemptions** - RCW 39.04.280 establishes specific exceptions from the statutory bidding requirements in the following limited situations:
  - 1. Purchases that are clearly and legitimately limited to a single source of supply
  - 2. Purchases involving special facilities or market conditions
  - 3. Purchases and Public Works in the event of an emergency
- B. **Budget** - The formally adopted budget of the District.
- C. **Commercially Reasonable Means** - Any method of purchasing property that insures the District and its taxpayers are getting the best deal possible. Examples could include negotiated purchases, bidding procedures, obtaining multiple quotes, etc.
- D. **Cooperative Purchase** - A Cooperative Purchase allows the District to comply with the statutory bid requirements by purchasing off of a bid that another municipal corporation has awarded or a purchase through a Designated Purchasing Cooperative. Use of a Cooperative Purchase requires Cooperative Purchasing Agreement with the municipal corporation that is going to bid or has gone to bid.
- E. **Cooperative Purchasing Agreement** - An inter local agreement substantially in the form of the Agreement attached as Exhibit A to this policy.
- F. **Designated Purchasing Cooperatives** - The following inter local cooperative purchasing arrangements are authorized for use by the District in accordance with the requirements of the sponsoring agencies.
  - 1. *State Purchasing Cooperative* - The State Purchasing Cooperative is established by the State of Washington, Department of General Administration.

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2. *Department of Information Services* - The Department of Information Services is authorized under RCW Chapters 43.105. and 39.34 to provide information services to state and local governments.
  3. *Other Purchasing Cooperatives* - Other purchasing cooperatives as authorized by the Board of Fire Commissioners that comply with Washington State public bidding statutory requirements may be used when use of such cooperatives are in the best interest of the District.
- G. **Emergency** - Unforeseen circumstances beyond the control of the District that either:
1. present a real, immediate threat to the proper performance of essential functions or
  2. will likely result in material loss or damage to property bodily injury, or loss of life if immediate action is not taken. (RCW 39.04.280(3)).
- H. **Responsible Bidder** - In determining whether the bidder is a responsible bidder, the agency must consider the following elements:
1. Equipment, Materials and Supply Purchases
    - (a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required.
    - (b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
    - (c) Whether the bidder can perform the contract within the time specified.
    - (d) The quality of performance of previous contracts or services.
    - (e) The previous and existing compliance by the bidder with laws relating to the contract of services, and;
    - (f) Such other information as may be secured having a bearing on the decision to award the contract.
  2. Public Works Projects
    - (a) Contractor must have valid certificate of registration.
    - (b) Contractor must have valid State UBI number.
    - (c) Contractor must maintain workers compensation coverage and unemployment insurance coverage for all employees and maintain a state excise tax registration number.
    - (d) Contractor cannot have been disqualified from bidding on any previous public works contract,
    - (e) Contractor cannot have violated the state apprenticeship utilization requirements on any public works project during the one-year period prior to the District's Project.

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- (f) Contractor must complete statutory training on public works and prevailing wages or have experience completing at least three public works projects and have maintained a business license in Washington for at least three.
  - (g) If the District has established "supplemental criteria" in accordance with the procedure set forth at section 212.4.B.2.a.ii.9, then the supplemental criteria will determine responsible bidders.
- I. **Lowest Responsive Bidder and Lowest Responsible Bidder** - A Responsible Bidder that has submitted the lowest bid that is responsive to the Districts' specifications.
  - J. **Public Work** - Means all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the District, or which is by law a lien or charge on any property within the District. (RCW.39.04.010)
  - K. **Small Works Roster** - A process authorized by RCW 39.04.155 that allows the Fire District to publish and maintain a roster of contractors available to perform public works contracts. The District can establish and maintain its own roster or join a cooperative roster such as MRSC Rosters.
  - L. A process authorized by RCW 39.04.190 that allows the Fire District to publish and maintain a roster of vendors available to sell equipment and supplies to the District. The Fire District can establish and maintain its own roster or join a cooperative roster such as MRSC Rosters.

### 212.3 PURCHASING AUTHORITY

- A. The District shall approve an annual budget that authorizes specific and general expenditures within certain budgetary limits. The Board shall also review and approve all vouchers on at least a monthly basis.
- B. Fire Chief:
  - (a) , or designee shall have authority to make expenditures within the **general budgetary limits adopted by the Board** . The Fire Chief shall specifically notify and inform the Board of all purchases or contracts with a value in excess of \$20,000.00.
  - (b) Fire Chief, or designee shall have authority to make expenditures within the **Board authorized projects of the Capital Funds**. The Fire Chief shall specifically notify and inform the Board of Fire Commissioners of all purchases or contracts with a value in excess of **\$50,000.000**.
- C. The District Secretary, or designee shall have the authority to approve all budgeted purchases of **\$20,000.00 or less**.
- D. **Staff Purchases**: The routine re-ordering of materials, supplies and equipment, as defined and limited by the Fire Chief or designee, may be made by staff members without requiring any additional advance approval.
- E. **Purchases Made Using a Bid Exemption**. Purchases made using a Bid Exemption shall require formal action of the Board of Fire Commissioners in the form of a Resolution approving use of the Bid Exemption.
- F. **Non-Budgeted Purchases**. Purchases of goods or services outside of budgetary limits shall require approval by the Board of Fire Commissioners.

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- G. **Emergency Purchases.** In the event of an emergency the Fire Chief, or in the Fire Chief's absence the Fire Chief's designee, may approve a purchase outside of the budget if it is not feasible to obtain advance approval of the Board of Commissioners but not in excess of **\$30,000.00**. In such situations, the Board shall ratify the purchase at the earliest reasonable opportunity following the purchase.
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## 212.4 PROCEDURES

- A. **Purchase of Materials, Equipment and Supplies.**
1. **\$ 40,000** . No statutory process requirements. Staff shall use Commercially Reasonable Means to make such purchases consistent with the following procedures.
    - (a) Identify the need for the purchase and determine whether the purchase is included in the Budget.
    - (b) Negotiate terms of purchase and obtain proper documentation to make purchase, i.e. purchase order or contract. Obtain legal counsel review if necessary.
    - (c) Obtain appropriate authorization under Section III.
  2. Purchases must be made from the Fire District's Vendor List, Designated Purchasing Cooperatives, or through a Cooperative Purchase or Bid Exemption, if applicable. If purchase cannot be made through the District's Vendor List, Designated Purchasing Cooperative, Cooperative Purchase or Bid Exemption, the purchase must be made through competitive bidding procedures as if purchase price exceeded \$75,000
    - (a) If purchase is made under a Cooperative Purchase approach the following procedures shall be used:
      - i. Identify the need for the purchase and determine whether the purchase is included in the Budget.
      - ii. Document that the product being purchased is the same as the product that the vendor bid. As a general rule there can be approximately a 10% variation in the specifications or price from product that was actually bid for the product to be considered the same product. Cosmetic variations such as paint color vehicle markings etc. are permitted variations.
      - iii. Complete all necessary applications and agreements to join the Designated Purchasing Cooperative or enter into a Cooperative Purchasing Agreement if purchasing off of another municipal corporations bid.
      - iv. Collect all documents that demonstrate the Designated Purchasing Cooperative or other municipal corporation went through a proper public bidding process for the product to be purchased. This documentation must be collected and maintained by the District until the time period in which the product was purchased has been subject to Audit by the State Auditor.
      - v. Obtain appropriate authorization under Section 212.3
      - vi. Execute necessary purchase documents with vendor. Obtain legal counsel review if necessary.

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- (b) If using a Vendor List, the following procedures shall be used.
- i. Identify the need for the purchase and determine whether the purchase is included in the Budget.
  - ii. Contact not less than three vendors on the applicable list and obtain written or telephone quotations for the purchase of the items.
  - iii. A record of quotations received must be maintained for a period of three years and shall be open to public inspection and shall be available for telephone inquiries.
  - iv. Identify the Responsible Bidders and select the Lowest Responsive Bidder based on the quotes received.
  - v. Obtain appropriate authorization under Section 212.3
  - vi. Execute necessary purchase documents. Obtain legal counsel review if necessary.
- (c) If the Purchase is made using a Sole Source Bid Exemption the following procedures shall be used:
- i. The easiest way to determine whether a vendor is a sole source provider is to ask the following question. If we go out for public bidding for the product we want, is there any possibility we will receive more than one bid. If the answer is yes, this is not a sole source purchase and the District will need to proceed with a competitive bidding process.
  - ii. Obtain documentation that the vendor is the sole source. Generally, the product manufacturer will provide a letter documenting that a vendor is the sole source to purchase the product.
  - iii. Draft Resolution substantially in the form of **Exhibit B** that includes the following information.
    - (a) Identify why the Fire District needs the particular product.
    - (b) Identify the basis for determining that the vendor is the sole source.
    - (c) Authorize the waiving of the competitive bid process and authorize the purchase.
- (d) If the Purchase is made using a Special Facilities/Market Conditions Bid Exemption the following procedures shall be use
- i. This exemption is similar to the sole source exemption and is often used in conjunction with the sole source exemption. The exemption can be used for unique circumstances that would preclude the Fire District from obtaining multiple bids for a product. For example, the purchase of a used vehicle or a demo vehicle that is only available for a limited time period can fit within this exemption.
  - ii. Obtain or create documentation that establishes what the special facility or market condition is that requires the use of a bid exemption.
  - iii. Draft Resolution substantially in the form of **Exhibit B** that includes the following information.
    - (a) Identify why the Fire District needs the particular product.
    - (b) Identify the basis for determining that a special facility/market condition exists.

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- (c) Authorize the waiving of the competitive bid process and authorize the purchase.
  - (e) If the purchase is made using an Emergency Bid Exemption the following procedures shall be used.
    - i. Emergency purchases are allowed only when there is a true Emergency meeting the definition set forth in this policy.
    - ii. Negotiate terms of purchase using Commercially Reasonable Means.
    - iii. Call Emergency board meeting if possible. If not possible, proceed with purchase to meet Emergency and call Board Meeting as soon thereafter as possible.
    - iv. Draft Resolution substantially in the form of **Exhibit B** that includes the following information.
      - (a) Identify the basis for the Emergency that addresses the elements set forth in the definition of Emergency.
      - (b) Authorize the waiving of the competitive bid process and authorize the purchase.
- 3. **Purchases over \$75,000** . Formal sealed bidding procedure must be used unless purchase can be made through a Cooperative Purchase or Bid Exemption.
  - (a) If purchase is made through a Cooperative Purchase follow the process outlined at Section 212.4.A.2.a.
  - (b) If purchase is made through a Bid Exemption following the process outlined at Section 212.4.A.2.c, d or e.
  - (c) If purchase is made through formal sealed bidding the following procedures shall be used.
    - i. Identify the need for the purchase and determine whether the purchase is included in the Budget.
    - ii. Obtain appropriate authorization under Section 212.3.
    - iii. Prepare Product specifications. Product specifications may be drafted broadly or narrowly depending on the needs of the Fire District. The bid laws require an open competitive process for the product but the bid laws do not require the District to go out to bid with general specifications that could result in bids for a product that does not meet the District's needs.
    - iv. Prepare Instructions to Bidders specific to the product being purchased. The Instructions to Bidders are your opportunity not only to define the product you want to purchase but the terms and conditions that you want to make the purchase under. Legal counsel should generally have an opportunity to provide input into this document. The Instructions to Bidders should, at a minimum include the following elements.
      - (a) Identification of product and product specifications.
      - (b) Identification of where bids should be submitted, bid opening time, bid award time frame.
      - (c) Reservation of District's right to waive irregularities or to reject all bids.
      - (d) Financing terms (if any).

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- (e) Delivery date for product.
  - (f) Liquidated damages.
  - (g) Warranty requirements.
  - (h) Contract form (If you include a contract form, then the bidders are generally agreeing to your contract form when submitting a bid. As most vendor's contract forms are vendor friendly rather than customer friendly, including your own contract form is generally a good idea).
- V. Publish bid advertisement in newspaper of general circulation within the District at least 13 days in advance of the bid opening.
  - Vi. Open bids and compile spreadsheet of bids that ranks bids in order of responsiveness and price.
  - Vii. Identify Responsible Bidders and award bid to Lowest Responsive/Responsible Bidder.
  - Viii. Execute contract.

#### B. Public Works

1. **Public Works Projects Under \$30,000** . No statutory bidding procedures required. Staff shall use Commercially Reasonable Means to contract for such Public Works using the following procedures.
  - (a) Identify the need for the project and determine whether the project is included in the Budget.
  - (b) Negotiate terms of work and contract terms for work. Obtain legal counsel review as necessary. Contracts for public works, regardless of cost, trigger specific statutory requirements that must be addressed by contract:
    - i. Prevailing Wages.
    - ii. Retained Percentages.
    - iii. Performance Bonds.
    - iv. Registered and licensed contractor requirements.
  - (c) Obtain appropriate authorization under Section 212.3.
2. **Public Works Projects from \$30,000 - \$350,000** . The District may establish and use a Small Works Roster, a formal sealed bidding process or in an Emergency may use the Emergency Bid Exemption.
  - (a) If using a Small Works Roster, the following procedures shall be used.
    - (a) Identify the need for the project and determine whether the project is included in the Budget.
    - (b) Develop specifications for project that will allow contractors to provide comparable bids and that establish basic requirements such as Prevailing Wage requirement, contractor registration requirements, contract requirements and warranty requirements. Specifications under the small works roster, in contrast to a sealed bid process, may be more general to allow contractors some flexibility in providing design suggestions and cost savings approaches. The more general the specification, however, the more difficult

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it may become to identify the Lowest Responsive Bidder and the more critical it becomes to identify the criteria that will be used to select the Lowest Responsive Bidder. In addition, the specifications should include the following elements:

- (a) Reservation of District's right to waive irregularities or to reject all bids.
- (b) Identification of where bids should be submitted and bid award time frame.
- (c) Payment terms (if any).
- (d) Time frame for project and completion dates.
- (e) Liquidated damages.
- (f) Warranty requirements.
- (g) Contract Forms (including a properly drafted contract form will incorporate the various statutory public works requirements such as bonding, retained percentages, underground utilities etc.).
- (h) Prevailing Wage Rates (The prevailing wage rates may be incorporated by reference to the Labor and Industries web page for prevailing wages provided that the District be able to print a copy for any bidder that requests a copy).
- (i) The following mandatory bidder requirements.
  - (a) Contractor must have valid certificate of registration.
  - (b) Contractor must have valid State UBI number.
  - (c) Contractor must maintain workers compensation coverage and unemployment insurance coverage for all employees and maintain a state excise tax registration number.
  - (d) Contractor cannot have been disqualified from bidding on any previous public works contract.
  - (e) Contractor cannot have violated the state apprenticeship utilization requirements on any public works project during the one-year period prior to the District's Project.
- (j) The District may also include "supplemental criteria" that can be used to identify the Lowest Responsible Bidder. Such criteria must at a minimum include the following
  - (a) The basis for evaluating the specified criteria.
  - (b) An appeal process that allows a bidder to challenge the process and the timeframe in which appeals will be allowed.
  - (c) A process for allowing bidders to request a modification of the supplemental criteria.
- (c) For projects under \$50,000, (Limited Public Works) contact not less than three contractors on the small works roster and obtain written quotations based on the project specifications.



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- (d) For projects over **\$50,000**, (Small Public Works) contact at least five contractors on the small works roster and obtain written quotations based on the project specifications. If the estimated project cost exceeds **\$250,000**, you must also give notice to all eligible contractors that you did not request quotes from.
  - (e) A record of quotations received must be maintained for a period of three years and shall be open to public inspection and shall be available for telephone inquiries.
  - (f) Identify the Responsible bidders and select the Lowest Responsive/Responsible Bidder based on the quotes received.
  - (g) Obtain appropriate authorization under Section 212.3
  - (h) Execute necessary purchase documents. Obtain legal counsel review if necessary.
  - (b) If using a formal sealed bidding process follow the procedures outlined Section 212.4.B.3.
  - (c) If using an Emergency exemption follow the procedures outlined under Section 212.4.A.2.e.
- C. **Public Works Projects over \$350,000** . Formal sealed bidding shall be used except in case of an Emergency.
- (a) If using an Emergency exemption follow the procedures outlined under Section 212.4.A.2.e.
  - (b) If purchase is made through formal sealed bidding the following procedures shall be used.
    - i. Identify the need for the purchase and determine whether the purchase is included in the Budget.
    - ii. Obtain appropriate authorization under Section 212.3.
    - iii. Prepare project specifications.
    - iv. Prepare Instructions to Bidders specific to the Project. The Instructions to Bidders are your opportunity to define the terms and conditions for the Project. Legal counsel should generally have an opportunity to provide input into this document. The Instructions to Bidders should, at a minimum include the following elements.
      - 1. Identification of project specifications.
      - 2. Identification of where bids should be submitted, bid opening time, bid award time frame.
      - 3. Reservation of District's right to waive irregularities or to reject all bids.
      - 4. Payment terms (if any).
      - 5. Time frame for project and completion dates.
      - 6. Liquidated damages.
      - 7. Warranty requirements.
      - 8. Contract Forms (including a properly drafted contract form will incorporate into the Instructions to Bidders the various statutory public works requirements such as bonding, retained percentages, underground utilities etc.).

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9. Prevailing Wage Rates (The prevailing wage rates may be incorporated by reference to the Labor and Industries web page for prevailing wages provided that the District be able to print a copy for any bidder that requests a copy).
  10. The following mandatory bidder requirements.
    - (a) Contractor must have valid certificate of registration.
    - (b) Contractor must have valid State UBI number.
    - (c) Contractor must maintain workers compensation coverage and unemployment insurance coverage for all employees and maintain a state excise tax registration number.
    - (d) Contractor cannot have been disqualified from bidding on any previous public works contract.
    - (e) Contractor cannot have violated the state apprenticeship utilization requirements on any public works project during the one-year period prior to the District's Project.
  11. The Instructions to Bidders may also include "supplemental criteria" that can be used to identify the Lowest Responsible Bidder. Such criteria must at a minimum include the following
    - (a) The basis for evaluating the specified criteria.
    - (b) An appeal process that allows a bidder to challenge the process and the timeframe in which appeals will be allowed.
    - (c) A process for allowing bidders to request a modification of the supplemental criteria
- V. Publish bid advertisement in newspaper of general circulation within the District at least 13 days in advance of the bid opening.
- vi. Open bids and compile spreadsheet of bids that ranks bids in order of responsiveness and price.
- vii. Identify Responsible Bidders and award bid to Lowest Responsive/Responsible Bidder.
- viii. Execute contract.
- (c) **Services – Architect and Engineer.**
- (a) The District shall use the Request for Qualifications "RFQ" process established under chapter 39.80 RCW prior to retaining the services of architects and engineers or an Emergency exception.
    - (a) If using an emergency exemption follow the procedures outlined under Section 212.4.A.2.e.
    - (b) If using the RFQ process, the following procedures shall be used:
      - (a) Identify the need for the purchase and determine whether the purchase is included in the Budget.
      - (b) Obtain appropriate authorization under Section 212.3.
      - (c) Preparation of a "RFQ" that includes the following elements.

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- (a) Identification of whether services are being requested for general services or a specific project.
  - (b) Selection Criteria. The selection criteria are discretionary with the Fire District. However, price cannot be included as part of the criteria.
  - (c) Name and address of Fire District representative responsible for managing the RFQ process.
  - (d) Identification of where RFQ's should be submitted, RFQ award time frame.
  - (e) Reservation of Fire District's right to waive irregularities or to reject all RFQs.
- (d) Publish RFQ advertisement in newspaper of general circulation within the Fire District at least 13 days in advance of the RFQ submittal date.
  - (e) Evaluate and rank architects and engineers using the selection criteria.
  - (f) Notify top ranked architect and engineer and negotiate pricing and contract terms.
  - (g) If the District cannot come to agreement on pricing or contract terms, the District can move to the next ranked architect or engineer.
  - (h) Enter into contract.
- D. Services – Telecommunications and Data Processing.**
- 1. If the purchase cannot be made through a Designated Purchasing Cooperative, Cooperative Purchase or Bid Exemption the Fire District shall use the competitive negotiation procedures established under RCW 39.04.270 when purchasing telecommunication and data processing services.
    - (a) If purchase is made through a Cooperative Purchase follow the process outlined at Section 212.4.A.2.a.
    - (b) If purchase is made through a Bid Exemption following the process outlined at Section 212.4.A.2.c, d or e.
    - (c) If the purchase is made using the competitive negotiation process the following procedure shall be used:
      - 1. Preparation of a Request for Proposals "RFP" that includes the following elements.
        - (a) General specifications for Fire District's telecommunication/data processing needs.
        - (b) Selection Criteria. The selection criteria are discretionary with the Fire District. Price can be included in the criteria but selection does not have to be based on low bidder.
        - (c) Name and address of Fire District representative responsible for managing the RFP process.
        - (d) Identification of where RFP's should be submitted, RFP award time frame.
        - (e) Reservation of Fire District's right to waive irregularities or to reject all RFP's.

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- (f) Publish RFP advertisement in newspaper of general circulation within the District at least 13 days in advance of the RFP submittal date.
  - (g) Evaluate and rank proposals using the selection criteria.
  - (h) Notify top ranked vendor and negotiate contract terms.
  - (i) If the Fire District cannot come to agreement on pricing or contract terms, the District can move to the next proposal.
  - (j)
- E. 1.

## **212.5 EXHIBITS**

### **EXHIBIT A**

#### **COOPERATIVE PURCHASE CONTRACT FORM**

This Agreement is entered into between the undersigned, municipal corporations of the State of Washington.

It is the purpose of this Agreement to provide for the cooperative purchase of materials, supplies and equipment by the parties to this Agreement when determined by the legislative body of a participating party to be in the best interest of such party. This Agreement is entered into under the authority of the Interlocal Cooperation Act, chapter 39.34 RCW.

It is agreed by the parties as follows:

1. **Term.** The term of this Agreement in respect to each party to this Agreement shall commence on the date of execution of the Agreement by that party and shall remain in effect until terminated by a party as provided in paragraph 5 of this Agreement.
2. **Cooperative Purchase.** Each party agrees to provide in bid proposals and specifications appropriate language to authorize and permit the other parties to the Agreement to purchase such materials, supplies and equipment under the terms and conditions of the purchase contract awarded by such party. Provided, however, the parties shall not be required to include such language when, in the sole discretion of the party going out to bid, the party determines that such language is not in the best interest of the party. The bid language to be included should be substantially as follows: "Interlocal Bids. The Bid proposal accepted shall permit and shall be subject to chapter 39.34 RCW, the Interlocal Cooperation Act, under which other governmental agencies may purchase under the bid proposal."
3. **Discretion.** The determination of whether or not any party to this Agreement shall purchase materials, supplies or equipment under the terms and conditions of any purchase contract available to, or entered into, by the other parties under a statutory bidding procedure shall be made by the legislative body of the party desiring to make such purchase.

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3. **Financial Responsibility.** Each party shall remain financially responsible for the payment of the purchase price of all materials, supplies and equipment purchased and received by such party under the terms of this Agreement.
4. **Ownership.** Title to all items purchased by any party to this Agreement shall remain in the name of such party.
5. **Termination.** Any party to this Agreement may terminate its participation in the Agreement by giving the other parties to the Agreement 30 days written notice of such intent to terminate.
6. **Limitations.** The parties shall not jointly acquire property or jointly budget funds under the authority of this Agreement.
7. **Statutory Compliance.** Each party agrees to comply with the statutory bidding requirements applicable to such party when acting under this Agreement.
8. **Administration.** No new or separate legal or administrative entity is created to administer the provisions of this agreement.
9. **Right to Contract – Independent Action Preserved.** Each party reserves the right to contract independently for the acquisition of goods or services without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity.
10. **Hold Harmless.** Each party shall indemnify, defend and hold the other party harmless from any liability arising from any negligent or wrongful act or failure to act on the part of itself and its employees. Neither party assumes responsibility to the other party for the consequences of any act or omission of any person, firm or corporation not a party to this agreement.

## EXHIBIT B

### BID EXEMPTION RESOLUTION FORMAT

RESOLUTION NO. \_\_\_\_\_

### WAIVER OF COMPETITIVE BIDDING REQUIREMENTS

**Background:** RCW 39.04.280 provides for the waiver of competitive bidding requirements under enumerated conditions including [Select one or more of the following]:

- (1)(a) Purchases that are clearly and legitimately limited to a single source of supply;
- (1)(b) Purchases involving special facilities or market conditions;
- (1)(c) Purchases in the event of an Emergency; or
- (1)(e) Public Works in the event of an Emergency

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- (a) [Set forth in some detail the specific need for product being purchased or public work project.]
- (b) [Set forth basis for using bid exemption]

**Sole Source Sample Language:** Fire District staff has investigated supply sources and has determined that \_\_\_\_\_ is the exclusive vendor of \_\_\_\_\_ in Washington (Letter from \_\_\_\_\_ attached as Exhibit A to this Resolution) and the District cannot purchase the \_\_\_\_\_ from any other source. Accordingly, \_\_\_\_\_ is clearly and legitimately the sole source of supply for the \_\_\_\_\_ that meet the needs of the District.

**Special Facilities or market conditions Sample Language:** Fire District staff has not located any other currently available \_\_\_\_\_ that meet the District's specific needs that can be delivered in time to allow the Fire District to meet the grant requirements and staff has determined that the additional cost will benefit the Fire District taxpayers as the District will be able to retain the grant funds and meet the grant time requirements. Fire District staff believes that this situation, establishes a special market condition.

**Emergency Sample Language:** The damage precludes use of the station/Fire Engine that directly impacts the Fire District's operational readiness and presents a real immediate threat to the proper performance of the essential functions of the District. As a result of the District's ability to respond to emergency incidents is compromised and creates an immediate and ongoing threat to the life and health of Fire District residents.

**Resolution:** NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of S\_\_\_\_\_ hereby find that [Select one or more of the following]:

[\_\_\_\_\_ is the sole source for the purchase of \_\_\_\_\_]

[\_\_\_\_\_ creates a special market condition]

[an emergency exists]

and waives the competitive bidding requirements pursuant to RCW 39.04.280 [insert relevant subsection (a), (b), (c), or (e)] and authorizes the Fire District to purchase \_\_\_\_\_.

**Adoption:** ADOPTED at a regular meeting of the Board of Commissioners of \_\_\_\_\_ on \_\_\_\_\_, 20\_\_ the following Commissioners being present and voting:



## Klickitat County Fire District 3

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(509) 493-2996

### MRSC ROSTERS SMALL PUBLIC WORKS, AND CONSULTANT and VENDOR ROSTERS RESOLUTION

#### Resolution No. 2021-08 DRAFT

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF KLICKITAT COUNTY FIRE DISTRICT 3, WASHINGTON, ON THE SUBJECTS OF ESTABLISHING A SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS, A CONSULTING SERVICES ROSTER FOR ARCHITECTIURAL, ENGINEERING, AND OTHER PROFESSIONAL SERVICES, AND A VENDOR ROSTER FOR GOODS AND SERVICES NOT RELATED TO PUBLIC WORKS CONTRACTS.

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and

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

WHEREAS, RCW 39.04.190, regarding purchase of materials, supplies, or equipment not connected to a public works project, allows certain purchasing contracts to be awarded by a vendor roster process;

WHEREAS, The Fire District has contracted with the Municipal Research and Services Center of Washington (MRSC) to have its official rosters hosted in the online database for Fire District use for small public works contracts, consulting services, and vendor services developed and maintained by MRSC through MRSC Rosters.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF KLICKITAT COUNTY FIRE DISTRICT 3, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

1. **Repealer.** Resolution No. 2015-16 is hereby repealed.
2. **Small Public Works Roster.** The following small works roster procedures are established for use by the Fire District pursuant to RCW 52.14.110 and RCW 39.04.155.
  - 2.1. **Cost.** The Fire District need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair or improvement of real property where the estimated cost does not exceed the limit established for the small works roster process in RCW 39.04.155 or other authorizing agency statute, which includes the costs of

labor, material, equipment, sales, or use taxes as applicable. Instead, the Fire District may use the Small Public Works Roster procedures for public works projects as set forth in this resolution. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

- 2.2. **Publication.** At least once a year, MRSC shall, on behalf of the Fire District, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the small works roster and solicit the names of contractors for the small works roster. MRSC shall add responsible contractors to the small works roster at any time that a contractor completes the online application provided by MRSC, and meets minimum State requirements for roster listing.
- 2.3. **Telephone, Written, or Electronic Quotations.** The Fire District shall obtain telephone, written, or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1). The Fire District may establish supplementary bidder criteria under RCW 39.04.350 (2) to be considered in the process of awarding a contract. The District shall request quotes consistent with the following requirements:
  - (a). A contract awarded from a small works roster will not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.
  - (b). Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from less than all appropriate contractors consistent with the following requirements.
    - (i). The Fire District may award a contract for work, construction, alteration, repair, or improvement projects using the limited public works process if the project cost is equal to or less than the amount established in RCW 39.04.155 (3).
    - (ii). For projects in excess of the limited public works process the Fire District may request quotations from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the Fire District may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.
    - (iii). If the estimated cost of the work is from two hundred and fifty thousand dollars (\$250,000) up to the authorized threshold for use of the small works roster process in RCW 39.04.155 or other authorizing agency statute, the Fire District may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The Fire District has the sole option of determining whether this notice to the remaining contractors is made by:



- (1). publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
  - (2). mailing a notice to these contractors; or
  - (3). sending a notice to these contractors by facsimile or email.
- (iv). At the time bids are solicited, the Fire District representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;
  - (v). A written record shall be made by the Fire District representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.
- (c). The Fire District shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

**2.4. Determining Lowest Responsible Bidder.** The Board of Commissioners shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the Board of Commissioners may call for new bids. A responsible bidder shall be a registered or licensed contractor who meets the mandatory bidder responsibility criteria established by RCW 39.04.350 and who meets any supplementary bidder responsibility criteria established by the Fire District.

**2.5. Award.**

- (a). The Fire Chief or designee shall present all responsive bids or quotations and their recommendation for award of the contract to the Board of Commissioners. The Board of Commissioners shall consider all responsive bids or quotations received, determine the lowest responsible bidder, and award the contract; or
- (b). If the Board of Commissioners delegates the authority to award bids to the Fire Chief or designee pursuant to the Fire District's Procurement Policy, the Fire Chief or designee shall have the authority to award public works contracts without Board of Commissioners approval consistent with the requirements of the Procurement Policy.

**3. Consulting Services Roster.** The following consulting services roster procedures are established for use by the Fire District pursuant to RCW 39.80.030:

**3.1. Consulting Services.** Consulting services are limited to architectural and engineering services as defined in RCW 39.80.020. Use of the Consulting Services Roster for other professional services is optional.

**3.2. Publication.** At least once a year, MRSC shall, on behalf of the Fire District, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the consulting services roster and solicit the names of consultants for the consulting services roster. MRSC shall add responsible consultants to the consulting services roster at any time that

a consultant completes the online application provided by MRSC, upload a Statement of Qualifications, and meets minimum State requirements for roster listing.

**3.3. Review and Selection of the Statement of Qualifications Proposals.** The Fire District shall use the following process to select the most highly qualified Architectural or Engineering firm off of the Consulting Services Roster to provide the required services:

- (a). The Board of Commissioners or designee shall establish criteria that the Fire Chief, or designee, must consider in evaluating Architectural or Engineering firms for a given project. Such criteria shall include a plan to insure that minority and women-owned firms and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for architectural or engineering services. The level of participation by minority and women-owned firms and veteran-owned firms shall be consistent with their general availability within the jurisdiction of the Klickitat County Fire District 3
- (b). The Fire Chief, or designee, shall evaluate the written statements of qualifications and performance data for Consultants that list the Fire District on the MRSC Rosters site at the time that architectural or engineering services are required;
- (c). Such evaluations shall be based on the criteria established by the Fire District; and
- (d). The Fire Chief, or designee, shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.
  - (i). The firm deemed most highly qualified by the agency to do the project will be selected.

**3.4. Award.**

- (a). The Board of Commissioners or designee considers the proposal received and awards the contract if the parties can agree on the cost of services. In the event the parties cannot agree on the cost of services second most qualified firm shall be considered and this process shall repeat until the Fire District is able to agree on the cost of services with the selected consultant; or
- (b). If the Board of Commissioners delegates the authority to award bids to the Fire Chief or designee pursuant to the Fire District's Procurement Policy, the Fire Chief or designee shall have the authority to award the contract following the same procedure without Board of Commissioners approval consistent with the requirements of the Procurement Policy.

**4. Vendor List Roster.** The following vendor list roster procedures are established for use by the Fire District pursuant to RCW 39.04.190:

**4.1. Purchase of materials, supplies, or equipment not connected to a public works project.** The Fire District is not required to use formal sealed bidding procedures to purchase materials, supplies, or equipment not connected to a public works project where the cost will not exceed the statutory threshold of the Fire District as provided in RCW 52.14.110. The Fire District will attempt to obtain the lowest practical price for such goods and services.

**4.2. Publication.** At least twice per year, MRSC shall, on behalf of the Fire District, publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence

of the vendor list roster and solicit the names of vendors for the vendor list roster. MRSC shall add responsible vendors to the vendor list roster at any time when a vendor completes the online application provided by MRSC, and meets minimum State requirements for roster listing.

**4.3. Telephone, Written, or Electronic Quotations.** The Fire District shall use the following process to obtain telephone or written quotations from vendors for the purchase of materials, supplies, or equipment not connected to a public works project:

- (a). A written description shall be drafted of the specific materials, supplies, or equipment to be purchased, including the number, quantity, quality, and type desired, the proposed delivery date, and any other significant terms of purchase;
- (b). The Fire Chief, or designee, shall make a good faith effort to contact at least three (3) of the vendors on the roster to obtain telephone or written quotations from the vendors for the required materials, supplies, or equipment;
- (c). The Fire Chief, or designee, shall not share telephone or written quotations received from one vendor with other vendors soliciting for the bid to provide the materials, supplies, or equipment;
- (d). A written record shall be made by the Fire Chief, or designee, of each vendor's bid on the material, supplies, or equipment, and of any conditions imposed on the bid by such vendor;

**4.4. Determining the Lowest Responsible Bidder.** The Fire District shall purchase the materials, supplies, or equipment from the lowest responsible bidder or the best value bidder, provided that the Fire District retains the right, in its sole discretion, to reject all bids and call for new bids.

**4.5. Award.** The Fire Chief, or designee, shall create a written record of all bids or quotations received, which shall be made open to public inspection or telephone inquiry after the award of the contract. Any contract awarded under this subsection need not be advertised.

- (a). The Fire Chief, or designee, shall then present all bids or quotations and a recommendation for award of the contract to the Board of Commissioners. The Board of Commissioners shall consider all bids or quotations received, determine the lowest responsible bidder, and award the contract; or
- (b). If the Board of Commissioners delegates the authority to award bids to the Fire Chief or designee pursuant to the Fire District's Procurement Policy, the Fire Chief or designee shall have the authority to award the contract following the same procedure without Board of Commissioners approval consistent with the requirements of the Procurement Policy.

**4.6. Posting.** A list of all contracts awarded under these procedures shall be posted at Fire District main administrative offices once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased, and the date it was awarded.

PASSED this 11th day of March 2021 and signed in authentication of its passage this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Chairman Commissioner Montag.

\_\_\_\_\_  
Commissioner Virts.

\_\_\_\_\_  
Commissioner Connor

ATTEST:

\_\_\_\_\_  
District secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Fire Protection District ATTORNEY

DRAFT

**From:** [Wesley Long](#)  
**To:** [Commissioner Thomas Montag](#); [Commissioner Charles Virts](#); [Commissioner Robert Connor](#); [Rosalind Plumb](#); [Jennifer McLean](#); [polii153@msn.com](mailto:polii153@msn.com); [johnnyrx10@gmail.com](mailto:johnnyrx10@gmail.com)  
**Subject:** FW: Proposal to KCFD3  
**Date:** Monday, March 8, 2021 12:14:36 PM  
**Attachments:** [Power proposal to KCFD3.pdf](#)

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Commissioners,

On Thursday's Board Agenda you will have a request to authorize placement of an additional power pole to Station 32's property. The primary purpose is to allow Mr. Mark Deutchman to accomplish running power across Snowden and then back across Bates Rd to his property. You can see in Red, Jeff Dellis' response which I sent back to Mr. Deutchman for a reply.

The addition of a pole would allow our power service to be relocated away from the planned propane tank siting by moving the angle back closer to our property line.

Ultimately, approval for this proposal is up to you to approve or deny.

Wes

Reply: Mark,

Our engineer provided the below comments in RED. Wonder if you can provide a quick response to our engineers perspective and if it's possible exact proposed location marked with photo emailed back? Anything you can do to increase their approval odds would be helpful to the cause.

The only thing that comes to mind is that the alternate driveway site plan shows the NE corner of parking area generally near where the proposed new pole is and on both of civil's site plans the extent of fill spills out a little into the general pole area. That said, not impossible obviously for the new pole, I'm just not sure I'd have them go off and install without a more thorough proposed location (like a stake exactly where they need it) and before we know which version of parking/driveway we're taking. If it were me, I might have them get a surveyor to do a rough field locate/staking of the periphery of civil's site plans (both) near the proposed power pole plus them putting a stake exactly where they want it. Me being on the safe side there, but if they have a single specific point where the pole must go it brings into question a little bit the scope of civil work out there and whether or not it could cause any issues. Also, the relocated tank is currently shown (in civil drawings) in what appears to be the exact location of the proposed guy wire.

I'll have it on their agenda for this Thursday's meeting for their consideration. If you choose to attend, the meeting will be held in via Zoom and I am happy to send you the invite link.

Wesley W. Long – Fire Chief

Klickitat County Fire District 3  
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509-493-2996  
[www.kcfd3.com/FB](http://www.kcfd3.com/FB)

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**From:** [Deutchman, Mark E](#)  
**Sent:** Friday, March 5, 2021 12:57 PM  
**To:** [Wesley Long](#)  
**Cc:** [Norman Deo \(norm@vsiurplus.com\)](mailto:norm@vsiurplus.com); [sales@vsiurplus.com](mailto:sales@vsiurplus.com)  
**Subject:** Proposal to KCFD3

Hi Wes,

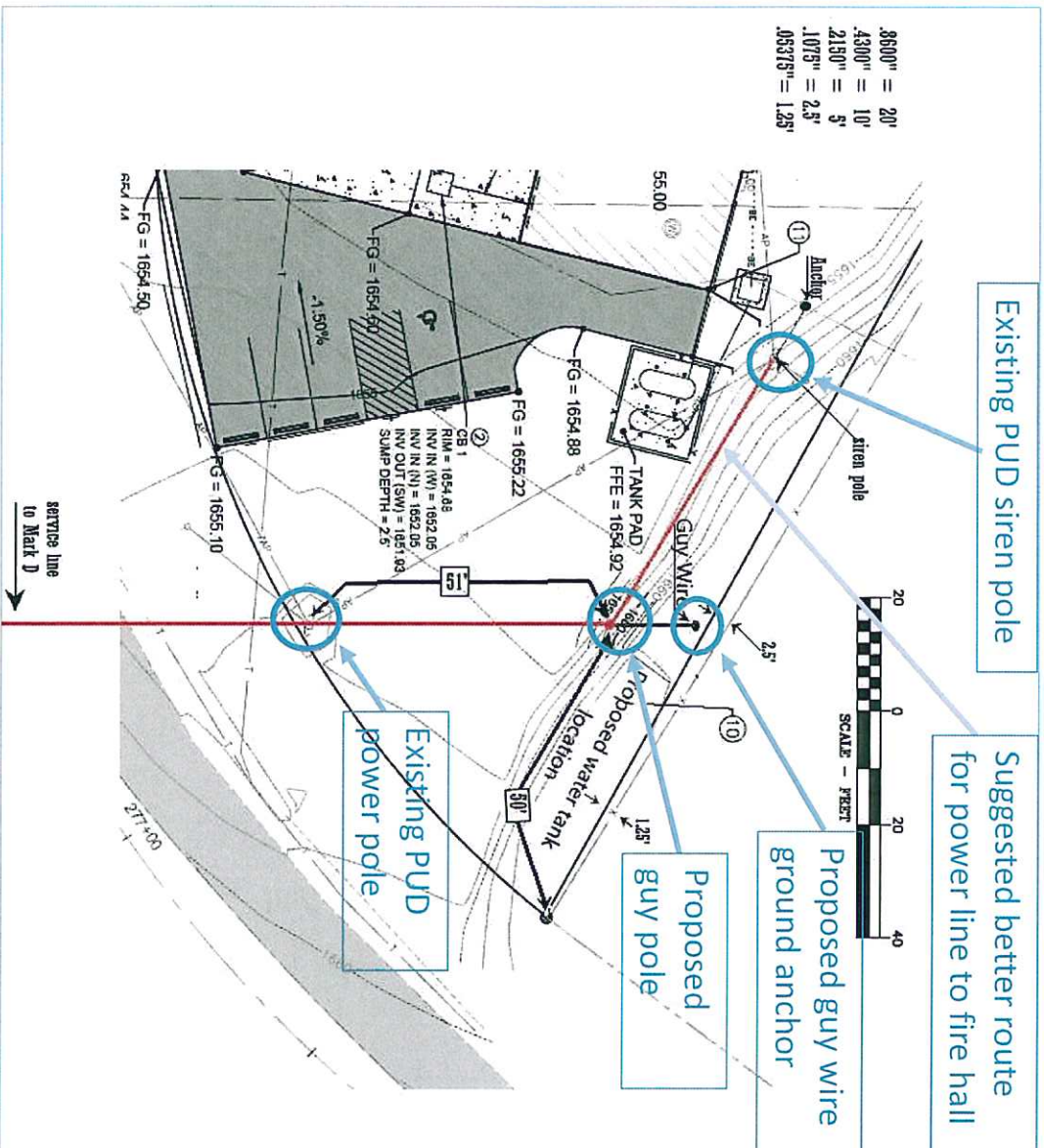
Attached is a one-page diagram and explanation of the request I would like to make to KCFD3 to allow the PUD to run a power line from the existing pole on KCFD3 property to my property at 8 Bates Road. I hope you will be able to take this to the Commissioner's meeting next week. My cell phone is 303-956-7058 if anyone would want to call me before or during the meeting.

Support for the existing pole would be provided by a guy line running about 50 feet to a guy pole and anchor that will be located out of the way of KCFD3 driveways and parking. Coincidentally, the new pole would provide a better route for the power line to the fire hall since the existing line passes directly over the propane tank pad and the new pole would carry it over a safer route from the existing pole to the guy pole, to the siren pole and then to the building.

If KCFD3 permission is received, I will then work with the PUD to run the line to my property, but KCFD3 permission is the first step.

Thanks for your consideration.

Sincerely,  
Mark Deutchman Cell: 303-956-7058



### Proposal to KCFD3:

- Mark Deutchman requests permission to run a power line from existing PUD power pole on KCFD3 property to his property at 8 Bates Road.
- A guy pole and guy wire are necessary to support the existing power pole and will be oriented in the opposite direction as the line to 8 Bates Rd. The guy pole and wire are located such that they will not interfere with the KCFD3 driveways and parking areas. The anchor site is 5' up on a bank giving it good leverage.
- The guy wire will be 20' off the ground providing plenty of clearance for driveways, parking and access to the proposed 800 gallon water tank location.
- The new guy pole route may be a better pathway for the power line to the fire hall since the existing power line passes over the existing tank pad.
- Depending on costs, help with siren relocation and a 3000 gallon water tank are available.

meeting

Zoom Meeting

Recording

Participants: 11

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Participants:

- Rozalind Plumb
- Jennifer McLean
- Tom Montag
- Chuck Virts
- Wes Long KCFD3
- Bob
- erichbesler@hertai.com
- Lloyd Olson
- Mark Deutchman
- Melinda hendri9@gmail.com
- Bob

Items: 72

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- Date: 3/11/2021