



## **PROCUREMENT OF GOODS AND SERVICES**

**SOP # 1-23**

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**REVISION #: 2**

**MCFD 6 BOARD CHAIR TROY WOODARD**

### **1.0 Purpose**

It is the purpose of this policy to provide guidelines for the purchase of goods and services by Mason County Fire District # 6 (the "District"), in order to maintain an accountable procurement process. 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. The Fire Chief may adopt written Procedures to implement this policy, without Board approval.

## **2.0 Definitions**

*Bid Exemptions.* RCW 39.04.280 establishes specific exemptions 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; and, 3) Purchases and Public Works in the event of an emergency.

*Budget.* The formally adopted budget of the District.

*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.

*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 a Cooperative Purchasing Agreement with the municipal corporation that is going to bid or has gone to bid.

*Designated Purchasing Cooperatives.* The following interlocal cooperative purchasing arrangements are authorized for use by the District in accordance with the requirements of the sponsoring agencies.

*State Purchasing Cooperative.* The State Purchasing Cooperative is established by the State of Washington, Department of General Administration and establishes a purchasing cooperative that allows the District through the interlocal cooperation act (Chapter 39.34 RCW) to purchase materials, equipment and supplies in accordance with statutory bidding and procurement requirements.

*Department of Information Services.* The Department of Information Services is authorized under chapters 43.105 and 39.34 to provide information services to state and local governments. Purchases of software and information services through the Department of Information Services complies with the statutory bidding and procurement requirements.

*Other Purchasing Cooperatives.* Other purchasing cooperatives as authorized by the Board 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. Examples include but are not limited to the Houston Galveston Area Council ("HGAC") and the National Purchasing Partners Government Division ("NPPgov.")\_

**Emergency.** Unforeseen circumstances beyond the control of the District that either: (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. (RCW 39.04.280(3)).

**Lowest Responsible Bidder.** The lowest bidder on a competitively bid purchase of equipment, material or supplies determined by consideration of the following factors:

- 1) The ability, capacity and skill of the bidder to perform the work required;
- 2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- 3) The ability of the lowest bidder to perform the work in the time specified;
- 4) The quality of performance of previous contracts or services;
- 5) The previous and existing compliance of the bidder with laws relating to the purchase of equipment, material or supplies; and
- 6) Such other information related to the performance of the contract as the bid solicitation deems advisable.
- 7)

**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).

**Responsible Bidder.** In determining whether the bidder is a responsible bidder, the agency must consider the following elements:

1. **Equipment, Materials and Supplies 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 or 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.
- f. Any supplemental criteria established pursuant to the requirements of RCW 39.04.350(2).

*Small Works Roster.* A process authorized by RCW 39.04.155 that allows the 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.

*Limited Public Works Roster.* A process authorized by RCW 39.04.155 by which the District may award a contract for work, construction, alteration, repair, or improvement projects valued under \$50,000.

*Vendor List.* A process authorized by RCW 39.04.190 that allows the District to publish and maintain a roster of vendors available to sell equipment and supplies to the District. The District can establish and maintain its own roster or join a cooperative roster such as MRSC Rosters.

### **3.0 Purchasing Authority.**

*Board of Commissioners.* The Board of Commissioners 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.

*Staff Purchases.* The routine re-ordering of materials, supplies and equipment not exceeding the limitations set forth herein may be made by staff members without requiring any additional advance approval.

*Purchases Made Using a Bid Exemption.* Purchases made using a Bid Exemption shall require formal action of the Board of Commissioners in the form of a Resolution approving use of the Bid Exemption.

*Non Budgeted Purchases.* Purchases of goods or services outside of budgetary limits shall require approval by the Board of Commissioners.  
Purchase of Materials, Equipment and Supplies.

Purchases under \$40,000. No statutory process requirements. Staff shall use commercially reasonable means to make such purchases.

Purchases from \$40,000 to \$75,000. Purchases may be made from one of the District's Vendor Lists, 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 the purchase price exceeded \$40,000.

Purchases over \$75,000. A formal sealed bidding procedure must be used unless purchase can be made through a Cooperative Purchase or Bid Exemption. When formal sealed bidding is required, and if feasible, the District should solicit at least five quotes for the work.

#### **4.0 Public Works.**

Public Works projects under \$30,000. No statutory bidding procedures required. Staff shall use commercially reasonable means to contract for such Public Works.

Public Works projects under \$50,000. The District shall establish and use the District's Limited Public Works Roster.

Public Works projects from \$30,000 - \$350,000. The District shall establish and use the District's Small Works Roster.

Public Works projects over \$350,000. Formal Sealed bidding shall be used except in case of an emergency. When formal sealed bidding is required, and if feasible, the District should solicit at least five quotes for the purchase.

Services – Architect and Engineer.

The District shall use the RFQ process established under chapter 39.80 RCW prior to retaining the services of architects and engineers.

Services – Telecommunications and Data Processing.

The District shall use the competitive negotiation procedures established under RCW 39.04.270 when purchasing telecommunication and data processing software, systems or services unless the purchase is made through a Designated Purchasing Cooperative, Cooperative Purchase or Bid Exemption.

Services – Other.

No statutory procedures required. District staff shall use commercially reasonable means to identify and contract with service providers.