Public Works **Upcoming Changes**

February 29, 2024







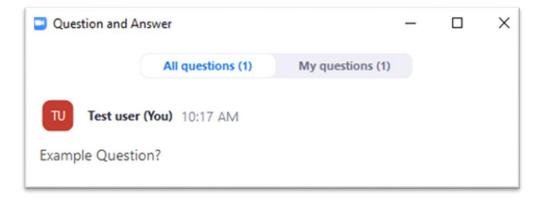




Zoom Webinar: Q&A and Chat

To submit content-related or technical questions, use the Q&A feature

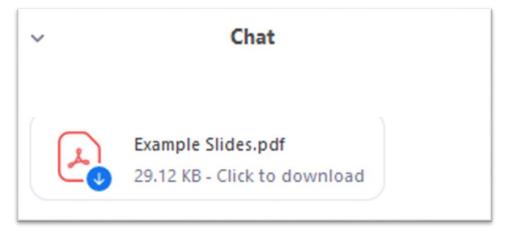
To open the Q&A, press the button at the bottom of your screen



Typing in "Chat" is disabled during the presentation

To download the presentation slides, use the Chat feature

To open the Chat, press the button at the bottom of your screen



Agenda

- Public Works Overview Tiffany Scroggs, Washington APEX Accelerator
- Background Janet Jansen, Department of Enterprise Services (DES)
- Small Works & Apprentice Utilization Changes Aleanna Kondelis, MRSC
- Certification Overview of Public Works Small Business Enterprise (PWSBE) Sharon Harvey & Lee Lim, Washington State Office of Minority & Women's Business Enterprises
- Rosters Platform Aleanna Kondelis, MRSC
- Contractor Resources Tiffany Scroggs, Washington APEX Accelerator
- Q&A











Public Works Overview

Tiffany Scroggs
Washington APEX Accelerator











How do state & local governments buy Public Works?

- 1. Design Bid Build
- 2. General Contractor/Construction Manager (GC/CM)
- 3. Design Build
- 4. Small Works Roster <
- 5. Job Order Contracting (JOC)

Half the projects (\$306m)

47,000 Projects (\$10b in Spend)

Less common:

- 6. Energy Performance
- 7. Unit Price (IDIQ)
- 8. Public Private Partnerships (P3)

Of the small works contracts, half were under the <u>new</u> Direct Contracting Threshold which totaled \$215m last year.

Public Works – Definitions

"Public Works" - means... [a project for] construction, alteration, repair, or improvement...

State law requires agencies to award public works contracts to a responsible bidder with the *lowest responsive bid*.

Little Bit About Small Works Rosters

A Small Works Roster Is

- a list of eligible contractors
- frequently used by agencies to compete public works project estimated to cost \$350,000 or less
- one of three Rosters at MRSC or
- a separate Roster created and maintained by an agency

A Small Works Roster Is Not

- a procurement portal with a list of bid leads
- used by prime contractors seeking subcontractors
- a place to bid work estimated over \$350,000

Background

Janet Jansen, Washington State **Department of Enterprise Services**













What is CPARB?

The Capital Projects Advisory Review Board (CPARB)

- formed by RCW 39.10
- reviews alternative public works contracting procedures and
- provides guidance to state policymakers on ways to further enhance the quality, efficiency and accountability of public works contracting methods
- CPARB subcommittee developed the small works roster changes that will be going into effect



What prompted these changes?

- Small projects were not going to small businesses regularly
- The process had many thresholds which were confusing for Owner's to use
- Wanted to create more of a "one-stop-shop" and a "statewide" roster
- Regularly provide information on projects awarded and to who publicly, reduce the need for information requests.
- Provide an option to directly contract with small businesses



Department of Enterprise Services

- As a key stakeholder on the CPARB subcommittee and advocate for small businesses, DES has agreed to move our small works procurement process to the statewide small works roster
- **Starting in July**, DES will be procuring small works projects through the statewide small works roster
- DES will be sending more communications on how to and when this will be happening
- Recommend you start now with registering at the MRSC Roster and OWMBE for small business certification



Small Works & Apprentice Utilization Changes

Aleanna Kondelis MRSC, Hill International











A closer look at the changes coming



What's Changing?

- Apprenticeship (HB 1050)
- Small Works Roster (SB 5268)



Apprenticeship Utilization Requirements on large projects

HB1050 Expands apprenticeship utilization requirements (AUR) on public works projects to all public agencies ("municipalities") (RCW 39.04.320)

Effective July 1, 2024

• **\$2M project estimate or greater**, 15% of all labor hours are to be performed by state registered apprentices in state approved programs

Effective July 1, 2026

• \$1.5M estimate or greater, 15% of all labor hours

Effective July 1, 2028

• \$1M estimate or greater, 15% of all labor hours

Small Works



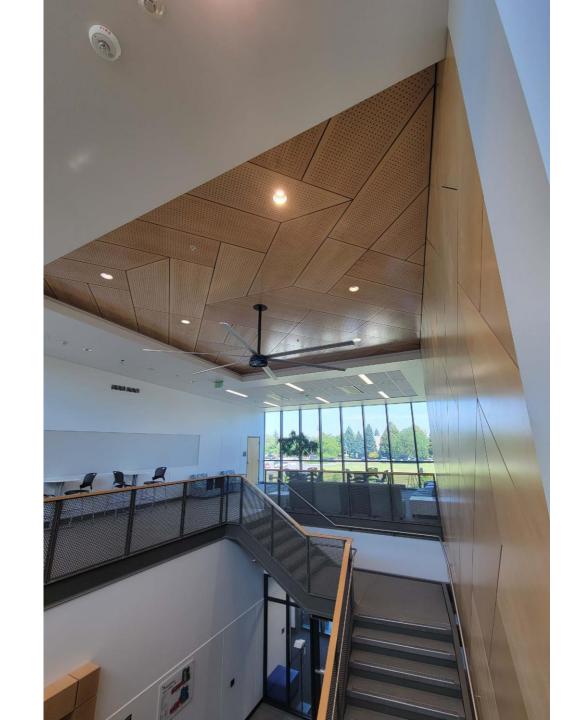
Small Works Roster New Bill Overview

Starting July 1, 2024 (SB5286)

- Establishes a "statewide" roster that will provide public works contracting opportunities in one-place
- New type of state small business certification
 - move to the top of the list in the statewide roster...literally
- Direct contracting potential with owner's you want to work with
- Transparency can see, without requesting, awards and use of the statewide roster

Purpose of the new bill

- Move to more of a "one-stop-shop"
- 2. Transparency in reporting and use of rosters
- 3. Administratively efficient for public owners
- 4. Reduces layers and nuances
- Promotes the use small and diverse businesses with potential direct contracting options



What is a Small Works Roster?

- 1. Pre-determined list of eligible and *responsible* contractors
- 2. A low-bid bidding process to award small (less than \$350,000) construction projects

Multiple types of rosters may be used by public owners:

- Small Works for public works/construction projects
- Professional Services for architects and engineers
- Services for maintenance, janitorial, landscaping and tree trimming
- Vendor for goods, products, equipment, materials, etc.

Comparing

Traditional Public Works Contracting	Small Works Contracting
Publicly advertised	Advertised to just the roster
Full bidding documents (plans and specifications)	Scope of Work, Contract
Competitive Bids - longer bid times	Competitive Bids - shorter bid times*
Site Walks	Typically, no site walks
Permitted work	Permitted work
Responsive and responsibility	Responsive and responsibility

^{*} Starting in July direct contracting option for work estimated to cost less than \$150,000

"Statewide" Small Works Roster

- What is changing?
- What to expect?
- How do I prepare?
- How to maximize your time on the statewide small works roster



Statewide Small Works Roster

- What's changing?
- Statewide small works roster officially established
- MRSC is the administrator

Small Works

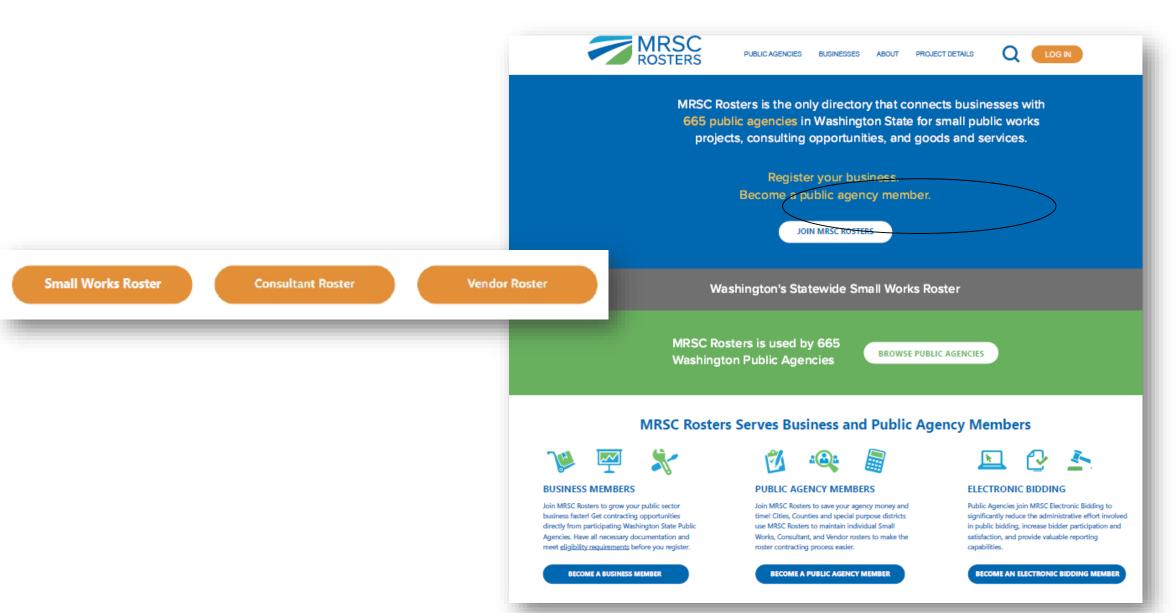
Public Works, Construction, Improvements, renovations Consultant

Professional A/E, project management, studies, technical reports, general consulting Vendor

Goods and services, purchased services, maintenance services



Statewide Roster Solicitation Tool





Application status bar

Contact Information

Name *	
Autofill Name	
Title	
Phone *	Extension
Autofill Phone	
Email *	
Autofill Email	
ADD ADDITIONAL CONTACT	
Business Name *	
Autofill Business Name	
UBI#*	



Roster & Business Type





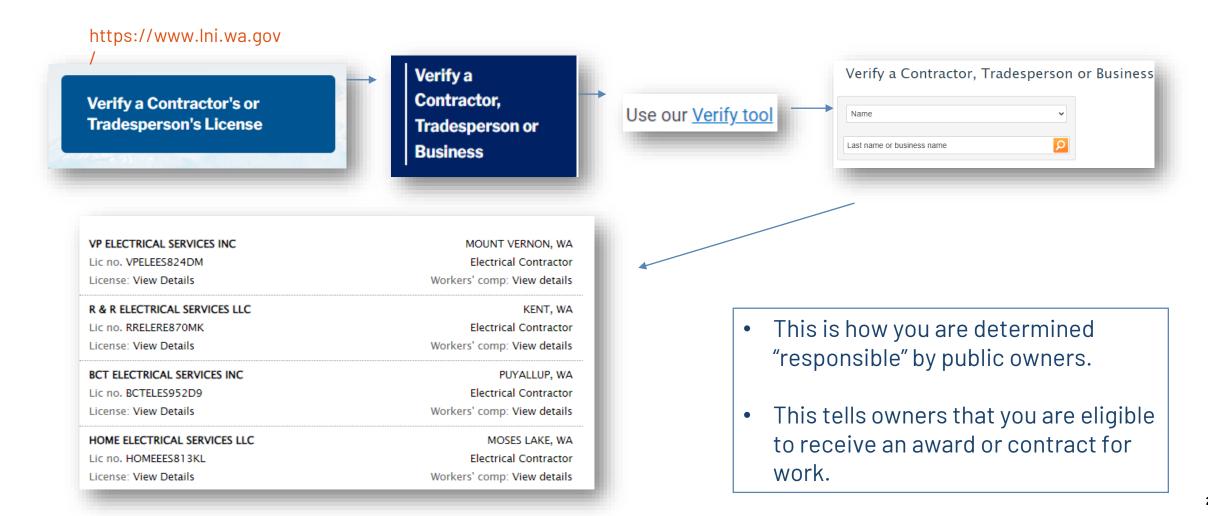
Licenses

If you need to update your UBI number, please contact mrscrosters@mrsc.org

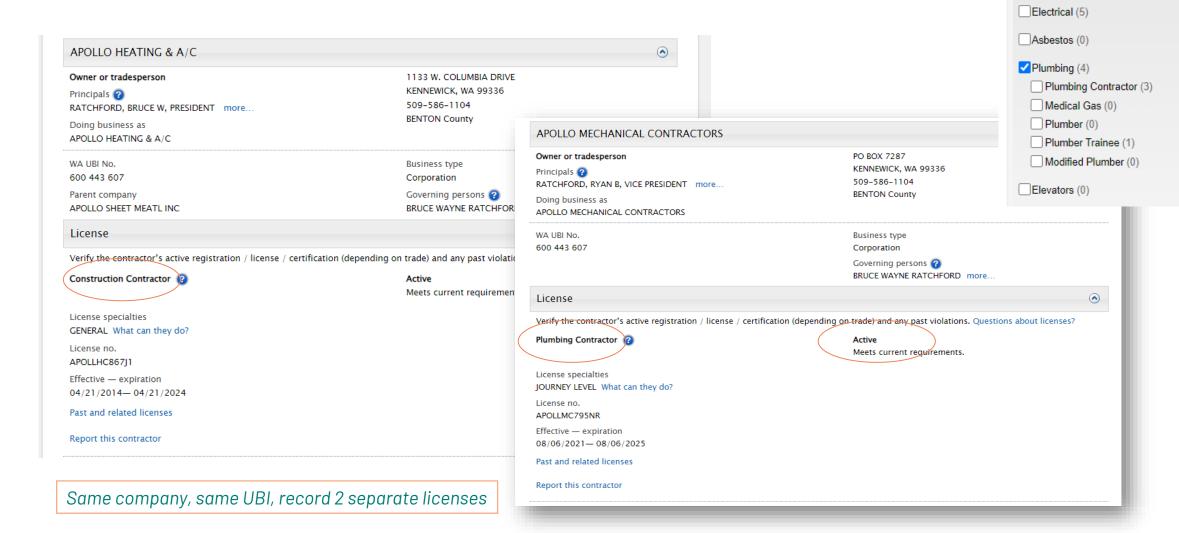
Current information with the State will pull onto the page so you can see how you appear in the licensing system.

UBI#: 123456789
Contractor's License #: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Specialty License: Electrical xxxxxx
L&I Contractor Training complete ②
No Debarments have been issued ?
No Strikes have been issued ②
No Safety & Health violations 🔞
Workers' Comp status active

So how do public owners "see" you?



Contractor Registration



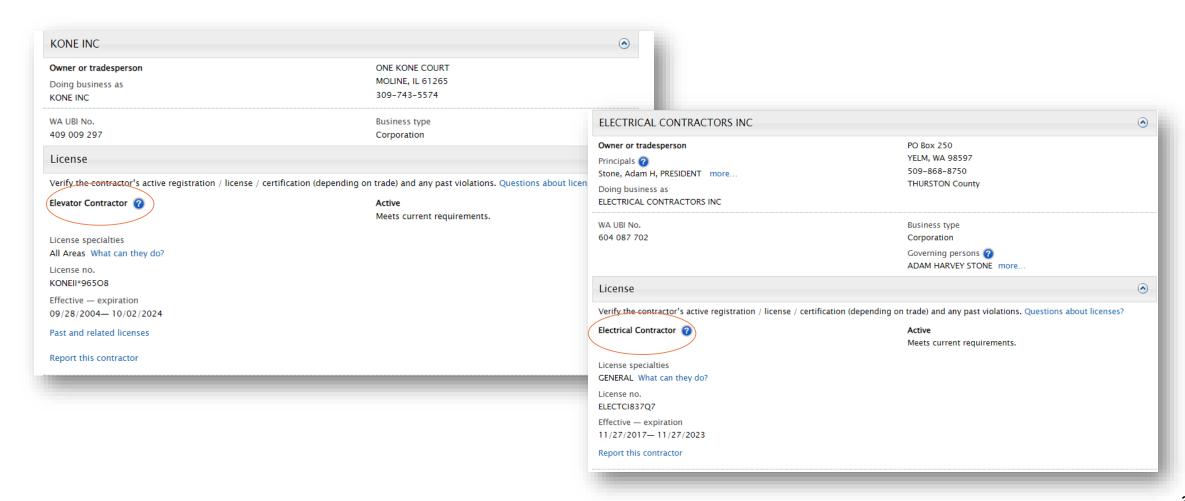
Narrow your results: All results (258)

tradespeople (34)

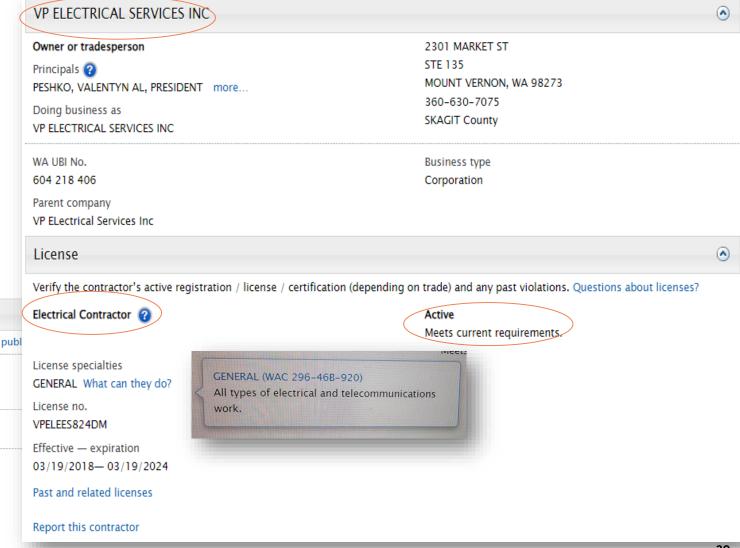
Only construction companies and

Construction companies (25)

Contractor Licensing



Contractor Licensing





If there is an issue with your licensing or registration, there will be a prompt to help you get "award ready."



Licenses

If you need to update your UBI number, please contact mrscrosters@mrsc.org



There is a problem. Please contact L&I directly at 360-902-5800 or pw1@lni.wa.gov to clear up issues before continuing with your application.

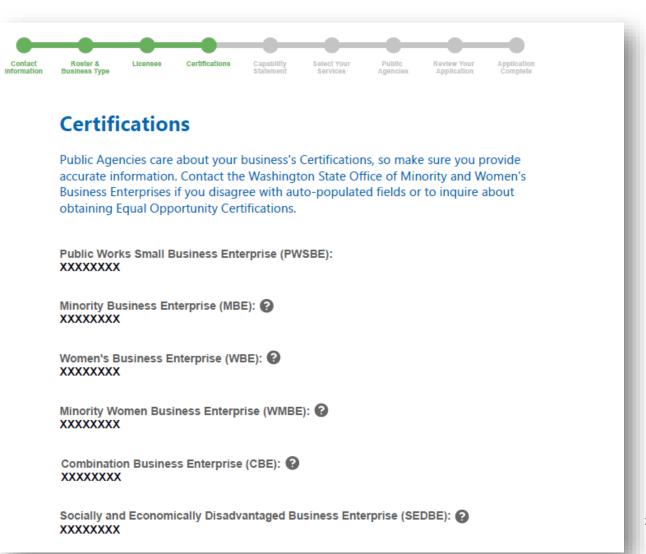
UBI#: 123456789

Contractor's License #: XXXXXXXXXXXXX

Your contractor's license is ineligible. Contact L&I directly at 360-902-5800 or pw1@Ini.wa.gov.



If you hold diverse business certifications from the State, OMWBE it will appear in your application.



Project Types and Work Categories

What's changing?

- After selecting "Small Works" Roster you will register for Project Types and Work Categories.
- You will no longer be allowed to "select all." You will need to select your *primary* work category(ies).



A "shift" in services

What's changing?

- 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.
- Work orders, authorizations, or work call outs are not individual projects or contracts.
- Prevailing wage requirements are different for services and multi-year, multiple-award contracts (e.g., annual filing, no certified payrolls, etc.) vs. a one-time construction project
- The requirement to pay prevailing wage does not make a contract "public works," the scope and nature of the work does.









By County

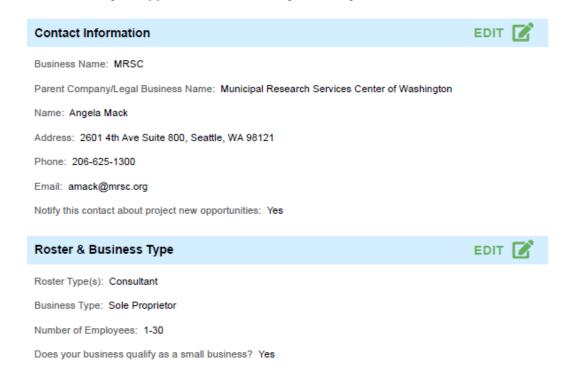
Participating public owners in that County or select the whole County

Adams	~
Adams County *	Port of Othello *
City of Othello *	Town of Washtucna
City of Ritzville *	Washtucna School District #109
Othello Community Hospital	



Review Your Application

Please review your application and make any necessary edits.



SUBMIT APPLICATION

Inside the Statewide Small Works Roster

How do you appear to public agencies using the statewide small works roster?



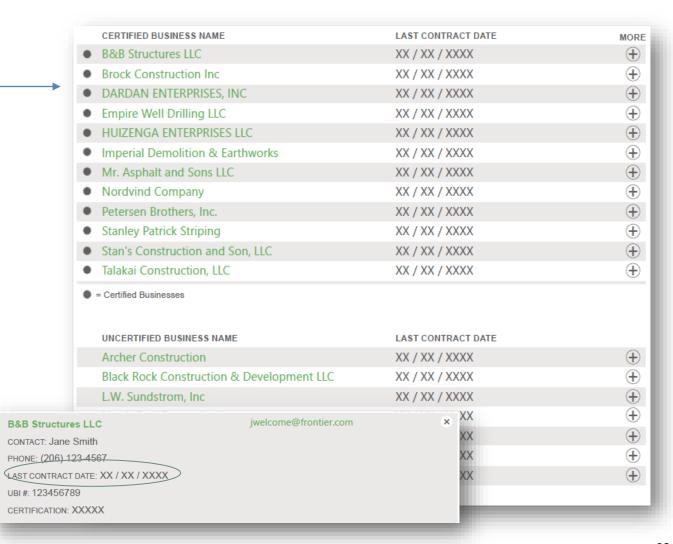


The roster will then generate a projectspecific *list of businesses for solicitation*.

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

Competitive Bid

Direct Contracting

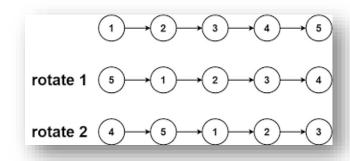


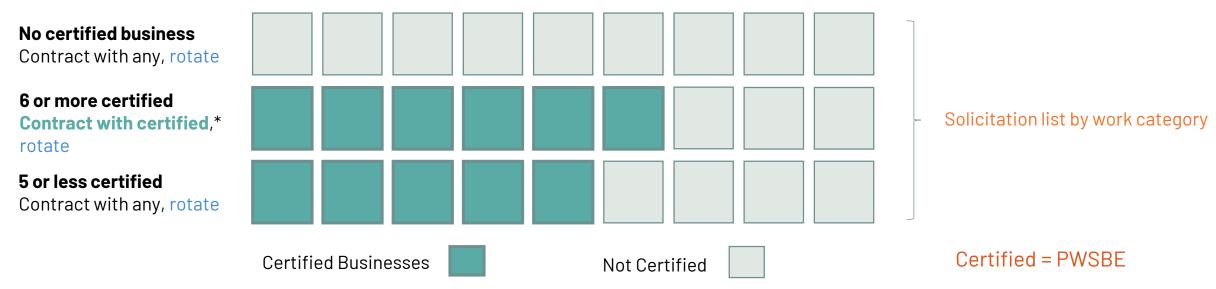
Direct Contracting

What's changing?

"The Rule of Six or More"

Project Estimate \$150,000 or less





New Public Works Certification (PWSBE)

Sharon Harvey & Lee Lim OMWBE











Coming in 2024!

Public Works
Small Business
Enterprise
(PWSBE)





ABOUT US



Sharon Harvey, Acting Director of Policy Lee Lim, Public Works Small Business Enterprise Supervisor











OMWBE Purpose

To be a vital and trusted resource for businesses owned by minorities, women and other under-represented communities to gain access, visibility, and contracting opportunities in procurement.

We work to promote equity in how Washington State spends its resources in the private sector by eliminating barriers to equitable participation in public spending and contracting.

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)

PWSBE Certification is Coming Soon!44

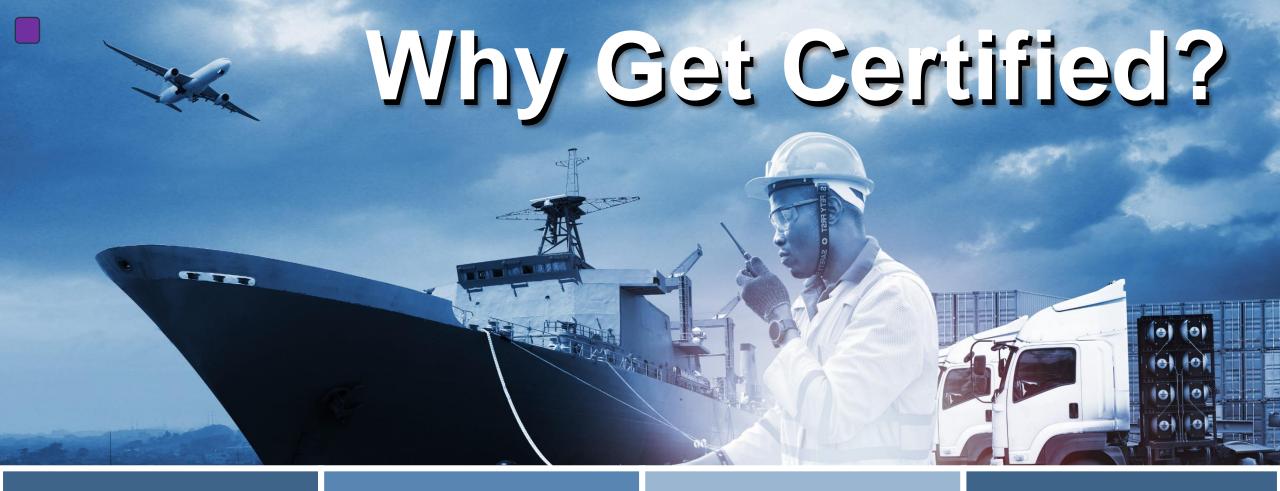


Public Works Certification

Public Works Small Business Enterprise (PWSBE)

- State Certification
- Race and Gender Neutral
- Eligibility Requirements
 - Personal Net Worth (PNW) under \$1.32 million excluding primary residence and applicant business
- Gross Receipts Under \$30.4 million based on a 3-year average
- Public works focused Public work means all work, construction, alteration, repair, or improvement. Ex: Public buildings, infrastructure





Your firm anticipates working with state agencies, local governments, school districts, and public universities.

Direct Contract opportunity with state agencies and local governments.

State agencies and colleges have supplier diversity goals.

Some private companies also use OMWBE's certified businesses to fulfill their supplier diversity goals. 46

Benefits of Certification



- Increase your visibility through listings on important databases for certified businesses and active bids throughout the state including WEBS
- Listed on OMWBE's public directory
- Small Business Assistance support services to navigate your certification
- Use our logo on your business website
- GROW YOUR BUSINESS!









PWSBE Certification

- Starting in March 2024!
- No cost in March June, maybe beyond
- OMWBE state certified businesses (MBE, WBE, etc.) operating in public works are automatically PWSBE eligible
- PWSBE certification will put you at the top of the list for direct contracting opportunities
- Still need to apply to the statewide (MRSC) roster but certification status will appear on the roster at time of registration



CERTIFICATION Application



Where do I start my certification application?

CREATE AN ACCOUNT ON THE CERTIFICATION PORTAL

- Visit omwbe.diversitycompliance.com
- "Apply For / Renew Certification" | "Create Account"

ONLINE APPLICATION

 Choose State or Federal. Start a federal application if you want both state and federal certifications.

COMPLETE ONLINE APPLICATION AND UPLOAD DOCUMENTS





TYPES OF Documents



Affidavit of Certification

Personal and Business Taxes (3 Years)

Personal Net Worth Statement

Business Formation and Operating Documents

Resume(s)

Proof of Initial Investment

List of Equipment

Application Process Time

UP TO
60 DAYS FOR
STATE
CERTIFICATION

UP TO 90 DAYS FOR FEDERAL CERTIFICATION

*Federal Certification Requires and Onsite Visit

Questions?



Sharon Harvey, Acting 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



Statewide Public Works Rosters Platform

Aleanna Kondelis MRSC, Hill International











Once your firm is on the Statewide Public Works Roster – What to expect?

What to expect?

Over \$150,000

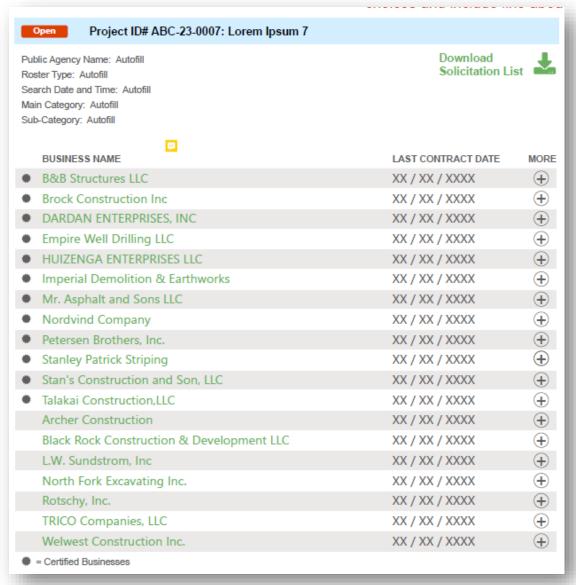
- All businesses that appear on the list will be solicited
- Under \$150,000
- Owners may use "direct contracting"
- If owners choose not to use direct contracting, all businesses will be solicited



Once you are on the Public Works Roster

What to expect?

 When an owner you identified as an agency in your target work area has a project type and work scope to bid, you will appear on a "list of businesses" when the owner does a "search" in the platform.

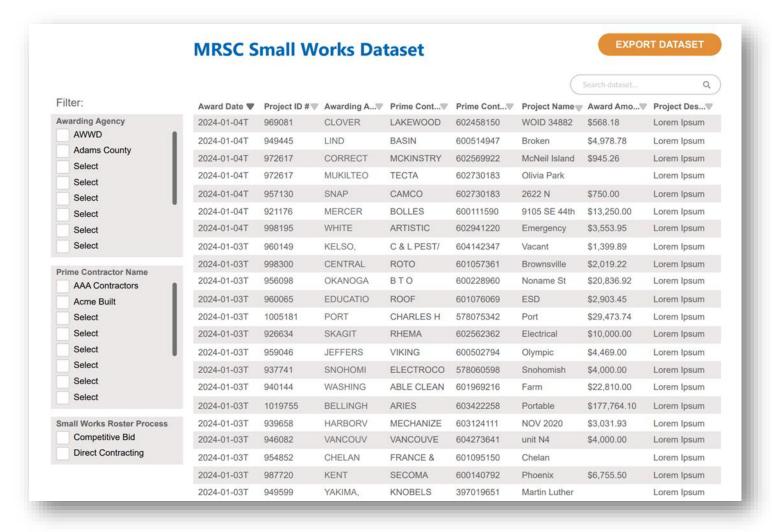




Small Works Statewide Public Works Roster

What to expect?

 Accessible Data you can review at any time





How do I prepare?

- Starting March 1, 2024, apply for small public works business enterprise certification with OMWBE.
- Attend Alliance Northwest on March 14
- In May, apply/re-apply for the statewide small works roster and confirm your project types, primary work/scope categories, and owners you would like to do business with.
- In May, if you provide maintenance and similar services, apply/re-apply for the MRSC vendor roster.
- Contact your "owners" and confirm their use of the statewide small works roster come July 2024



How to maximize placement on small works roster

- Regularly check "how you appear" in the L&I Contractor Verification portal, and ensure you meet all the requirements of being a "responsible bidder."
 - Keep taxes current
 - Resolve any inquiries by L&I quickly
 - Don't let licensing and registration laps
 - Pay the correct wage every time



How to maximize placement on small works roster.

2. Apply/register/re-register for **ONLY** the *project* types and categories you can be awarded. (vs. what you can perform)

Case study: flooring

- A. Register/apply for building/facility projects
- B. Then register/apply for flooring scope/work categories





How to maximize placement on small works roster

3. Use "upcoming bid lists" to prepare, don't wait for an owner to contact you.

Where are these lists?

- Public agency websites or "Bid Calendars"
- On-line news publications
- OMWBE (Bidding Opportunities)
- Local Organizations (APEX, Tabor 100, etc.)

How to Bid on Public Works Projects

Public Works Bidding

DES is launching a <u>new bidding portal (Bonfire)</u> that will allow you to submit bids and proposals to DES online and will replace current submission methods. (Oct. 1, 2023 for contractor bidding, early 2024 for all other public works opportunities).

Register now
, and learn more.

- 1 Check the <u>Bid Calendar</u> for scheduled projects.
- 2 \In the Bid Calendar, click the linked Project number (in the 'Project No.' column) to view project details.
- 3. Project details or plans and specifications will provide information on how to submit a bid package, including the bid proposal form.
- 4. You must be a licensed contractor and be able to provide a bid bond or other bid security for projects over \$35,000, liability insurance and payment, and performance bond for a project.

Source: DES.wa.gov



How to maximize placement on the roster

4. Take advantage of the accessible data

Example: Grant County





Planned and awarded work 2022 end



Contractor Resources

Tiffany Scroggs
Washington APEX Accelerator











Resources – Classes, Materials, Support Programs

APEX Accelerator - Government Contracting https://washingtonapex.org/

Municipal Resource and Services Center (MRSC) https://mrscrosters.org/

Office of Minority and Women's Business Enterprise (OMWBE) https://omwbe.wa.gov/

Labor and Industries (LNI)
https://www.lni.wa.gov/workshops-training/

Resources - Labor & Industries

Links to L&I resource material

https://lni.wa.gov/licensing-permits/contractors/register-as-a-contractor/

https://apps-public.lni.wa.gov/training/contractor-overview/

https://lni.wa.gov/licensing-permits/public-works-projects/contractors-employers/

https://lni.wa.gov/licensing-permits/ docs/PWIA%20Step-by-Step%20Instructions.pdf

https://lni.wa.gov/licensing-permits/contractors/training-workshops

https://lni.wa.gov/licensing-permits/apprenticeship/apprenticeship-registration-and-tracking-system

https://lni.wa.gov/licensing-permits/apprenticeship/offer-a-registered-apprenticeship

https://lni.wa.gov/licensing-permits/apprenticeship/wsatc

L&I Contractor Training Days

To prepare for small works and apprentice utilization changes, it is a great time to take advantage of other training opportunities with L&I.

https://www.lni.wa.gov/workshops-training/



APEX Accelerator Event Calendar March 2024

March 2024 APEX Accelerator Events	Start Date	Event Time(s)
APEX & SBDC First Friday Follow-Up - March	03/01/24	12:00 PM - 1:00 PM
Supplier Workshop: Register for Contracting Opportunities - King County	03/04/24	10:00 AM - 12:30 PM
Accounting Principles: Preparing for Government Contracting	03/05/24	3:30 PM - 5:00 PM
SDVOSB Business Benefits Finder - VA OSDBU	03/05/24	11:00 AM - 12:00 PM
VHA Procurement & Logistics Office Quarterly Virtual Business Opportunity Session	03/05/24	3:00 PM- 4:00 PM
VHA Virtual Business Opportunity Session Schneider Electric	03/05/24	3:00 PM - 4:00 PM
Contracting Coffee Hour	03/06/24	8:00 AM - 10:00 AM
Meet & Match: Successful Women-Owned Small Businesses - GSA	03/06/24	10:00 AM - 1:30 PM
Alliance Northwest 2024 - How to make the most of Alliance with the event app	03/07/24	12:00 PM - 1:00 PM
University of Washington Virtual Workshops for Suppliers	03/07/24	10:30 AM - 12:00 PM
King County Pro-Equity Contracting Open House	03/11/24	10:30 AM - 11:30 AM
4th Annual Women's Small Business Transportation Summit - U.S. Department of Transportation	03/12/24	7:00 AM - 1:30 PM
US Forest Service VIPR I-BPA Virtual Vendor Engagement Meetings 2024	03/12/24	4:00 PM - 6:00 PM
APEX: Prime Connect	03/13/24	8:00 AM - 9:00 AM
Does a Business Really Need to Know About Government Contracting? - VA OSDBU	03/13/24	11:00 AM - 12:00 PM
Office of Construction and Facilities Management Virtual Scheduled 1 on 1 Meetings	03/13/24	8:30 AM - 4:00 PM
VA Office of Small & Disadvantaged Business Utilization Upcoming Virtual 1-on-1 Meeting	03/13/24	8:30 AM - 4:00 PM
Alliance Northwest Conference	03/14/24	8:00 AM - 4:00 PM
2024 Small Business Industry Day Walla Walla District	03/19/24	8:00 AM - 4:00 PM
Business Development - Session 2: Qualifying Opportunities	03/19/24	1:00 PM - 2:00 PM
Finance: Expanding for bigger projects	03/19/24	3:30 PM - 5:00 PM
Small Business Industry Day - US Army Corps of Engineers Walla Walla District	03/19/24	8:00 AM - 4:00 PM
Longshore & Harbor Worker's Compensation Act - Insurance	03/20/24	3:00 PM - 4:30 PM
Save the Date: Women-Owned Small Business Industry Day - U.S. Department of Veterans Affairs	03/20/24	4:00 AM - 2:00 PM
SBA Wednesday Webinar - Woman Owned Small Business (WOSB) Certification Program	03/20/24	10: 00 AM - 11:00 AM
Construction Firms Orientation: How to do Business with King County	03/21/24	10:00 AM - 12:00 PM
Doing Business with the state – DES	03/21/24	3:00 PM - 4:00 PM
Virtual Business Opportunity Session Biomedical 3D Dental Equipment - DAP	03/21/24	2:00 PM - 3:00 PM
SBIR/STTR Open Office Hours	03/22/24	9:00 AM - 10:00 AM
Business Development - Session 3: Positioning your Business	03/26/24	1:00 PM - 2:00 PM
Request for Equitable Adjustment (REAs)	03/27/24	3:00 PM - 4:30 PM
Wednesday with the Deputies for Small Business	03/27/24	10:00 AM - 11:30 AM
AWMB 2nd Annual NW Contractors' Day	03/28/24	8:00 AM - 3:30 PM
South Central Region DBE 101 Training Prime & DBE/MSVWBE Contractors - Washington DOT	03/28/24	9:00 AM - 1: 00 PM

Call to action!

- Start application process for PWSBE with OMWBE
- Register on the Statewide Small Works Roster (mrscrosters.org)
- Check Labor and Industries information for accuracy
- If already registered and certified, review application information for accuracy
- Reach out to APEX Accelerator to start a relationship with an advisor











Join us at Alliance Northwest



- See chat for \$20 off registration link
- Over 40 Agencies in attendance
- Dozens of Prime Contractors
- 12 Breakout sessions
- 100's of 1:1 meetings

Questions?

Tiffany Scroggs
Washington APEX Accelerator











