



## **SIGNATORY AUTHORITY POLICY**

**Adopted 10/10/2018; Amended 10/11/2023**

**Purpose:** The purpose of this policy is to provide direction on the delegation of authority to the Library Director for matters related to Signatory Authority of District Contracts.

### **Definitions:**

**Authorized Signatory:** An individual authorized pursuant to the Board of Trustees' Signatory Authority Policy to sign Contracts with external parties on behalf of the Board of Trustees of Jefferson County Library District.

**Contract:** Any agreement, or understanding, between two or more parties for performing, or refraining from performing, some specified act or acts, in exchange for a valuable benefit known legally as consideration, including memorandums of understanding, letters of intent, amendments or modifications to existing Contracts, and other similar documents.

**Personal Services:** Activities, such as consulting, which have a primarily intellectual final product.

**Professional Services:** Any contracted services provided by someone other than an employee of the District within the scope of the general definitions of professional practice in RCW 18.

**Public Work:** All work, construction, alteration, repair, or improvement, other than ordinary maintenance, executed at the cost of Jefferson County Library District, or which is by law a lien or charge on any property therein.

**Purchased Services:** Routine and repetitive in nature, which support an agency's day-to-day operation.

**Signatory Authority:** The legal authority to bind Jefferson County Library District in a Contract.

**Small Public Works Roster:** List of qualified contractors who can bid for an eligible project below \$350,000. RCW 39.04.155(2) establishes the requirements for roster contracts.

**Background:** The Jefferson County Library District Board of Trustees under RCW 27.12.210(5) has the exclusive control of the finances of the District; and, under RCW 27.12.210(10), has the authority to adopt rules for the efficient management and control of the District. The Board of Trustees now wishes to provide a master policy providing for the delegation of authority for matters related to Contracts for the purpose of expeditious administration of the District.

## **SECTION I. PUBLIC WORKS CONTRACTING**

### **a. Major Public Works Construction Work Contracts – over \$350,000:**

For all contracts which require the performance of work, and where the estimated total cost is to exceed Three-hundred Fifty-thousand Dollars (\$350,000), Board of Trustees approval shall be required for:

- i. The solicitation of bids;
- ii. The award of contract; and,
- iii. The acceptance of the work as complete.

The Library Director is authorized to carry out without prior referral to the Board of Trustees all other actions required by applicable statute or necessary for contract administration, including the public opening of sealed bids, preliminary to the acts required to be performed by the Board of Trustees.

### **b. Change Orders for Major Public Works Construction Work Contracts:**

Where major public works contracts for the performance of work have been awarded and under which the work is in progress, and individual changes in plans and/or specifications are necessary to properly accomplish the work, the Library Director is authorized to execute individual change orders to the contract provided the conditions are met as follows:

- i. The accumulated total of all changes orders does not exceed 10% of the original contract amount;
- ii. The revised total of the contract amount is within the Board-approved, budget spending limit;
- iii. Any time extension for completion of said contract which accompanies said change order does not exceed the total of forty-five (45) days, except a change order extending the contract determined time beyond forty-five (45) days where it is to be a result of fire or other casualties not the fault of the contractor;

strikes, riots and other civil disorders; unsuitable weather, or other acts which result in suspension of work by order of the project manager; and,

iv. The project scope does not significantly vary from the approved project budget.

**c. Small Works Roster Construction Contracts:**

For public works projects where the estimated total contract price, including applicable taxes, does not exceed \$350,000, the District uses Municipal Research and Services Center (MRSC) Rosters.

For projects with an estimated total cost of less than Fifty-thousand Dollars (\$50,000) that are within the Board-approved budget spending limit, the Library Director is authorized to carry out, without prior referral to the Board of Trustees, all actions required by applicable statutes or necessary for contract administration, including:

- i. Solicitation of bids;
- ii. The award of contract, giving weight to the contractor submitting the lowest and most responsive proposal; and,
- iii. The acceptance of the work as complete.

For projects with an estimated total cost in excess of Fifty-thousand Dollars (\$50,000), Board of Trustees approval shall be required for:

- i. The solicitation of bids;
- ii. The award of contract; and,
- iii. The acceptance of the work as complete.

The Library Director is authorized to carry out without prior referral to the Board of Trustees all other actions required by applicable statute or necessary for contract administration, including the public opening of sealed bids, preliminary to the acts required to be performed by the Board of Trustees.

**d. Change Orders for Small Works Construction Contracts:**

Where small works contracts for the performance of work have been awarded and under which the work is in progress, and individual changes in plans and/or specifications are necessary to properly accomplish the work, the Library Director is

authorized to execute individual change orders to the contract provided the conditions are met as follows:

- i. The accumulated total of the original contract plus all change orders does not exceed \$350,000;
- ii. The revised total of the contract is within the Board-approved, budget spending limit;
- iii. Any time extension for completion of said contract which accompanies said change order does not exceed the total of forty-five (45) days, except a change order extending the contract determined time beyond forty-five (45) days where it is to be a result of fire or other casualties not the fault of the contractor; strikes, riots and other civil disorders; unsuitable weather, or other acts which result in suspension of work by order of the Library Director supervising the contract; and,
- iv. If the project scope does not significantly vary from the approved work.

In all other cases it will be brought before the Board of Trustees before obligation of any funds.

**e. Emergency Construction Contracts:**

If needed for the immediate execution of a contract for work, the Library Director, pursuant to the procedures of RCW 39.04.020 and RCW 39.30.020 (as they may be amended or succeeded), is authorized to declare and make appropriate findings that an emergency situation exists, waive the competitive bidding requirements, and execute all contracts necessary to address the emergency situation.

The Library Director shall submit to the Board of Trustees the proposed ratification of the finding of emergency and any contracts awarded and/or executed pursuant to that finding at the next regularly scheduled Board of Trustee meeting or special meeting.

**SECTION II. CONTRACTS FOR ACQUISITION OF UTILITIES, BOOKS, MATERIALS, EQUIPMENT, SUPPLIES, DATABASES, AND PURCHASED SERVICES**

The Library Director shall have the responsibility for following all statutory requirements and procedures in connection with all contracts for the acquisition of utilities, books, materials, equipment, supplies, databases, and purchased services as outlined in the Purchasing Policy. These items and services may be acquired on the open market when necessary for the normal maintenance and operations of the Jefferson County Library.

No prior Board of Trustee approval shall be required but shall, where appropriate, be approved as part of normal monthly voucher examination and shall be within the authorized budget spending limit.

The Library Director may designate authority for a Manager to execute purchased services contracts up to the amount specified as the Board-approved spending limit.

The Library Director may execute contracts for the acquisition of utilities, books, materials, equipment, supplies, and databases, subject to the following conditions:

- a. The contract or purchase order price for one year does not exceed Ten Thousand Dollars (\$10,000), or if specifically identified in the annual budget, the amount shown in such budget, and the contract provides for no more than three (3) options to extend the contract for one (1) year periods, provided that the basic contract or purchase order price and any contract extensions must be within the approved, appropriate fund budget spending limit;
- b. The award is made to a bidder who has submitted a proposal based on the plans and specifications on file, or, where permissible, based upon the bidder's own plans and specifications and accompanied by a bid proposal deposit as may be required, and which is, as nearly as practicable, in accordance with the requirements of the bid; and
- c. The successful bidder has provided, where required, a performance bond with sureties, which comply with the requirements of RCW 39.08.

### **SECTION III. CONTRACTS FOR ARCHITECTURAL/ENGINEERING SERVICES**

Professional architecture and engineering (A&E) services are services provided by any person, other than an employee of the agency, that fall under the general statutory definitions of: Architecture, Engineering, Land Surveying, or Landscape Architecture. A&E contracts are awarded primarily based on qualifications, rather than cost, using "qualifications-based selection" (QBS). All local governments must follow the uniform requirements of RCW 39.80 when procuring professional A&E contracts.

For contracts with an estimated cost, including all applicable taxes, of less than \$350,000, the District uses MRSC Rosters to solicit A&E services.

For contracts with an estimated cost, including all applicable taxes, of more than \$350,000, the District uses QBS, following all required statutory procedures as authorized by RCW 39.80.

All contracts for A&E services shall be awarded by the Board of Trustees.

In any case, the Library Director is authorized to carry out, without prior referral to the Board of Trustees, all other actions required by applicable law or necessary for administration of a contract for such services.

#### **SECTION IV. PERSONAL SERVICES**

The Library Director shall be responsible for obtaining personal services when deemed necessary in carrying out normal Jefferson County Library District operations and ensuring that all applicable legal requirements are met.

Personal services shall be provided by a consultant with professional or technical expertise to accomplish a specific study, project, task, or other work statement, which may not reasonably be required in connection with a public works project meeting the definition of RCW 39.04.010(4). Personal services do not include purchased services or professional services procured using the competitive selection requirements in RCW Chapter 39.80 (A&E).

Where necessary in the conduct of normal Jefferson County Library District operations, the Library Director may arrange for such services subject to the following conditions:

- a. The Library Director is authorized to contract for such services where the estimated cost of the proposed service does not exceed the amount of fifty-thousand dollars (\$50,000), and the funds are within the approved, appropriate fund budget spending limit;
- b. Sole source service contracts more than fifty-thousand dollars (\$50,000) shall be awarded by the Board of Trustees;
- c. Selecting, contracting, and paying for all such services shall follow all required statutory procedures; and,
- d. The Library Director is authorized to make a determination as to whether substantial change in the scope of work specified in the contract warrants the work to be awarded as a new contract.

Where contracts for services are subject to approval by the Board of Trustees, increases in the approved contract amount may be approved by the Library Director without prior approval of the Board of Trustees for amounts not to exceed 10% of the last Board of Trustee approved total, provided that funds are within the approved, appropriate fund budget spending limit.