

MEETING OF THE SUNNYSIDE DIVISION  
BOARD OF CONTROL

The regular meeting of the Sunnyside Division Board of Control (SDBOC) was held in-person and via conference call, and was called to order by Chairman Simpson on December 8, 2025, at 1:30 PM. Present in addition to Chairman Simpson was Director Kevin Golob, Paul Groeneweg, Markus Rollinger and Will Scarlett; David Felman, SDBOC Secretary/Treasurer, Ron Cowin, Assistant Manager- Engineering, Nikki Musson, SDBOC Deputy Treasurer/Office Manager and Dave Bos, Assistant Manager-Operations; and Norman Semanko, Legal Counsel for the Sunnyside Division Board of Control. Also in attendance was Chad Stuart, Bureau of Reclamation (BOR) Yakima Field Office Manager. Director Mike Hogue participated via phone.

The minutes of the November 3, 2025, Board Meeting were reviewed. Upon a motion by Director Golob, that was seconded and unanimously carried, the minutes were approved.

Mr. Stuart provided an update on the staffing and maintenance challenges. The area office has lost approximately 40 employees, representing about 30% of its workforce, while the Yakima Field Office is operating at roughly 60% of its capacity. An indefinite hiring freeze across most federal agencies is still in effect. As a result, all but the most critical maintenance tasks—such as water delivery, fish screen operations, and power generation—are being deferred. Mr. Stuart also addressed water supply and operations. The region is in its third consecutive year of drought, with September and October ranking among the worst on record. Reservoirs are currently filling and stand at about 55% of average capacity for this time of year. Finally, Mr. Stuart announced that facilitated discussions will soon be held to clarify water management processes, including interpretations of the consent decree, water rights, and distinctions between Total Water Supply Available (TWSA) and October Water Supply Available (OWSA).

The Board reviewed the monthly financial reports and vouchers numbered 6617-6653 in the total amount of \$228,082.08 which were submitted for approval. A motion was made by Director Golob which was seconded and unanimously carried, authorizing payment of the vouchers as listed above.

Mr. Bos presented the water supply report. As of December 8, 2025, storage in the mountain reservoirs is at 241,794 acre-feet or 20% of capacity. Storage content is 53.9% of average. Precipitation for the year to date (Oct 1 to Dec 8) is 61.07 inches or 93% of average.

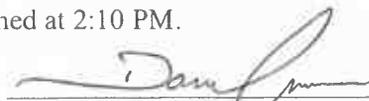
Mr. Cowin updated the Board on ELIPS. Crews are continuing to install pipe on the 29.68 and 49.90 laterals and engineering is providing grade cuts for those two projects. All the steel components for these two laterals that were sent off to the galvanizer are now back and ready to be installed.

Mr. Felman presented Resolution 2025-12-01 for the Board’s consideration. The proposed resolution would amend the SDBOC procurement policy to better align with current uniform guidance requirements, specifically 2 CFR 200.318-327, as referenced in the recent SDBOC audit exit recommendations. Upon a motion by Director Groeneweg, that was seconded, and unanimously carried, Resolution 2025-12-01 was approved. Said resolution is attached and by the reference incorporated into these minutes.

There being no further business, the meeting was adjourned at 2:10 PM.

Attest:

  
G. Doug Simpson, Chairman

  
David Felman, Secretary

2025-12-01

AMENDING THE RULES AND REGULATIONS  
CONSTRUCTION PROJECTS  
AND  
PURCHASE OF GOODS AND SERVICES

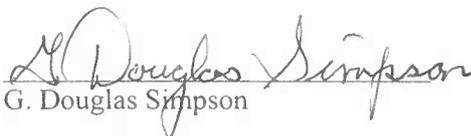
**WHEREAS**, The Board of Directors (Board) of the Sunnyside Division Board of Control (SDBOC) finds it necessary to set establish or modify policy from time to time, and

**WHEREAS**, the Board routinely review the Rules and Regulations to assure compliance with state statutes and amends its Rules, and Regulations as necessary.

**THEREFORE, IT IS RESOLVED:**

SDBOC Procurement Policy for Purchase of Materials, Supplies, and Equipment and Services is hereby amended as set forth on Attachment "A."

Adopted this 8<sup>th</sup> day of December, 2025.

  
G. Douglas Simpson

Attest:

  
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David Felman, Secretary

**EXHIBIT "A"**

**PURCHASE OF MATERIALS, SUPPLIES, AND EQUIPMENT and SERVICES (2023-11-13)**

**A. CONSTRUCTION PROJECTS:**

1. Formal sealed bidding requirements will apply to all construction projects except as noted in Paragraphs A.2. through A.8 below.<sup>1</sup>
2. SDBOC shall maintain a small works roster which may be utilized for construction projects that are estimated to cost less than \$300,000<sup>2</sup>. All construction projects, the estimated cost of which is less than three hundred thousand dollars, may be awarded to a contractor on the small works roster.
3. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. Advertisements for the small works roster for construction work shall be published once a year.
4. When using the small works roster to obtain construction services, SDBOC will obtain telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding work to the lowest responsible contractor. SDBOC will make a good-faith effort to request quotations from all responsible contractors on the small works roster. Immediately after an award is made, the telephone and/or written quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.
5. The formal bidding process is not required in the case of any contract between SDBOC and the United States.
6. In the case of an emergency when the public interest or property of SDBOC would suffer material injury or damage by delay, upon resolution of the board of directors or proclamation of an official designated by the board to act for the board during such emergencies. The resolution or proclamation shall declare the existence of the emergency and recite the facts constituting the emergency.
7. The bidding process is not required for purchases which are clearly and legitimately limited to a single source of supply or to purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

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<sup>1</sup> RCW 87.03.435

<sup>2</sup> RCW 87.03.436

8. SDBOC may conduct construction projects under its own superintendence and without use of the formal bidding process.

#### B. USE OF A SMALL PROJECTS ROSTER

1. The Small Works Roster<sup>3</sup> can be used to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property. These provisions may be used in place of the formal bid process for work with an estimated cost of two hundred & fifty thousand dollars or less (<\$250,000) for federal projects or three hundred thousand dollars or less (<\$300,000) for state projects.
2. SDBOC will create Small Works Rosters for different specialties or categories of anticipated work. Where applicable, SDBOC will make distinctions between contractors based upon different geographic areas served by the contractor. The Small Works Rosters shall consist of all responsible contractors who have requested to be on the list. SDBOC will require eligible contractors desiring to be placed on a roster or rosters to have on file with SDBOC as a condition of being placed on rosters the following information:
  - a. Certificate of Registration with the Department of Labor and Industries
  - b. Unified Business Identifier Number (UBI)
  - c. Employment Security Department Number
  - d. State Excise Tax Registration Number
  - e. Federal ID Number / Business License Number
3. At least once a year, SDBOC shall publish in a newspaper of general circulation and provide the office of minority and women's business enterprises' directory of certified firms a notice of the existence of Small Works Rosters and solicit the names of contractors for such rosters. In addition, responsible contractors shall be added to the Small Works Rosters at any time they submit a request and provide the required information.
4. Telephonic, written, or electronic quotations from contractors on the appropriate Small Works Roster shall be obtained to assure that a competitive price is established and to award contracts to the lowest responsible bidder. 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. Quotations will be invited from all contractors on the appropriate Small Works Roster. SDBOC has the sole option of mailing a notice to these contractors or sending a notice to these contractors by facsimile or other electronic means.

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<sup>3</sup> RCW 39.04.155 (1)  
December 8, 2025

5. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.
6. A contract will be executed by SDBOC and the contractor that becomes effective when a specific award is made to the lowest responsible bidder. Written contracts will be required for any work estimated to cost more than \$10,000.
7. Whenever SDBOC shall contract to do any work estimated to cost between \$35,000 and \$300,000, it shall require the contractor to deliver a bond in the amount of the contract, to assure that such contractor shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work.
  - a. For projects with an estimated cost of between \$10,000 and \$35,000, at the option of the contractor, SDBOC may, in lieu of the bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the Department of Revenue and the Department of Labor and Industries and settlement of any liens whichever is later.<sup>4</sup> For contractors with no subcontractors and an estimated competition time of less than 45 days, SDBOC may waive the bonds and retainage requirements entirely.
  - b. For projects costing less than ten thousand dollars (<\$10,000) SDBOC also waive the requirement for a written contract.
8. In addition to other requirements, SDBOC shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of:
  - (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Titles 50, 51, and 82 RCW which may be due from such contractor;<sup>5</sup> except,
    - a. For projects with an estimated cost of less than \$35,000 retainage may not be required (See Paragraph 7a).
    - b. For contracts with an estimated cost of between \$10,000 and \$35,000 the contractor may elect to delay payment of 50% of the contract amount in lieu of SDBOC retaining 5% of the contract amount (See paragraph 7a).

C. MATERIALS, SUPPLIES, OR EQUIPMENT OR SERVICES

a. SDBOC shall follow the procurement methods defined in 2 CFR 200.320

a.b. Purchase of materials, supplies, or equipment costing less than \$10,000<sup>6</sup> for each purchase excluding sales tax may be acquired using standard business practices.

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<sup>6</sup> RCW 87.03.437(1)  
December 8, 2025

b.c. SDBOC shall maintain a list of vendors which may be utilized for purchases of materials, supplies, or equipment with an estimated cost (excluding sales tax) of between \$10,000 and \$50,000<sup>7</sup>.

e.d. All purchases, the estimated cost of which is less than fifty thousand dollars, may be awarded to a firm on the vendors list. All purchases, the estimated cost of which is \$50,000 or more, will be awarded by the sealed bid process.

d.e. The vendors list shall be comprised of all responsible vendors who have requested to be on the list. Advertisement for inclusion on the vendors list shall be published twice a year.

e.f. When using the vendors list to purchase materials, supplies, or equipment SDBOC will obtain telephone and/or written quotations from at least three vendors on the vendors list whenever possible to assure establishment of a competitive price. Immediately after an award is made, the telephone and/or written quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. SDBOC will record and have available at the office for public inspection a list of the purchases for the preceding 18 months under this process.

f.g. Competitive bidding requirements may be waived for:

- a) Purchases that are clearly and legitimately limited to a single source of supply;
- b) Purchases involving special facilities or market conditions;
- c) Purchases in the event of an emergency;
- d) Purchases of insurance or bonds; and
- e) Public works in the event of an emergency.

g.h. If the Board of Directors elects to waive competitive bidding requirements by the terms of written policies adopted by SDBOC, immediately after the award of any contract, the contract and the factual basis for the exception must be recorded and open to public inspection. This requirement does not apply to emergency situations.

h.i. If an emergency exists, the District Manager may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of SDBOC to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the Board of Directors and duly entered of record no later than two weeks following the award of the contract.

"Emergency" means unforeseen circumstances beyond the control of the SDBOC that either: (a) Presents a real, immediate threat to the proper performance of essential functions; or (b) will likely

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<sup>7</sup> RCW 87.03.437(2) and RCW 39.04.190  
December 8, 2025

result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

i.j. Purchases under \$10,000 per purchase excluding sales tax do not require competitive quotations or bids.

D. BID PROCEDURES GENERALLY:

- a. Advertisement of the notice for bids, the small works roster, or the vendors list shall be published at least once a week for two weeks in the newspaper in the county in which the office of the board is situated, in any other newspaper which may be designated by the board, and on the irrigation district's website.
- b. The board can award the contract in whole or in part to the lowest responsible bidder.
- c. The board has authority to reject any or all bids and re-advertise, or it may conduct construction work under its own superintendence.
- d. The board may require a bid deposit in the amount equal to 5 percent of the bid amount.
- e. When the contract is awarded for materials purchase, the successful bidder may supply a performance bond for at least 25 percent of the amount of contract.
- f. SDBOC shall perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications. The method and degree of analysis shall be dependent on the facts surrounding the particular procurement situation.

E. ANTI-DISBARMENT AND NON-COLLUSION

On construction work or purchases over \$25,000 involving federal grants, a Declaration of Anti-disbarment and a Non-collusion Affidavit will be required. SDBOC will provide notice to prime contractors of their responsibilities to make this a requirement of subcontractors. In place of the Declaration of Anti-disbarment, SDBOC may check <http://www.epls.gov/epls/search.do>. A hard copy of the report should be kept on file.

F. ADDITIONAL FEDERAL COMPLIANCE REQUIREMENTS (2 CFR 200.318–200.327)

1. Standards of Conduct and Conflict of Interest:

No employee, officer, or agent of SDBOC shall participate in the selection, award, or administration of a contract if they have a real or apparent conflict of interest. Such a conflict arises when the individual, their immediate family, partner, or an organization with which they are affiliated has a financial or other interest in a firm considered for a contract. Employees, officers, and agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential

contractors, or parties to subcontracts. Disciplinary actions shall be applied for violations of this policy.

2. Contractor Oversight:

SDBOC shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

3. Procurement of Recovered Materials:

In accordance with 2 CFR 200.323, SDBOC shall procure items designated by the Environmental Protection Agency (EPA) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, for purchases over \$10,000.

5. Required Contract Provisions:

All federally funded contracts shall contain the applicable provisions described in Appendix II to 2 CFR Part 200, including but not limited to Equal Employment Opportunity, Davis-Bacon Act, Contract Work Hours and Safety Standards Act, Clean Air Act, and termination for cause and convenience.

6. Domestic Preferences for Procurements:

As required by 2 CFR 200.322, SDBOC shall provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States whenever practicable.

7. Affirmative Steps for Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:

SDBOC shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.