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## ADMINISTRATIVE POLICY RESOLUTION

### GUIDELINES FOR THE BOARD OF DIRECTORS AND MANAGEMENT STAFF FOR BID SPECIFICATION AND CONTRACT NEGOTIATION

**WHEREAS**, Article IV, Section 3, of the Bylaws provides that “the Board of Directors shall be responsible for...(a) care, upkeep and improvement of the General and Limited Common Elements...;” and

**WHEREAS**, proper bid specification and contract negotiation are essential to the successful performance of the Board’s duties to maintain, repair and improve the general and limited common elements; and

**WHEREAS**, it is in the best interest of the Association to provide guidelines for the Board of Directors and management staff for bid specification and contract negotiation;

**NOW THEREFORE, BE IT RESOLVED** that the following policies and procedures are hereby adopted:

1. Preliminarily, it is necessary to determine whether the maintenance, repair or other service is the Association’s responsibility.
2. If the work to be performed is the responsibility of the Association, it should be determined whether to handle the work in-house or to hire a contractor. In those cases in which the service or repair is the responsibility of the Association, the management staff may handle routine service, specific repairs, and preventive maintenance projects, if such staff member has the necessary knowledge and expertise to perform the work.
3. Any new construction or extensive renovation must be the subject of specific Board resolutions authorizing management staff, or constituting a committee of at least two (2) members of the Board of Directors, to begin the contracting/bidding process. However, these types of contracts may require special technical and professional assistance, and the Board and/or management staff should be aware that it may become necessary to consult with an architect, engineer or other technical consulting firm, and an attorney for assistance with drafting such a contract.
4. Written bid specifications should, at a minimum, clearly state the type of work that will be done, the time frame for the completion of the work, and materials used. The management staff and Board should be aware that detailed specifications may be necessary to ensure the successful completion of the project. Such specifications may include, but are not limited to, the following:
  - a) Full name of all parties involved
  - b) Time to complete work
  - c) Payment terms
  - d) Total dollar amount of contract
  - e) Complete specifications of materials used and supplier of materials
  - f) Storage of materials and tools
  - g) Responsibility for damage
  - h) Insurance requirements and proof
  - i) Performance/completion bond

- j) License requirements/responsibilities
- k) Guarantee/warranty required
- l) Clean up requirements
- m) Labor supervision
- n) Liability of each party
- o) Responsibility for permits
- p) Inspections
- q) Notification of more repairs
- r) Remedies for failure to perform contract terms
- s) Maps or other description of work area
- t) Hours and days when work may be done
- u) Association supervision

5. Once the specifications have been determined by the Board and/or management staff, it shall be necessary to obtain three (3) or more estimates on all projects having an estimated cost of completion in excess of two thousand five hundred dollars (\$2,500.00,) or for any new service contract that will be in place for more than one year.

6. The Board shall be prohibited to act on contracts with fewer than three (3) estimates, unless, after due diligence, it appears that there are no other alternatives following requests for proposals from at least six (6) contractors, or the Board, after due diligence, is reasonably satisfied that there are less than three (3) contractors possessing the necessary expertise to perform the contract.

7. The ordinary bidding process would not apply to emergency repairs, such as emergency responses to leaks, or to electrical or HVAC failures.

a) The factual determination of whether an emergency exists will be made with the concurrence of any two (2) Board members, or one Board member and one management staff member.

b) Because it is not feasible to request bids in emergency circumstances, the Board should pre-approve at least one plumbing, electrical and HVAC contractor, after having reviewed such contractor's prices, reputation, service and reliability. An arrangement for billing should be made with such contractors.

c) The Board and the management staff should be aware that, pursuant to Article F, Section 11 of the Master Deed, the Association or its authorized agent may enter a unit without the consent of a unit owner only in "an emergency threatening immediate damage to any portion of the Property." In all other instances, the right of entry into a unit is subject to notice, and work must be scheduled "during reasonable hours."

SHADOWOOD CONDOMINIUM UNIT OWNERS' ASSOCIATION

BY: \_\_\_\_\_  
 Brian Olivia, President  
 Board of Directors

I hereby certify that the foregoing Administrative Policy Resolution was duly adopted at a regular meeting of the Board of Directors of the Shadowood Condominium Unit owners' Association this \_\_\_\_ day of \_\_\_\_\_ 2006, and will become effective immediately.

ATTEST: \_\_\_\_\_  
 Tracy Williamson, Secretary  
 SHADOWOOD CONDOMINIUM UNIT OWNERS' ASSOCIATION

RESOLUTION ACTION SHEET

Administrative: Policy Resolution No. \_\_\_\_\_

Pertaining to: Guidelines for the Board of Directors and Management Staff for Bid Specifications and Contract Negotiations.

Duly adopted at a meeting of the Board of Directors held on the \_\_\_\_ day of \_\_\_\_\_, 2006

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:	YES	NO	ABSTAIN	ABSENT
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Brian Olivia President	_____	_____	_____	_____
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Vice President	_____	_____	_____	_____
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Director	_____	_____	_____	_____
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Director	_____	_____	_____	_____
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Director	_____	_____	_____	_____
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ATTEST:

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Tracy N. Williamson, Secretary

File:

Book of Minutes - 2006

Book of Resolutions:	Book No.	Page No.
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Policy	_____	_____
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Administrative	_____	_____
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Special	_____	_____
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General	_____	_____
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Resolution effective: \_\_\_\_\_, 2006