
HOUSE BILL 1681

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Cooper, Ferguson, Haugen, Horn and R. Meyers. Read first time February 6, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to bidding practices of municipalities; amending
2 RCW 28A.335.190, 35.22.620, 35.23.352, 36.32.240, 36.34.020, 39.08.030,
3 52.14.110, 53.08.120, 54.04.082, 56.08.070, 56.08.080, 56.08.090,
4 57.08.015, 57.08.016, 57.08.050, and 70.44.140; reenacting and amending
5 RCW 36.32.250; adding new sections to chapter 39.04 RCW; adding a new
6 section to chapter 39.30 RCW; adding new sections to chapter 36.32 RCW;
7 adding a new section to chapter 36.77 RCW; and repealing RCW 36.32.271,
8 36.32.273, 36.32.275, 36.32.277, and 36.82.130.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW
11 to read as follows:

12 (1) This section provides a uniform process to award contracts for
13 public works projects by those municipalities that are authorized to
14 use a small works roster in lieu of the requirements for formal sealed
15 bidding. The state statutes governing a specific type of municipality

1 shall establish the maximum dollar thresholds of the contracts that can
2 be awarded under this process, and may include other matters concerning
3 the small works roster process, for that type of municipality.

4 (2) Such municipalities may create a single general small works
5 roster, or may create a small works roster for different categories of
6 anticipated work. The small works roster or rosters shall consist of
7 all responsible contractors who have requested to be on the list, and
8 where required by law are properly licensed or registered to perform
9 such work in this state. At least once a year, the municipality shall
10 publish in a newspaper of general circulation within the jurisdiction
11 a notice of the existence of the roster or rosters and solicit the
12 names of contractors for such roster or rosters.

13 The governing body of the municipality shall establish a procedure
14 for securing telephone or written quotations from the contractors on
15 the general small works roster, or a specific small works roster for
16 the appropriate category of work, to assure that a competitive price is
17 established and to award contracts to the lowest responsible bidder, as
18 defined in RCW 43.19.1911. Such invitations for bids shall include an
19 estimate of the scope and nature of the work to be performed as well as
20 materials and equipment to be furnished. Whenever possible at least
21 five contractors shall be invited to submit bids. Once a contractor
22 has been afforded an opportunity to submit a proposal, that contractor
23 shall not be offered another opportunity until all other appropriate
24 contractors have been afforded an opportunity to submit a proposal on
25 a contract.

26 A contract awarded from a small works roster under this section
27 need not be advertised.

28 Immediately after an award is made, the bid quotations obtained
29 shall be recorded, open to public inspection, and available by
30 telephone inquiry.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.04 RCW
2 to read as follows:

3 (1) This section provides a uniform process to award contracts for
4 the purchase of any materials, equipment, or supplies by those
5 municipalities that are authorized to use this process in lieu of the
6 requirements for formal sealed bidding. The state statutes governing
7 a specific type of municipality shall establish the maximum dollar
8 thresholds of the contracts that can be awarded under this process, and
9 may include other matters concerning the awarding of contracts for
10 purchases, for that type of municipality.

11 (2) Such municipality may by resolution establish a procedure for
12 securing telephone or written quotations, or both, from at least three
13 different vendors to assure that a competitive price is established and
14 for awarding the contracts for the purchase of any materials,
15 equipment, or supplies to the lowest responsible bidder as defined in
16 RCW 43.19.1911. Immediately after the award is made, the bid
17 quotations obtained shall be recorded, open to public inspection, and
18 shall be available by telephone inquiry. A contract awarded pursuant
19 to this section need not be advertised. RCW 39.30.040 may be used in
20 determining the lowest responsible bidder by those municipalities
21 authorized to impose sales and use taxes or business and occupation
22 taxes.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04 RCW
24 to read as follows:

25 Any municipality that utilizes the small works roster process
26 established in section 1 of this act to award contracts for public
27 works projects, or the uniform process established in section 2 of this
28 act to award contracts for purchases, must post a list of the contracts
29 awarded under sections 1 and 2 of this act at least once every two

1 months. The list shall contain the name of the contractor or vendor
2 awarded the contract, the amount of the contract, a brief description
3 of the type of work performed or items purchased under the contract,
4 and the date it was awarded. The list shall also state the location
5 where the bid quotations for these contracts are available for public
6 inspection.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.30 RCW
8 to read as follows:

9 A municipality, as defined in RCW 39.04.010, may purchase:

10 (1) Any supplies, equipment, or materials at auctions conducted by
11 the government of the United States or any agency thereof, any agency
12 of the state of Washington, any municipality or other government
13 agency, or any private party without being subject to public bidding
14 requirements if the items can be obtained at a competitive price; and

15 (2) Any materials, equipment, or supplies authorized to be produced
16 or manufactured in correctional industries without being subject to
17 public bidding requirements if the items can be obtained at a
18 competitive price.

19 **Sec. 5.** RCW 28A.335.190 and 1990 c 33 s 362 are each amended to
20 read as follows:

21 (1) When, in the opinion of the board of directors of any school
22 district, the cost of any furniture, supplies, equipment, building,
23 improvements, or repairs, or other work or purchases, except books,
24 will equal or exceed the sum of (~~twenty~~) twenty-five thousand
25 dollars, complete plans and specifications for such work or purchases
26 shall be prepared and notice by publication given in at least one
27 newspaper of general circulation within the district, once each week
28 for two consecutive weeks, of the intention to receive bids therefor

1 and that specifications and other information may be examined at the
2 office of the board or any other officially designated location:
3 PROVIDED, That the board without giving such notice may make
4 improvements or repairs to the property of the district through the
5 shop and repair department of such district when the total of such
6 improvements or repair does not exceed the sum of (~~seventy-five~~
7 ~~hundred~~) fifteen thousand dollars. The cost of any public work,
8 improvement or repair for the purposes of this section shall be the
9 aggregate of all amounts to be paid for labor, material, and equipment
10 on one continuous or interrelated project where work is to be performed
11 simultaneously or in close sequence. The bids shall be in writing and
12 shall be opened and read in public on the date and in the place named
13 in the notice and after being opened shall be filed for public
14 inspection.

15 (2) Every purchase of furniture, equipment or supplies, except
16 books, the cost of which is estimated to be in excess of (~~seventy-five~~
17 ~~hundred~~) fifteen thousand dollars, shall be on a competitive basis.
18 The board of directors (~~shall establish a~~) may use the uniform
19 procedure (~~for securing telephone and/or written quotations~~) provided
20 in section 2 of this act for (~~such~~) purchases(~~(-)~~) whenever the
21 estimated cost is (~~from seventy-five hundred dollars up to twenty~~)
22 more than fifteen thousand dollars but less than twenty-five thousand
23 dollars(~~(, the procedure shall require quotations from at least three~~
24 ~~different sources to be obtained in writing or by telephone, and~~
25 ~~recorded for public perusalequal to
26 or in excess of (~~twenty~~) twenty-five thousand dollars, the public
27 bidding process provided in subsection (1) of this section shall be
28 followed.~~

29 (3) Every building, improvement, repair or other public works
30 project, the cost of which is estimated to be in excess of (~~seventy-~~

1 ~~five hundred~~) fifteen thousand dollars, shall be on a competitive bid
2 process. All such projects estimated to be less than (~~twenty~~)
3 twenty-five thousand dollars may be awarded to a contractor (~~on the~~)
4 using a small works roster(~~.—The small works roster shall be~~
5 ~~comprised of all responsible contractors who have requested to be on~~
6 ~~the list.—The board of directors shall establish a procedure for~~
7 ~~securing telephone and/or written quotations from the contractors on~~
8 ~~the small works roster to assure establishment of a competitive price~~
9 ~~and for awarding contracts to the lowest responsible bidder. Such~~
10 ~~procedure shall require that a good faith effort be made to request~~
11 ~~quotations from all contractors on the small works roster who have~~
12 ~~indicated the capability of performing the kind of public works being~~
13 ~~contracted.—Immediately after an award is made, the bid quotations~~
14 ~~obtained shall be recorded, open to public inspection, and available by~~
15 ~~telephone inquiry.—The small works roster shall be revised at least~~
16 ~~once each year by publishing notice of such opportunity in at least one~~
17 ~~newspaper of general circulation in the district.—Responsible~~
18 ~~contractors shall be added to the list at any time they submit a~~
19 ~~written request~~) process as provided in section 1 of this act.
20 Whenever the estimated cost of a public works project is (~~twenty~~)
21 twenty-five thousand dollars or more, the public bidding process
22 provided in subsection (1) of this section shall be followed.

23 (4) The contract for the work or purchase shall be awarded to the
24 lowest responsible bidder as defined in RCW 43.19.1911 but the board
25 may by resolution reject any and all bids and make further calls for
26 bids in the same manner as the original call. On any work or purchase
27 the board shall provide bidding information to any qualified bidder or
28 the bidder's agent, requesting it in person.

29 (5) In the event of any emergency when the public interest or
30 property of the district would suffer material injury or damage by

1 delay, upon resolution of the board declaring the existence of such an
2 emergency and reciting the facts constituting the same, the board may
3 waive the requirements of this section with reference to any purchase
4 or contract: PROVIDED, That an "emergency", for the purposes of this
5 section, means a condition likely to result in immediate physical
6 injury to persons or to property of the school district in the absence
7 of prompt remedial action.

8 **Sec. 6.** RCW 35.22.620 and 1989 c 431 s 59 are each amended to read
9 as follows:

10 (1) As used in this section, the term "public works" means as
11 defined in RCW 39.04.010.

12 (2) A first class city may have public works performed by contract
13 pursuant to public notice and call for competitive bids. As limited by
14 subsection (3) of this section, a first class city may have public
15 works performed by city employees in any annual or biennial budget
16 period equal to a dollar value not exceeding ten percent of the public
17 works construction budget, including any amount in a supplemental
18 public works construction budget, over the budget period. The amount
19 of public works that a first class city has a county perform for it
20 under RCW 35.77.020 shall be included within this ten percent
21 limitation.

22 If a first class city has public works performed by public
23 employees in any budget period that are in excess of this ten percent
24 limitation, the amount in excess of the permitted amount shall be
25 reduced from the otherwise permitted amount of public works that may be
26 performed by public employees for that city in its next budget period.
27 Twenty percent of the motor vehicle fuel tax distributions to that city
28 shall be withheld if two years after the year in which the excess
29 amount of work occurred, the city has failed to so reduce the amount of

1 public works that it has performed by public employees. The amount so
2 withheld shall be distributed to the city when it has demonstrated in
3 its reports to the state auditor that the amount of public works it has
4 performed by public employees has been so reduced.

5 Whenever a first class city has had public works performed in any
6 budget period up to the maximum permitted amount for that budget
7 period, all remaining public works within that budget period shall be
8 done by contract pursuant to public notice and call for competitive
9 bids.

10 The state auditor shall report to the state treasurer any first
11 class city that exceeds this amount and the extent to which the city
12 has or has not reduced the amount of public works it has performed by
13 public employees in subsequent years.

14 (3) In addition to the percentage limitation provided in subsection
15 (2) of this section, a first class city with a population in excess of
16 one hundred fifty thousand shall not have public employees perform a
17 public works project in excess of fifty thousand dollars if more than
18 a single craft or trade is involved with the public works project, or
19 a public works project in excess of twenty-five thousand dollars if
20 only a single craft or trade is involved with the public works project
21 or the public works project is street signalization or street lighting.
22 In addition to the percentage limitation provided in subsection (2) of
23 this section, a first class city with a population of one hundred fifty
24 thousand or less shall not have public employees perform a public works
25 project in excess of thirty-five thousand dollars if more than one
26 craft or trade is involved with the public works project, or a public
27 works project in excess of twenty thousand dollars if only a single
28 craft or trade is involved with the public works project or the public
29 works project is street signalization or street lighting. A public
30 works project means a complete project. The restrictions in this

1 subsection do not permit the division of the project into units of work
2 or classes of work to avoid the restriction on work that may be
3 performed by day labor on a single project.

4 (4) In addition to the accounting and record-keeping requirements
5 contained in RCW 39.04.070, every first class city annually shall
6 prepare a report for the state auditor indicating the total public
7 works construction budget and supplemental public works construction
8 budget for that year, the total construction costs of public works
9 performed by public employees for that year, and the amount of public
10 works that is performed by public employees above or below ten percent
11 of the total construction budget. However, if a city budgets on a
12 biennial basis, this annual report shall indicate the amount of public
13 works that is performed by public employees within the current biennial
14 period that is above or below ten percent of the total biennial
15 construction budget.

16 After September 1, 1987, each first class city with a population of
17 one hundred fifty thousand or less shall use the form required by RCW
18 43.09.205 to account and record costs of public works in excess of five
19 thousand dollars that are not let by contract.

20 (5) The cost of a separate public works project shall be the costs
21 of materials, supplies, equipment, and labor on the construction of
22 that project. The value of the public works budget shall be the value
23 of all the separate public works projects within the budget.

24 (6) When any emergency shall require the immediate execution of
25 such public work, upon the finding of the existence of such emergency
26 by the authority having power to direct such public work to be done and
27 duly entered of record, publication of description and estimate may be
28 made within seven days after the commencement of the work. Within two
29 weeks of the finding that such an emergency existed, the city council

1 shall adopt a resolution certifying the existence of this emergency
2 situation.

3 (7) In lieu of the procedures of subsections (2) and (6) of this
4 section, a first class city may use a small works roster process and
5 award contracts ~~((under this subsection for contracts))~~ for public
6 works projects with an estimated value of one hundred twenty-five
7 thousand dollars or less as provided in section 1 of this act.

8 ~~((a) The city may maintain a small works roster comprised of all
9 contractors who have requested to be on the roster and are, where
10 required by law, properly licensed or registered to perform such work
11 in this state.~~

12 ~~(b) Whenever work is done by contract, the estimated cost of which
13 is one hundred thousand dollars or less, and the city uses the small
14 works roster, the city shall invite proposals from all appropriate
15 contractors on the small works roster: PROVIDED, That not less than
16 five separate appropriate contractors, if available, shall be invited
17 to submit bids on any one contract: PROVIDED FURTHER, That))~~ Whenever
18 possible, the city shall invite at least one proposal from a minority
19 or woman contractor who shall otherwise qualify under this section.

20 ~~((Once a bidder on the small works roster has been offered an
21 opportunity to bid, that bidder shall not be offered another
22 opportunity until all other appropriate contractors on the small works
23 roster have been afforded an opportunity to submit a bid. Invitations
24 shall include an estimate of the scope and nature of the work to be
25 performed, and materials and equipment to be furnished.~~

26 ~~(c) When awarding such a contract for work, the estimated cost of
27 which is one hundred thousand dollars or less, the city shall award the
28 contract to the contractor submitting the lowest responsible bid.)~~

29 (8) The allocation of public works projects to be performed by city
30 employees shall not be subject to a collective bargaining agreement.

1 (9) This section does not apply to performance-based contracts, as
2 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
3 RCW.

4 (10) Nothing in this section shall prohibit any first class city
5 from allowing for preferential purchase of products made from recycled
6 materials or products that may be recycled or reused.

7 **Sec. 7.** RCW 35.23.352 and 1989 c 431 s 56 are each amended to read
8 as follows:

9 (1) Any second or third class city or any town may construct any
10 public works, as defined in RCW 39.04.010, by contract or day labor
11 without calling for bids therefor whenever the estimated cost of the
12 work or improvement, including cost of materials, supplies and
13 equipment will not exceed the sum of thirty thousand dollars if more
14 than one craft or trade is involved with the public works, or twenty
15 thousand dollars if a single craft or trade is involved with the public
16 works or the public works project is street signalization or street
17 lighting. A public works project means a complete project. The
18 restrictions in this subsection do not permit the division of the
19 project into units of work or classes of work to avoid the restriction
20 on work that may be performed by day labor on a single project.

21 Whenever the cost of the public work or improvement, including
22 materials, supplies and equipment, will exceed these figures, the same
23 shall be done by contract. All such contracts shall be let at public
24 bidding upon ~~((posting))~~ publication of notice calling for sealed bids
25 upon the work. The notice ~~((thereof shall be posted in a public place
26 in the city or town and by publication))~~ shall be published in the
27 official newspaper, or a newspaper of general circulation most likely
28 to bring responsive bids, once each week for two consecutive weeks
29 before the date fixed for opening the bids. The notice shall generally

1 state the nature of the work to be done that plans and specifications
2 therefor shall then be on file in the city or town hall for public
3 inspections, and require that bids be sealed and filed with the council
4 or commission within the time specified therein. Each bid shall be
5 accompanied by a bid proposal deposit in the form of a cashier's check,
6 postal money order, or surety bond to the council or commission for a
7 sum of not less than five percent of the amount of the bid, and no bid
8 shall be considered unless accompanied by such bid proposal deposit.
9 The council or commission of the city or town shall let the contract to
10 the lowest responsible bidder or shall have power by resolution to
11 reject any or all bids and to make further calls for bids in the same
12 manner as the original call.

13 When the contract is let then all bid proposal deposits shall be
14 returned to the bidders except that of the successful bidder which
15 shall be retained until a contract is entered into and a bond to
16 perform the work furnished, with surety satisfactory to the council or
17 commission, in ~~((the full amount of the contract price))~~ accordance
18 with RCW 39.08.030. If the bidder fails to enter into the contract in
19 accordance with his bid and furnish a bond within ten days from the
20 date at which he is notified that he is the successful bidder, the
21 check or postal money order and the amount thereof shall be forfeited
22 to the council or commission or the council or commission shall recover
23 the amount of the surety bond.

24 If no bid is received on the first call the council or commission
25 may readvertise and make a second call, or may enter into a contract
26 without any further call or may purchase the supplies, material or
27 equipment and perform the work or improvement by day labor.

28 (2) The allocation of public works projects to be performed by city
29 or town employees shall not be subject to a collective bargaining
30 agreement.

1 (3) In lieu of the procedures of subsection (1) of this section, a
2 second or third class city or a town may use a small works roster
3 process and award public works contracts (~~((under this subsection for~~
4 ~~contracts))~~ with an estimated value of one hundred twenty-five thousand
5 dollars or less as provided in section 1 of this act.

6 (~~((a) The city or town may maintain a small works roster comprised~~
7 ~~of all contractors who have requested to be on the roster and are,~~
8 ~~where required by law, properly licensed or registered to perform such~~
9 ~~work in this state.~~

10 (~~(b) Whenever work is done by contract, the estimated cost of which~~
11 ~~is one hundred thousand dollars or less, and the city uses the small~~
12 ~~works roster, the city or town shall invite proposals from all~~
13 ~~appropriate contractors on the small works roster: PROVIDED, That))~~
14 Whenever possible, the city or town shall invite at least one proposal
15 from a minority or woman contractor who shall otherwise qualify under
16 this section. ((The invitation shall include an estimate of the scope
17 and nature of the work to be performed, and materials and equipment to
18 be furnished.

19 (~~(c) When awarding such a contract for work, the estimated cost of~~
20 ~~which is one hundred thousand dollars or less, the city or town shall~~
21 ~~award the contract to the contractor submitting the lowest responsible~~
22 ~~bid.))~~

23 (4) After September 1, 1987, each second class city, third class
24 city, and town shall use the form required by RCW 43.09.205 to account
25 and record costs of public works in excess of five thousand dollars
26 that are not let by contract.

27 (5) The cost of a separate public works project shall be the costs
28 of the materials, equipment, supplies, and labor on that construction
29 project.

1 (6) Any purchase of supplies, material, equipment or services other
2 than professional services, except for public work or improvement,
3 where the cost thereof exceeds seven thousand five hundred dollars
4 shall be made upon call for bids(~~(:—PROVIDED, That the limitations~~
5 ~~herein shall not apply to any purchases of materials at auctions~~
6 ~~conducted by the government of the United States, any agency thereof or~~
7 ~~by the state of Washington or a political subdivision thereof)).~~

8 (7) Bids shall be called annually and at a time and in the manner
9 prescribed by ordinance for the publication in a newspaper (~~(published~~
10 ~~or))~~ of general circulation in the city or town of all notices or
11 newspaper publications required by law. The contract shall be awarded
12 to the lowest responsible bidder.

13 (8) For advertisement and (~~(competitive))~~ formal sealed bidding to
14 be dispensed with as to purchases between seven thousand five hundred
15 and fifteen thousand dollars, the city legislative authority must
16 authorize by resolution ((a)), use of the uniform procedure (~~(for~~
17 ~~securing telephone and/or written quotations from enough vendors to~~
18 ~~assure establishment of a competitive price and for awarding the~~
19 ~~contracts for purchase of materials, equipment, or services to the~~
20 ~~lowest responsible bidder. Immediately after the award is made, the~~
21 ~~bid quotations obtained shall be recorded and open to public inspection~~
22 ~~and shall be available by telephone inquiry)) provided in section 2 of
23 this act.~~

24 (9) These requirements for purchasing may be waived by resolution
25 of the city or town council which declared that the purchase is clearly
26 and legitimately limited to a single source or supply within the near
27 vicinity, or the materials, supplies, equipment, or services are
28 subject to special market conditions, and recites why this situation
29 exists. Such actions are subject to RCW 39.30.020.

1 (10) This section does not apply to performance-based contracts, as
2 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
3 RCW.

4 (11) Nothing in this section shall prohibit any second or third
5 class city or any town from allowing for preferential purchase of
6 products made from recycled materials or products that may be recycled
7 or reused.

8 **Sec. 8.** RCW 36.32.240 and 1985 c 169 s 8 are each amended to read
9 as follows:

10 In any county the ~~((board of))~~ county ~~((commissioners))~~ legislative
11 authority may by resolution establish a county purchasing department
12 ~~((and thereafter such)).~~ As provided in RCW 36.32.250 and section 1 of
13 this act, a purchasing department shall contract on a competitive basis
14 for all public works. A purchasing department shall also enter into
15 leases on a competitive basis as provided in section 11 of this act,
16 and shall purchase ~~((or lease on a competitive basis))~~ all supplies,
17 materials, and equipment, on a competitive basis, for all departments
18 of the county~~((, exclusive of))~~ in accordance with sections 2 and 10 of
19 this act.

20 These requirements shall not apply to: (1) The county hospital~~((, pursuant to the provisions hereof and under such rules as the board~~
21 ~~shall by resolution adopt, except for such))~~; (2) contracts and
22 purchases ~~((as shall be))~~ made pursuant to RCW 36.77.065~~((,))~~ and
23 36.77.070 ~~((and 36.82.130, and except for such))~~; (3) contracts and
24 purchases for the printing of election ballots, voting machine labels
25 and all other election material containing the names of candidates and
26 ballot titles~~((,))~~; and (4) performance-based contracts as defined in
27 RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW~~((, PROVIDED, That in all class AA or class A counties or in any county of~~

1 ~~the first class it shall be mandatory that a purchasing department be~~
2 ~~established)).~~

3 **Sec. 9.** RCW 36.32.250 and 1989 c 431 s 57 and 1989 c 244 s 6 are
4 each reenacted and amended to read as follows:

5 No contract(~~(, lease, or purchase)~~) for public works may be entered
6 into by the county legislative authority or by any elected or appointed
7 officer of (~~(such)~~) the county until after bids have been submitted to
8 the county upon specifications therefor. Such specifications shall be
9 in writing and shall be filed with the clerk of the county legislative
10 authority for public inspection(~~(, and)~~). An advertisement ((thereof))
11 shall be published in the county official newspaper stating the time
12 and place where bids will be opened, the time after which bids will not
13 be received, the character of the work to be done, (~~(or)~~) the
14 materials(~~(,)~~) and equipment(~~(, or service)~~) to be (~~(purchased)~~)
15 furnished, and that specifications therefor may be seen at the office
16 of the clerk of the county legislative authority(~~(, shall be published~~
17 ~~in the county official newspaper:~~ PROVIDED, That advertisements for
18 ~~public works contracts for construction, alteration, repair, or~~
19 ~~improvement of public facilities)~~). An advertisement shall also be
20 ~~((additionally))~~ published in a legal newspaper of general circulation
21 in or as near as possible to that part of the county in which such work
22 is to be done(~~(: AND PROVIDED FURTHER, That)~~). If the county official
23 newspaper is a newspaper of general circulation covering at least forty
24 percent of the residences in that part of the county in which such
25 public works are to be done, then the publication of an advertisement
26 of the applicable specifications in the county official newspaper
27 ~~((only))~~ shall be sufficient. Such advertisements shall be published
28 at least once in each week for two consecutive weeks prior to the last
29 date upon which bids will be received (~~(and as many additional~~

1 ~~publications as shall be determined by the county legislative~~
2 ~~authority)).~~ The bids shall be in writing, shall be filed with the
3 clerk, shall be opened and read in public at the time and place named
4 therefor in ~~((said))~~ the advertisements, and after being opened, shall
5 be filed for public inspection. No bid may be considered for public
6 work unless it is accompanied by a bid deposit in the form of a surety
7 bond, postal money order, cash, cashier's check, or certified check in
8 an amount equal to five percent of the amount of the bid proposed. The
9 contract for the public work(~~(, lease, or purchase)~~) shall be awarded
10 to the lowest responsible bidder(~~(, taking into consideration the~~
11 ~~quality of the articles or equipment to be purchased or leased)~~). Any
12 or all bids may be rejected for good cause. The county legislative
13 authority shall require from the successful bidder for such public work
14 a contractor's bond in the amount and with the conditions imposed by
15 law. If the bidder to whom the contract is awarded fails to enter into
16 the contract and furnish the contractor's bond as required within ten
17 days after notice of the award, exclusive of the day of notice, the
18 amount of the bid deposit shall be forfeited to the county and the
19 contract awarded to the next lowest and best bidder. The bid deposit
20 of all unsuccessful bidders shall be returned after the contract is
21 awarded and the required contractor's bond given by the successful
22 bidder is accepted by the county legislative authority. In the letting
23 of any contract(~~(, lease, or purchase)~~) involving less than ten
24 thousand dollars, advertisement and competitive bidding may be
25 dispensed with on order of the county legislative authority. (~~Notice~~
26 ~~of intention to let contracts or to enter into lease agreements~~
27 ~~involving amounts exceeding one thousand dollars but less than ten~~
28 ~~thousand dollars, shall be posted by the county legislative authority~~
29 ~~on a bulletin board in its office not less than three days prior to~~
30 ~~making such lease or contract. For advertisement and competitive~~

1 ~~bidding to be dispensed with as to purchases between one thousand and~~
2 ~~ten thousand dollars, the county legislative authority must authorize~~
3 ~~by resolution a county procedure for securing telephone or written~~
4 ~~quotations, or both, from enough vendors to assure establishment of a~~
5 ~~competitive price and for awarding such contracts for purchase of~~
6 ~~materials, equipment, or services to the lowest responsible bidder.~~
7 ~~The procedure shall include the annual establishment of an array of~~
8 ~~general categories in which such contracts, leases, or purchases are~~
9 ~~anticipated. A roster shall be developed for each category, consisting~~
10 ~~of all potential bidders who have requested to be included on the~~
11 ~~roster. The county shall invite proposals from all vendors listed on~~
12 ~~the appropriate roster for each purchase between one thousand and ten~~
13 ~~thousand dollars.)) Immediately after the award is made, the bid~~
14 ~~quotations obtained shall be recorded and open to public inspection and~~
15 ~~shall be available by telephone inquiry. ((Wherever possible, supplies~~
16 ~~shall be purchased in quantities for a period of at least three months,~~
17 ~~and not to exceed one year. Supplies generally used throughout the~~
18 ~~various departments shall be standardized insofar as possible, and may~~
19 ~~be purchased and stored for general use by all of the various~~
20 ~~departments which shall be charged for the supplies when withdrawn from~~
21 ~~the purchasing department.))~~

22 For advertisement and competitive bidding to be dispensed with as
23 to public works projects with an estimated value of one hundred
24 thousand dollars or less, a county must use a small works roster
25 process as provided in section 1 of this act.

26 This section does not apply to performance-based contracts, as
27 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
28 RCW.

1 (~~Nothing in this section shall prohibit the legislative authority~~
2 ~~of any county from allowing for preferential purchase of products made~~
3 ~~from recycled materials or products that may be recycled or reused.~~)

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.32 RCW
5 to read as follows:

6 (1) No contract for the purchase of materials, equipment, supplies,
7 or services may be entered into by the county legislative authority or
8 by any elected or appointed officer of the county until after bids have
9 been submitted to the county. Bid specifications shall be in writing
10 and shall be filed with the clerk of the county legislative authority
11 for public inspection. An advertisement shall be published in the
12 official newspaper of the county stating the time and place where bids
13 will be opened, the time after which bids will not be received, the
14 materials, equipment, supplies, or services to be purchased, and that
15 the specifications may be seen at the office of the clerk of the county
16 legislative authority. The advertisement shall be published at least
17 once a week for two consecutive weeks prior to the last date upon which
18 bids will be received.

19 (2) The bids shall be in writing and filed with the clerk. The
20 bids shall be opened and read in public at the time and place named in
21 the advertisement. Immediately after the award is made, the bid
22 quotations shall be recorded and open to public inspection and shall be
23 available by telephone inquiry. Any or all bids may be rejected for
24 good cause.

25 (3) For advertisement and formal sealed bidding to be dispensed
26 with as to purchases between one thousand and ten thousand dollars, the
27 county legislative authority must use the uniform process to award
28 contracts as provided in section 2 of this act.

1 (4) This section does not apply to performance-based contracts, as
2 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
3 RCW.

4 (5) Nothing in this section shall prohibit the legislative
5 authority of any county from allowing for preferential purchase of
6 products made from recycled materials or products that may be recycled
7 or reused.

8 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.32 RCW
9 to read as follows:

10 No lease may be entered into by the county legislative authority or
11 by any elected or appointed officer of the county until after bids have
12 been submitted to the county. The county shall use the same procedures
13 specified in sections 2 and 10 of this act for awarding contracts for
14 purchases when it leases property from the lowest responsible bidder.

15 **Sec. 12.** RCW 36.34.020 and 1985 c 469 s 45 are each amended to
16 read as follows:

17 Whenever the county legislative authority desires to dispose of any
18 county property except:

19 (1) When selling to a governmental agency;

20 (2) When personal property to be disposed of is to be traded in
21 upon the purchase of a like article;

22 (3) When the value of the property to be sold is less than two
23 thousand five hundred dollars;

24 (4) When the county legislative authority by a resolution setting
25 forth the facts has declared an emergency to exist; it shall publish
26 notice of its intention so to do once each week during two successive
27 weeks in a legal newspaper of general circulation in the county.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.77 RCW
2 to read as follows:

3 In lieu of the procedure for awarding contracts that is provided in
4 RCW 36.77.020 through 36.77.040, a county may award contracts for
5 public works projects on county roads with an estimated value of one
6 hundred thousand dollars or less using a small works roster process as
7 provided in section 1 of this act.

8 **Sec. 14.** RCW 39.08.030 and 1989 c 58 s 1 are each amended to read
9 as follows:

10 The bond mentioned in RCW 39.08.010 shall be in an amount equal to
11 the full contract price agreed to be paid for such work or improvement,
12 and shall be to the state of Washington, except as otherwise provided
13 in RCW 39.08.100, and except in cases of cities and towns, port
14 districts, public utility districts, and hospital districts, in which
15 cases such municipalities may by general ordinance fix and determine
16 the amount of such bond and to whom such bond shall run: PROVIDED, The
17 same shall not be for a less amount than twenty-five percent of the
18 contract price of any such improvement, and may designate that the same
19 shall be payable to such ((city)) municipality, and not to the state of
20 Washington, and all such persons mentioned in RCW 39.08.010 shall have
21 a right of action in his, her, or their own name or names on such bond
22 for work done by such laborers or mechanics, and for materials
23 furnished or provisions and goods supplied and furnished in the
24 prosecution of such work, or the making of such improvements:
25 PROVIDED, That such persons shall not have any right of action on such
26 bond for any sum whatever, unless within thirty days from and after the
27 completion of the contract with an acceptance of the work by the
28 affirmative action of the board, council, commission, trustees,
29 officer, or body acting for the state, county or municipality, or other

1 public body, city, town or district, the laborer, mechanic or
2 subcontractor, or materialman, or person claiming to have supplied
3 materials, provisions or goods for the prosecution of such work, or the
4 making of such improvement, shall present to and file with such board,
5 council, commission, trustees or body acting for the state, county or
6 municipality, or other public body, city, town or district, a notice in
7 writing in substance as follows:

8 To (here insert the name of the state, county or municipality or
9 other public body, city, town or district):

10 Notice is hereby given that the undersigned (here insert the name
11 of the laborer, mechanic or subcontractor, or materialman, or person
12 claiming to have furnished labor, materials or provisions for or upon
13 such contract or work) has a claim in the sum of dollars
14 (here insert the amount) against the bond taken from (here
15 insert the name of the principal and surety or sureties upon such bond)
16 for the work of (here insert a brief mention or description
17 of the work concerning which said bond was taken).

18 (here to be signed)

19 Such notice shall be signed by the person or corporation making the
20 claim or giving the notice, and said notice, after being presented and
21 filed, shall be a public record open to inspection by any person, and
22 in any suit or action brought against such surety or sureties by any
23 such person or corporation to recover for any of the items hereinbefore
24 specified, the claimant shall be entitled to recover in addition to all
25 other costs, attorney's fees in such sum as the court shall adjudge
26 reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be
27 allowed in any suit or action brought or instituted before the
28 expiration of thirty days following the date of filing of the notice
29 hereinbefore mentioned: PROVIDED FURTHER, That any city may avail
30 itself of the provisions of RCW 39.08.010 through 39.08.030,

1 notwithstanding any charter provisions in conflict herewith: AND
2 PROVIDED FURTHER, That any city or town may impose any other or further
3 conditions and obligations in such bond as may be deemed necessary for
4 its proper protection in the fulfillment of the terms of the contract
5 secured thereby, and not in conflict herewith.

6 **Sec. 15.** RCW 52.14.110 and 1984 c 238 s 3 are each amended to read
7 as follows:

8 Insofar as practicable, purchases and any public works by the
9 district shall be based on competitive bids. A formal sealed bid
10 procedure shall be used as standard procedure for purchases and
11 contracts for purchases executed by the board of commissioners. Formal
12 sealed bidding shall not be required for:

13 (1) Emergency purchases if the sealed bidding procedure would
14 prevent or hinder the emergency from being addressed appropriately.
15 The term emergency means an occurrence that creates an immediate threat
16 to life or property;

17 (2) The purchase of any materials, supplies, or equipment if the
18 cost will not exceed the sum of ~~((ten))~~ fifteen thousand dollars:
19 PROVIDED, That whenever the estimated cost is from ~~((forty-five~~
20 ~~hundred))~~ five thousand dollars up to ~~((ten))~~ fifteen thousand dollars,
21 the commissioners ~~((shall require quotations from at least three~~
22 ~~different sources to be obtained in writing or by telephone, and~~
23 ~~recorded for public perusal to assure establishment of a competitive~~
24 ~~price for such purchase))~~ may by resolution use the process provided in
25 section 2 of this act to award contracts;

26 (3) Contracting for work to be done involving the construction or
27 improvement of a fire station or other buildings when using the small
28 works roster process provided in section 1 of this act, where the
29 estimated cost will not exceed the sum of ~~((two thousand five hundred))~~

1 fifteen thousand dollars, which includes the costs of labor, material,
2 and equipment;

3 (4) Purchases which are clearly and legitimately limited to a
4 single source of supply, or services, in which instances the purchase
5 price may be best established by direct negotiation: PROVIDED, That
6 this subsection shall not apply to purchases or contracts relating to
7 public works as defined in chapter 39.04 RCW; and

8 (5) Purchases of insurance and bonds.

9 **Sec. 16.** RCW 53.08.120 and 1988 c 235 s 1 are each amended to read
10 as follows:

11 All material required by a port district may be procured in the
12 open market or by contract and all work ordered may be done by contract
13 or day labor. All such contracts for work, the estimated cost of which
14 exceeds one hundred thousand dollars, shall be let at public bidding
15 upon notice published in a newspaper of general circulation in the
16 district at least ~~((ten days))~~ once a week for two consecutive weeks
17 before the letting, calling for sealed bids upon the work, plans and
18 specifications for which shall then be on file in the office of the
19 commission for public inspection. The same notice may call for bids on
20 such work or material based upon plans and specifications submitted by
21 the bidder.

22 Each port district shall maintain a small works roster ~~((which
23 shall be comprised of all contractors who have requested to be on the
24 roster and are, where required by law, properly licensed or registered
25 to perform such work in the state of Washington.))~~, as provided in
26 section 1 of this act, and use the small works roster process to award
27 contracts whenever work is done by contract, the estimated cost of
28 which is one hundred thousand dollars or less ~~((, the managing official
29 of the port district may invite proposals from all appropriate~~

1 ~~contractors on the small works roster: PROVIDED, That not less than~~
2 ~~five separate appropriate contractors shall be invited to submit~~
3 ~~proposals on any individual contract: PROVIDED FURTHER, That)).~~
4 ~~Whenever possible, the managing official shall invite at least one~~
5 ~~proposal from a minority contractor who shall otherwise qualify under~~
6 ~~this section. ((Such invitation shall include an estimate of the scope~~
7 ~~and nature of the work to be performed, and materials and equipment to~~
8 ~~be furnished.))~~

9 When awarding such a contract for work, when utilizing proposals
10 from the small works roster, the managing official shall give weight to
11 the contractor submitting the lowest and best proposal, and whenever it
12 would not violate the public interest, such contracts shall be
13 distributed equally among contractors, including minority contractors,
14 on the small works roster.

15 **Sec. 17.** RCW 54.04.082 and 1977 ex.s. c 116 s 1 are each amended
16 to read as follows:

17 For the awarding of a contract to purchase any item, or items of
18 the same kind of materials, equipment, or supplies in an amount
19 exceeding five thousand dollars, but less than fifteen thousand
20 dollars, exclusive of sales tax, the commission may, in lieu of the
21 procedure described in RCW 54.04.070 and 54.04.080 requiring public
22 notice to invite sealed proposals for such materials, equipment, or
23 supplies, ~~((authorize by))~~ pursuant to commission resolution ~~((a staff~~
24 ~~procedure for securing telephone and/or written quotations from enough~~
25 ~~vendors to assure establishment of a competitive price and for awarding~~
26 ~~such contracts for purchase of materials, equipment, or supplies to the~~
27 ~~lowest responsible bidder. Immediately after the award is made, the bid~~
28 ~~quotations obtained shall be recorded and shall be posted or otherwise~~
29 ~~made available at the office of the commission or any other officially~~

1 designated location)) use the process provided in section 2 of this
2 act. Waiver of the deposit or bid bond required under RCW 54.04.080
3 may be authorized by the commission in securing such bid quotations.

4 **Sec. 18.** RCW 56.08.070 and 1989 c 105 s 1 are each amended to read
5 as follows:

6 (1) All materials purchased and work ordered, the estimated cost of
7 which is in excess of five thousand dollars shall be let by contract.
8 All contract projects, the estimated cost of which is less than fifty
9 thousand dollars, may be awarded to a contractor ((~~on~~)) using the small
10 works roster(~~(. The small works roster shall be comprised of all~~
11 ~~responsible contractors who have requested to be on the list))~~ process
12 provided in section 1 of this act or the process provided in section 2
13 of this act for purchases. The board of sewer commissioners may set up
14 uniform procedures to prequalify contractors for inclusion on the small
15 works roster. (~~The board of sewer commissioners shall authorize by~~
16 ~~resolution a procedure for securing telephone and/or written quotations~~
17 ~~from the contractors on the small works roster to assure establishment~~
18 ~~of a competitive price and for awarding contracts to the lowest~~
19 ~~responsible bidder. Such procedure shall require that a good faith~~
20 ~~effort be made to request quotations from all contractors on the small~~
21 ~~works roster. Immediately after an award is made, the bid quotations~~
22 ~~obtained shall be recorded, open to public inspection, and available by~~
23 ~~telephone inquiry. The small works roster shall be revised once a~~
24 ~~year.)) All contract projects equal to or in excess of fifty thousand
25 dollars shall be let by competitive bidding. Before awarding any
26 competitive contract the board of sewer commissioners shall ((~~cause~~))
27 publish a notice ((~~to be published~~)) in a newspaper ((~~in~~)) of general
28 circulation where the district is located at least once(~~(, ten days))~~)
29 a week for two consecutive weeks before the letting of such contract,~~

1 inviting sealed proposals for such work, plans and specifications which
2 must at the time of publication of such notice be on file in the office
3 of the board of sewer commissioners subject to public inspection. Such
4 notice shall state generally the work to be done and shall call for
5 proposals for doing the same to be sealed and filed with the board of
6 sewer commissioners on or before the day and hour named therein.

7 (2) Each bid shall be accompanied by a bid proposal deposit in the
8 form of a certified check, cashier's check, postal money order, or
9 surety bond payable to the order of the county treasurer for a sum not
10 less than five percent of the amount of the bid and no bid shall be
11 considered unless accompanied by such bid proposal deposit. At the
12 time and place named such bids shall be publicly opened and read and
13 the board of sewer commissioners shall proceed to canvass the bids and
14 may let such contract to the lowest responsible bidder upon plans and
15 specifications: PROVIDED, That no contract shall be let in excess of
16 the cost of ((said)) the materials or work, or if in the opinion of the
17 board of sewer commissioners all bids are unsatisfactory they may
18 reject all of them and readvertise and in such case all checks, cash or
19 bid bonds shall be returned to the bidders. If such contract be let,
20 then all checks, cash or bid bonds shall be returned to the bidders,
21 except that of the successful bidder, which shall be retained until a
22 contract shall be entered into for the purchase of such materials or
23 doing such work, and a bond to perform such work furnished with
24 sureties satisfactory to the board of sewer commissioners in the full
25 amount of the contract price between the bidder and the commission in
26 accordance with bid. If ((said)) the bidder fails to enter into
27 ((said)) the contract in accordance with ((said)) the bid and furnish
28 such bond within ten days from the date at which ((he)) the bidder is
29 notified that he or she is the successful bidder, the ((said)) check,

1 cash, or bid bonds and the amount thereof shall be forfeited to the
2 sewer district.

3 (3) In the event of an emergency when the public interest or
4 property of the sewer district would suffer material injury or damage
5 by delay, upon resolution of the board of sewer commissioners, or
6 proclamation of an official designated by the board to act for the
7 board during such emergencies, declaring the existence of such
8 emergency and reciting the facts constituting the same, the board, or
9 the official acting for the board, may waive the requirements of this
10 chapter with reference to any purchase or contract. In addition, these
11 requirements may be waived for purchases which are clearly and
12 legitimately limited to a single source of supply and purchases
13 involving special facilities, services, or market conditions, in which
14 instances the purchase price may be best established by direct
15 negotiation.

16 **Sec. 19.** RCW 56.08.080 and 1989 c 308 s 5 are each amended to read
17 as follows:

18 The board of commissioners of a sewer district may sell, at public
19 or private sale, property belonging to the district if the board
20 determines that the property is not and will not be needed for district
21 purposes and if the board gives notice of intention to sell as in this
22 section provided: PROVIDED, That no notice of intention is required to
23 sell personal property of less than two thousand five hundred dollars
24 in value.

25 The notice of intention to sell shall be published once a week for
26 ~~((three))~~ two consecutive weeks in a newspaper of general circulation
27 in the district. ~~((The last publication shall be at least twenty days
28 but not more than thirty days before the date of sale.))~~ The notice
29 shall describe the property and state the time and place at which it

1 will be sold or offered for sale, the terms of sale, whether the
2 property is to be sold at public or private sale, and if at public sale
3 the notice shall call for bids, fix the conditions thereof and shall
4 reserve the right to reject any and all bids.

5 **Sec. 20.** RCW 56.08.090 and 1989 c 308 s 6 are each amended to read
6 as follows:

7 (1) Subject to the provisions of subsection (2) of this section, no
8 real property valued at two thousand five hundred dollars or more of
9 the district shall be sold for less than ninety percent of the value
10 thereof as established by a written appraisal made not more than six
11 months prior to the date of sale by three disinterested real estate
12 brokers licensed under the laws of the state or professionally
13 designated real estate appraisers as defined in RCW 74.46.020. The
14 appraisal shall be signed by the appraisers and filed with the
15 secretary of the board of commissioners of the district, who shall keep
16 it at the office of the district open to public inspection. Any notice
17 of intention to sell real property of the district shall recite the
18 appraised value thereof: PROVIDED, That there shall be no private sale
19 of real property where the appraised value exceeds the sum of two
20 thousand five hundred dollars.

21 (2) If no purchasers can be obtained for the property at ninety
22 percent or more of its appraised value after one hundred eighty days of
23 offering the property for sale, the board of commissioners of the sewer
24 district may adopt a resolution stating that the district has been
25 unable to sell the property at the ninety percent amount. The sewer
26 district then may sell the property at the highest price it can obtain
27 at public auction. A notice of intention to sell at public auction
28 shall be published once a week for ~~((three))~~ two consecutive weeks in
29 a newspaper of general circulation in the sewer district. ~~((The last~~

1 ~~publication shall be at least twenty days but not more than thirty days~~
2 ~~before the date of sale.))~~ The notice shall describe the property,
3 state the time and place at which it will be offered for sale and the
4 terms of sale, and shall call for bids, fix the conditions thereof, and
5 reserve the right to reject any and all bids.

6 **Sec. 21.** RCW 57.08.015 and 1989 c 308 s 7 are each amended to read
7 as follows:

8 The board of commissioners of a water district may sell, at public
9 or private sale, property belonging to the district if the board
10 determines that the property is not and will not be needed for district
11 purposes and if the board gives notice of intention to sell as in this
12 section provided: PROVIDED, That no such notice of intention shall be
13 required to sell personal property of less than two thousand five
14 hundred dollars in value.

15 The notice of intention to sell shall be published once a week for
16 ~~((three))~~ two consecutive weeks in a newspaper of general circulation
17 in the district. ~~((The last publication shall be at least twenty days~~
18 ~~but not more than thirty days before the date of sale.))~~ The notice
19 shall describe the property and state the time and place at which it
20 will be sold or offered for sale, the terms of sale, whether the
21 property is to be sold at public or private sale, and if at public sale
22 the notice shall call for bids, fix the conditions thereof and shall
23 reserve the right to reject any and all bids.

24 **Sec. 22.** RCW 57.08.016 and 1989 c 308 s 8 are each amended to read
25 as follows:

26 (1) Subject to the provisions of subsection (2) of this section, no
27 real property valued at two thousand five hundred dollars or more of
28 the district shall be sold for less than ninety percent of the value

1 thereof as established by a written appraisal made not more than six
2 months prior to the date of sale by three disinterested real estate
3 brokers licensed under the laws of the state or professionally
4 designated real estate appraisers as defined in RCW 74.46.020. The
5 appraisal shall be signed by the appraisers and filed with the
6 secretary of the board of commissioners of the district, who shall keep
7 it at the office of the district open to public inspection. Any notice
8 of intention to sell real property of the district shall recite the
9 appraised value thereof: PROVIDED, That there shall be no private sale
10 of real property where the appraised value exceeds the sum of two
11 thousand five hundred dollars.

12 (2) If no purchasers can be obtained for the property at ninety
13 percent or more of its appraised value after one hundred eighty days of
14 offering the property for sale, the board of commissioners of the water
15 district may adopt a resolution stating that the district has been
16 unable to sell the property at the ninety percent amount. The water
17 district then may sell the property at the highest price it can obtain
18 at public auction. A notice of intention to sell at public auction
19 shall be published once a week for ~~((three))~~ two consecutive weeks in
20 a newspaper of general circulation in the water district. ~~((The last
21 publication shall be at least twenty days but not more than thirty days
22 before the date of sale.))~~ The notice shall describe the property,
23 state the time and place at which it will be offered for sale and the
24 terms of sale, and shall call for bids, fix the conditions thereof, and
25 reserve the right to reject any and all bids.

26 **Sec. 23.** RCW 57.08.050 and 1989 c 105 s 2 are each amended to read
27 as follows:

1 (1) The board of water commissioners shall have authority to create
2 and fill such positions and fix salaries and bonds thereof as it may by
3 resolution provide.

4 (2) All materials purchased and work ordered, the estimated cost of
5 which is in excess of five thousand dollars shall be let by contract.
6 All contract projects, the estimated cost of which is less than fifty
7 thousand dollars, may be awarded to a contractor ~~((on the))~~ using a
8 small works roster~~((. The small works roster shall be comprised of all~~
9 ~~responsible contractors who have requested to be on the list))~~ process
10 provided in section 1 of this act or the process provided in section 2
11 of this act for purchases. The board of water commissioners may set up
12 uniform procedures to prequalify contractors for inclusion on the small
13 works roster. ~~((The board of water commissioners shall authorize by~~
14 ~~resolution a procedure for securing telephone and/or written quotations~~
15 ~~from the contractors on the small works roster to assure establishment~~
16 ~~of a competitive price and for awarding contracts to the lowest~~
17 ~~responsible bidder. Such procedure shall require that a good faith~~
18 ~~effort be made to request quotations from all contractors on the small~~
19 ~~works roster. Immediately after an award is made, the bid quotations~~
20 ~~obtained shall be recorded, open to public inspection, and available by~~
21 ~~telephone inquiry. The small works roster shall be revised once a~~
22 ~~year.))~~ All contract projects equal to or in excess of fifty thousand
23 dollars shall be let by competitive bidding. Before awarding any such
24 contract the board of water commissioners shall ~~((cause))~~ publish a
25 notice ~~((to be published))~~ in a newspaper ~~((in))~~ of general circulation
26 where the district is located at least once ~~((ten days))~~ a week for two
27 consecutive weeks before the letting of such contract, inviting sealed
28 proposals for such work, plans and specifications which must at the
29 time of publication of such notice be on file in the office of the
30 board of water commissioners subject to public inspection. Such notice

1 shall state generally the work to be done and shall call for proposals
2 for doing the same to be sealed and filed with the board of water
3 commissioners on or before the day and hour named therein.

4 (3) Each bid shall be accompanied by a certified or cashier's check
5 or postal money order payable to the order of the county treasurer for
6 a sum not less than five percent of the amount of the bid, or
7 accompanied by a bid bond in an amount not less than five percent of
8 the bid with a corporate surety licensed to do business in the state,
9 conditioned that the bidder will pay the district as liquidated damages
10 the amount specified in the bond, unless ((he)) the bidder enters into
11 a contract in accordance with his or her bid, and no bid shall be
12 considered unless accompanied by such check, cash or bid bond. At the
13 time and place named such bids shall be publicly opened and read and
14 the board of water commissioners shall proceed to canvass the bids and
15 may let such contract to the lowest responsible bidder upon plans and
16 specifications on file or to the best bidder submitting his or her own
17 plans and specifications: PROVIDED, That no contract shall be let in
18 excess of the cost of ((said)) the materials or work, or if in the
19 opinion of the board of water commissioners all bids are unsatisfactory
20 they may reject all of them and readvertise and in such case all
21 checks, cash or bid bonds shall be returned to the bidders. If such
22 contract be let, then all checks, cash or bid bonds shall be returned
23 to the bidders, except that of the successful bidder, which shall be
24 retained until a contract shall be entered into for the purchase of
25 such materials or doing such work, and a bond to perform such work
26 furnished with sureties satisfactory to the board of water
27 commissioners in the full amount of the contract price between the
28 bidder and the commission in accordance with the bid. If ((said)) the
29 bidder fails to enter into ((said)) the contract in accordance with
30 ((said)) the bid and furnish such bond within ten days from the date at

1 which ((he)) the bidder is notified that he is the successful bidder,
2 the ((said)) check, cash or bid bonds and the amount thereof shall be
3 forfeited to the water district: PROVIDED, That if the bidder fails to
4 enter into a contract in accordance with his or her bid, and the board
5 of water commissioners deems it necessary to take legal action to
6 collect on any bid bond required herein, then the water district shall
7 be entitled to collect from ((said)) the bidder any legal expenses,
8 including reasonable attorneys' fees occasioned thereby.

9 (4) In the event of an emergency when the public interest or
10 property of the water district would suffer material injury or damage
11 by delay, upon resolution of the board of water commissioners, or
12 proclamation of an official designated by the board to act for the
13 board during such emergencies, declaring the existence of such
14 emergency and reciting the facts constituting the same, the board, or
15 official acting for the board, may waive the requirements of this
16 chapter with reference to any purchase or contract. In addition, these
17 requirements may be waived for purchases which are clearly and
18 legitimately limited to a single source of supply and purchases
19 involving special facilities, services, or market conditions, in which
20 instances the purchase price may be best established by direct
21 negotiation.

22 **Sec. 24.** RCW 70.44.140 and 1965 c 83 s 1 are each amended to read
23 as follows:

24 (1) All materials purchased and work ordered, the estimated cost of
25 which is in excess of five thousand dollars, shall be by contract.
26 Before awarding any such contract, the commission shall ((cause to be
27 published)) publish a notice at least ((thirty days)) once a week for
28 two consecutive weeks before the letting of ((said)) the contract,
29 inviting sealed proposals for such work((7)). The plans and

1 specifications (~~which~~) must at the time of the publication of such
2 notice be on file at the office of the public hospital district,
3 subject to public inspection: PROVIDED, HOWEVER, That the commission
4 may at the same time, and as part of the same notice, invite tenders
5 for (~~said~~) the work or materials upon plans and specifications to be
6 submitted by bidders. (~~Such~~) The notice shall state generally the
7 work to be done, and shall call for proposals for doing the same, to be
8 sealed and filed with the commission on or before the day and hour
9 named therein. Each bid shall be accompanied by bid proposal security
10 in the form of a certified check, cashier's check, postal money order,
11 or surety bond made payable to the order of the commission, for a sum
12 not less than five percent of the amount of the bid, and no bid shall
13 be considered unless accompanied by such bid proposal security. At the
14 time and place named, such bids shall be publicly opened and read, and
15 the commission shall proceed to canvass the bids, and may let such
16 contract to the lowest responsible bidder upon plans and specifications
17 on file, or to the best bidder submitting his own plans and
18 specifications: PROVIDED, HOWEVER, That no contract shall be let in
19 excess of the estimated cost of (~~said~~) the materials or work, or if,
20 in the opinion of the commission, all bids are unsatisfactory, they may
21 reject all of them and readvertise, and in such case all bid proposal
22 security shall be returned to the bidders; but if such contract be let,
23 then and in such case all bid proposal security shall be returned to
24 the bidders, except that of the successful bidder, which shall be
25 retained until a contract shall be entered into for the purchase of
26 such materials for doing such work, and a bond to perform such work
27 furnished, with sureties satisfactory to the commission, in an amount
28 to be fixed by the commission, not less than twenty-five percent of
29 contract price in any case, between the bidder and commission, in
30 accordance with the bid. If such bidder fails to enter into (~~said~~)

1 the contract in accordance with ((said)) the bid and furnish such bond
2 within ten days from the date at which ((he)) the bidder is notified
3 that he or she is the successful bidder, the ((said)) bid proposal
4 security and the amount thereof shall be forfeited to the public
5 hospital district.

6 (2) In lieu of the procedures of subsection (1) of this section, a
7 public hospital district may use a small works roster process and award
8 public works contracts for projects in excess of five thousand dollars
9 up to fifteen thousand dollars as provided in section 1 of this act.

10 (3) For advertisement and formal sealed bidding to be dispensed
11 with as to purchases between five thousand and fifteen thousand
12 dollars, the commission must authorize by resolution a procedure as
13 provided in section 2 of this act.

14 NEW SECTION. Sec. 25. The following acts or parts of acts are
15 each repealed:

16 (1) RCW 36.32.271 and 1989 c 244 s 1;

17 (2) RCW 36.32.273 and 1989 c 244 s 2;

18 (3) RCW 36.32.275 and 1989 c 244 s 3;

19 (4) RCW 36.32.277 and 1989 c 244 s 4; and

20 (5) RCW 36.82.130 and 1982 c 145 s 1, 1969 ex.s. c 182 s 13, & 1963
21 c 4 s 36.82.130.