
SENATE BILL 5398

State of Washington

61st Legislature

2009 Regular Session

By Senators Rockefeller and Kline; by request of Capital Projects
Advisory Review Board

Read first time 01/21/09. Referred to Committee on Government
Operations & Elections.

1 AN ACT Relating to expanding the ability to negotiate an adjustment
2 to a bid price on public works to municipalities; and amending RCW
3 39.04.015.

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

5 **Sec. 1.** RCW 39.04.015 and 1989 c 59 s 1 are each amended to read
6 as follows:

7 Notwithstanding the provisions of RCW 39.04.010, a ((state))
8 contracting authority representing the state or municipality is
9 authorized to negotiate an adjustment to a bid price, based upon agreed
10 changes to the contract plans and specifications, with a low responsive
11 bidder under the following conditions:

12 (1) All bids for a state or municipal public works project
13 involving buildings and any associated building utilities and
14 appendants exceed the available funds, as certified by the appropriate
15 fiscal officer;

16 (2) The apparent low responsive bid does not exceed the available
17 funds by: (a) Five percent on projects valued under one million
18 dollars; (b) the greater of fifty thousand dollars or two and one-half
19 percent for projects valued between one million dollars and five

1 million dollars; or (c) the greater of one hundred twenty-five thousand
2 dollars or one percent for projects valued over five million dollars;
3 and

4 (3) The negotiated adjustment will bring the bid price within the
5 amount of available funds.

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