

FINAL BILL REPORT

SHB 2077

C 278 L 98

Synopsis as Enacted

Brief Description: Providing uniform exemptions to competitive bidding procedures utilized by municipalities when awarding contracts for public works and contracts for purchases.

Sponsors: By House Committee on Government Administration (originally sponsored by Representatives D. Schmidt, Scott and D. Sommers).

House Committee on Government Administration
Senate Committee on Government Operations

Background: The statutory exemptions from competitive bidding requirements differ between various units of local governments for both public works and purchases. Public hospital districts, for example, have no exemptions from competitive bidding. There is no uniform definition of what constitutes an "emergency" for those units of local government whose governing statutes provide an exemption from competitive bidding for emergencies.

Summary: Uniform exemptions from competitive bidding requirements are established for cities and towns, counties, fire districts, port districts, public utility districts, water-sewer districts, and public hospital districts.

Competitive bidding requirements may be waived by such a municipality's governing body for purchases from sole source suppliers, purchases involving special facilities or market conditions, purchases in the event of an emergency, purchases of insurance or bonds, or public works in the event of an emergency.

The governing body of such a municipality may waive competitive bidding procedures by adopting a resolution or written policies. A resolution must state the factual basis for the exception. If written policies are used to waive competitive bidding requirements, the contract and the factual basis for the exception must be recorded and open to public inspection immediately after the contract is awarded.

If an emergency exists, the person or persons designated by the governing body to act in an emergency may declare that the emergency exists, waive the competitive bidding requirements, and award all necessary contracts to address the emergency. The governing body must make a written finding of the existence of the emergency and enter it into the record no later than two weeks after the award of the contract.

An emergency is defined as unforeseen circumstances beyond the control of the municipality that either: (1) present a real, immediate threat to the proper performance of essential functions; or (2) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

A county with a population of one million or more may lease space with an option to purchase in the same manner that cities may lease space with an option to purchase.

Votes on Final Passage:

House 94 0
Senate 44 0 (Senate amended)
House (House refused to concur)

Conference Committee

Senate 45 1
House 98 0

Effective: June 11, 1998