

SENATE BILL REPORT

SB 5524

As Reported By Senate Committee On:
Government Operations, March 4, 1997

Title: An act relating to competitive bidding procedures for emergency public works.

Brief Description: Setting out bid requirements for emergency public works projects.

Sponsors: Senators Haugen, Horn, Jacobsen, Hale and Winsley.

Brief History:

Committee Activity: Government Operations: 2/21/97, 3/4/97 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5524 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn and Patterson.

Staff: Diane Smith (786-7410)

Background: Municipalities, from time to time, are called upon to respond to emergency situations. This response sometimes requires contracting for public works. The usual formal sealed bidding procedure for the award of public works contracts is a costly and time consuming process, designed to prevent the occurrence of improprieties. In emergency situations, the time and cost may not be justified.

The various municipalities have differing emergency public works contracting processes. This multiplicity of processes requires a contractor to be conversant with all of them in order to compete for work on a multijurisdictional basis.

Summary of Substitute Bill: A uniform, optional, supplementary procedure is available to municipalities for emergency public works contracts. This procedure allows for the waiver of competitive bidding requirements by the governing body of the municipality or its designee for that purpose. A written finding that an emergency situation exists must be made within two weeks following the award of the contract.

Substitute Bill Compared to Original Bill: The definition of municipality in the substitute bill is broadened to include every city, county, town, district or other public agency thereof, excluding diking and drainage districts. The definition of emergency— is changed. The emergency must be declared within two weeks of the award of the contract. The distinction between contracts above and below \$50,000 is removed. The specific processes required to administer the award of emergency contracts are deleted. References are removed to the specific statutes governing first and second class cities, counties, fire protection districts, PUDs, hospital districts and water-sewer districts.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Adequate public notice and process secures that the public is protected.

Testimony Against: This makes it harder for the contractor to decide what the law is because it is an additional process.

Testified: Dick Ducharme, Utility Contractors Association of Washington; Joe Daniels, Washington Association of Sewer and Water Districts (pro); Larry Stevens, United Subcontractors Association; Rick Slunaker, AGC of Washington; Jim Justin, AWC (pro).