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**SUBSTITUTE HOUSE BILL 2399**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Government Administration (originally sponsored by Representatives Romero, D. Schmidt and Thompson)

Read first time 01/27/98. Referred to Committee on .

1 AN ACT Relating to small public works rosters; amending RCW  
2 39.04.155; and reenacting and amending RCW 39.04.150.

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

4 **Sec. 1.** RCW 39.04.150 and 1994 c 264 s 12 and 1994 c 243 s 2 are  
5 each reenacted and amended to read as follows:

6 (1) As used in this section, "agency" means the department of  
7 general administration, the department of fish and wildlife, the  
8 department of natural resources, the department of transportation, and  
9 the state parks and recreation commission.

10 (2) In addition to any other power or authority that an agency may  
11 have, each agency, alone or in concert, may establish a small works  
12 roster consisting of all qualified contractors who have requested to be  
13 included on the roster.

14 (3) The small works roster may make distinctions between  
15 contractors based on the geographic areas served and the nature of the  
16 work the contractor is qualified to perform. At least once every year,  
17 the agency shall advertise in a newspaper of general circulation the  
18 existence of the small works roster and shall add to the roster those  
19 contractors who request to be included on the roster.

1 (4) Construction, repair, or alteration projects estimated to cost  
2 less than one hundred thousand dollars are exempt from the requirement  
3 that the contracts be awarded after advertisement and competitive bid  
4 as defined by RCW 39.04.010. In lieu of advertisement and competitive  
5 bid, (~~the agency shall solicit at least five quotations, confirmed in~~  
6 ~~writing, from contractors chosen from the small works roster for the~~  
7 ~~category of job type involved and shall award the work to the party~~  
8 ~~with the lowest quotation or reject all quotations. If the agency does~~  
9 ~~not receive at least two responsive quotations for a particular~~  
10 ~~project, then the project shall be advertised and competitively bid.~~  
11 ~~The agency shall solicit quotations from contractors selected randomly~~  
12 ~~from the small works roster in a manner which will equitably distribute~~  
13 ~~the opportunity for these contracts among contractors on the roster.~~  
14 ~~The agency shall invite at least one proposal each from a certified~~  
15 ~~minority and a certified women owned contractor who shall otherwise~~  
16 ~~qualify to perform such work. Immediately after an award is made, the~~  
17 ~~bid quotations obtained shall be recorded, open to public inspection,~~  
18 ~~and available by telephone request. If the work is executed by~~  
19 ~~competitive bid, the agency shall invite at least one proposal each~~  
20 ~~from a certified minority and a certified women owned contractor who~~  
21 ~~shall otherwise qualify to perform such work)) each agency alone or in  
22 concert shall establish a procedure for securing telephone, electronic,  
23 or written quotations from the contractors on the small works roster to  
24 assure establishment of a competitive price and for awarding contracts  
25 to the lowest responsive and responsible bidder. This procedure shall  
26 require either that the agency make a good faith effort to request  
27 quotations from all contractors on the small works roster who have  
28 indicated the capability of performing the kind of public works being  
29 contracted or that the agency solicit quotations from at least five  
30 contractors in a manner that will equitably distribute the opportunity  
31 among contractors willing to perform in the geographic area of the  
32 work. The agency shall invite at least one proposal from a certified  
33 minority or women-owned contractor, if available, who is otherwise  
34 qualified to perform such work. Immediately after an award is made,  
35 the bid quotations obtained shall be recorded, open to public  
36 inspection, and available by telephone inquiry.~~

37 (5) The breaking down of any public work or improvement into units  
38 or accomplishing any public work or improvement by phases for the

1 purpose of avoiding the minimum dollar amount for bidding is contrary  
2 to public policy and is prohibited.

3 (6) The director of general administration shall adopt by rule a  
4 procedure to (~~prequalify~~) qualify contractors for inclusion on the  
5 small works roster. Each agency shall follow the procedure adopted by  
6 the director of general administration. No agency shall be required to  
7 make available for public inspection or copying under chapter 42.17 RCW  
8 financial information required to be provided by the  
9 (~~prequalification~~) qualification procedure.

10 (7) An agency may adopt by rule procedures to implement this  
11 section which shall not be inconsistent with the procedures adopted by  
12 the director of the department of general administration pursuant to  
13 subsection (6) of this section.

14 **Sec. 2.** RCW 39.04.155 and 1993 c 198 s 1 are each amended to read  
15 as follows:

16 (1) This section provides a uniform process to award contracts for  
17 public works projects by those municipalities that are authorized to  
18 use a small works roster in lieu of the requirements for formal sealed  
19 bidding. The state statutes governing a specific type of municipality  
20 shall establish the maximum dollar thresholds of the contracts that can  
21 be awarded under this process, and may include other matters concerning  
22 the small works roster process, for the municipality.

23 (2) Such municipalities may create a single general small works  
24 roster, or may create a small works roster for different categories of  
25 anticipated work. The small works roster or rosters shall consist of  
26 all responsible contractors who have requested to be on the list, and  
27 where required by law are properly licensed or registered to perform  
28 such work in this state. At least twice a year, the municipality shall  
29 publish in a newspaper of general circulation within the jurisdiction  
30 a notice of the existence of the roster or rosters and solicit the  
31 names of contractors for such roster or rosters.

32 The governing body of the municipality shall establish a procedure  
33 for securing telephone or written quotations from the contractors on  
34 the general small works roster, or a specific small works roster for  
35 the appropriate category of work, to assure that a competitive price is  
36 established and to award contracts to the lowest responsible bidder, as  
37 defined in RCW 43.19.1911. Such invitations for quotations shall  
38 include an estimate of the scope and nature of the work to be performed

1 as well as materials and equipment to be furnished. However, detailed  
2 plans and specifications do not need to be included in the invitation.  
3 This section does not eliminate other requirements for architectural or  
4 engineering approvals as to quality and compliance with building codes.  
5 Whenever possible at least five contractors shall be invited to submit  
6 bids. Once a contractor has been afforded an opportunity to submit a  
7 proposal, that contractor shall not be offered another opportunity  
8 until all other appropriate contractors on the small works roster have  
9 been afforded an opportunity to submit a proposal on a contract.  
10 Proposals may be invited from all appropriate contractors on the small  
11 works roster.

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

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

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