
SENATE BILL 5782

State of Washington

55th Legislature

1997 Regular Session

By Senators Swecker, Haugen, Rasmussen and Fraser

Read first time 02/12/97. Referred to Committee on Government Operations.

1 AN ACT Relating to bid requirements for water-sewer districts; and
2 reenacting and amending RCW 57.08.050.

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

4 **Sec. 1.** RCW 57.08.050 and 1996 c 230 s 311 and 1996 c 18 s 14 are
5 each reenacted and amended to read as follows:

6 (1) All work ordered, the estimated cost of which is in excess of
7 five thousand dollars, shall be let by contract. All contract
8 projects, the estimated cost of which is less than fifty thousand
9 dollars, may be awarded to a contractor using the small works roster
10 process provided in RCW 39.04.155. The board of commissioners may set
11 up uniform procedures to prequalify contractors for inclusion on the
12 small works roster. All contract projects equal to or in excess of
13 fifty thousand dollars shall be let by competitive bidding. Before
14 awarding any such contract the board of commissioners shall publish a
15 notice in a newspaper of general circulation where the district is
16 located at least once thirteen days before the last date upon which
17 bids will be received, inviting sealed proposals for such work, plans
18 and specifications which must at the time of publication of such notice
19 be on file in the office of the board of commissioners subject to the

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

5 Each bid shall be accompanied by a certified or cashier's check or
6 postal money order payable to the order of the county treasurer for a
7 sum not less than five percent of the amount of the bid, or accompanied
8 by a bid bond in an amount not less than five percent of the bid with
9 a corporate surety licensed to do business in the state, conditioned
10 that the bidder will pay the district as liquidated damages the amount
11 specified in the bond, unless the bidder enters into a contract in
12 accordance with the bidder's bid, and no bid shall be considered unless
13 accompanied by such check, cash or bid bond. At the time and place
14 named such bids shall be publicly opened and read and the board of
15 commissioners 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 the bidder's own plans and
18 specifications. However, no contract shall be let in excess of the
19 cost of the materials or work. The board of commissioners may reject
20 all bids for good cause and readvertise and in such case all checks,
21 cash or bid bonds shall be returned to the bidders. If the contract is
22 let, then all checks, cash, or bid bonds shall be returned to the
23 bidders, except that of the successful bidder, which shall be retained
24 until a contract shall be entered into for doing the work, and a bond
25 to perform such work furnished with sureties satisfactory to the board
26 of commissioners in the full amount of the contract price between the
27 bidder and the commission in accordance with the bid. If the bidder
28 fails to enter into the contract in accordance with the bid and furnish
29 the bond within ten days from the date at which the bidder is notified
30 that the bidder is the successful bidder, the check, cash, or bid bonds
31 and the amount thereof shall be forfeited to the district. If the
32 bidder fails to enter into a contract in accordance with the bidder's
33 bid, and the board of commissioners deems it necessary to take legal
34 action to collect on any bid bond required by this section, then the
35 district shall be entitled to collect from the bidder any legal
36 expenses, including reasonable attorneys' fees occasioned thereby. A
37 low bidder who claims error and fails to enter into a contract is
38 prohibited from bidding on the same project if a second or subsequent
39 call for bids is made for the project.

1 (2) Any purchase of materials, supplies, or equipment, with an
2 estimated cost in excess of ten thousand dollars, shall be by contract.
3 Any purchase of materials, supplies, or equipment, with an estimated
4 cost of from (~~five~~) ten thousand dollars to less than fifty thousand
5 dollars shall be made using the process provided in RCW 39.04.155 or by
6 competitive bidding following the procedure for letting contracts for
7 projects under subsection (1) of this section. Any purchase of
8 materials, supplies, or equipment with an estimated cost of fifty
9 thousand dollars or more shall be made by competitive bidding following
10 the procedure for letting contracts for projects under subsection (1)
11 of this section.

12 (3) Any purchase of labor with an estimated cost in excess of ten
13 thousand dollars shall be by contract. Any purchase of labor with an
14 estimated cost of from ten thousand dollars to less than fifty thousand
15 dollars shall be made using the process provided in RCW 39.04.155 or by
16 competitive bidding following the procedure for letting contracts for
17 projects under subsection (1) of this section. Any purchase of labor
18 with an estimated cost of fifty thousand dollars or more shall be made
19 by competitive bidding following the procedure for letting contracts
20 for projects under subsection (1) of this section.

21 (4) In the event of an emergency when the public interest or
22 property of the district would suffer material injury or damage by
23 delay, upon resolution of the board of commissioners, or proclamation
24 of an official designated by the board to act for the board during such
25 emergencies, declaring the existence of such emergency and reciting the
26 facts constituting the same, the board or official acting for the board
27 may waive the requirements of this chapter with reference to any
28 purchase or contract. In addition, these requirements may be waived
29 for purchases which are clearly and legitimately limited to a single
30 source of supply and purchases involving special facilities, services,
31 or market conditions, in which instances the purchase price may be best
32 established by direct negotiation.

--- END ---