
SENATE BILL 5185

State of Washington

56th Legislature

1999 Regular Session

By Senators Haugen, Benton, T. Sheldon, Finkbeiner, Goings, Gardner, Prentice, Sellar and Winsley

Read first time 01/15/1999. Referred to Committee on Transportation.

1 AN ACT Relating to highway work done by state forces; and amending
2 RCW 47.28.030.

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

4 **Sec. 1.** RCW 47.28.030 and 1984 c 194 s 1 are each amended to read
5 as follows:

6 A state highway shall be constructed, altered, repaired, or
7 improved, and improvements located on property acquired for right of
8 way purposes may be repaired or renovated pending the use of such right
9 of way for highway purposes, by contract or state forces. The work or
10 portions thereof may be done by state forces when the estimated costs
11 thereof is less than (~~thirty~~) fifty thousand dollars: PROVIDED, That
12 when delay of performance of such work would jeopardize a state highway
13 or constitute a danger to the traveling public, the work may be done by
14 state forces when the estimated cost thereof is less than (~~fifty~~)
15 eighty thousand dollars. When the department of transportation
16 determines to do the work by state forces, it shall enter a statement
17 upon its records to that effect, stating the reasons therefor. To
18 enable a larger number of small businesses, and minority, and women
19 contractors to effectively compete for highway department contracts,

1 the department may adopt rules providing for bids and award of
2 contracts for the performance of work, or furnishing equipment,
3 materials, supplies, or operating services whenever any work is to be
4 performed and the engineer's estimate indicates the cost of the work
5 would not exceed fifty thousand dollars. The rules adopted under this
6 section:

7 (1) Shall provide for competitive bids to the extent that
8 competitive sources are available except when delay of performance
9 would jeopardize life or property or inconvenience the traveling
10 public; and

11 (2) Need not require the furnishing of a bid deposit nor a
12 performance bond, but if a performance bond is not required then
13 progress payments to the contractor may be required to be made based on
14 submittal of paid invoices to substantiate proof that disbursements
15 have been made to laborers, materialmen, mechanics, and subcontractors
16 from the previous partial payment; and

17 (3) May establish prequalification standards and procedures as an
18 alternative to those set forth in RCW 47.28.070, but the
19 prequalification standards and procedures under RCW 47.28.070 shall
20 always be sufficient.

21 The department of transportation shall comply with such goals and
22 rules as may be adopted by the office of minority and women's business
23 enterprises to implement chapter 39.19 RCW with respect to contracts
24 entered into under this chapter. The department may adopt such rules
25 as may be necessary to comply with the rules adopted by the office of
26 minority and women's business enterprises under chapter 39.19 RCW.

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