
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2339.1/01

ATTY/TYPIST: KT:rmh

BRIEF DESCRIPTION:

2 **SB 5063** - H COMM AMD
3 By Committee on State Government

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 39.04.155 and 2000 c 138 s 101 are each amended to
8 read as follows:

9 (1) This section provides uniform small works roster provisions to
10 award contracts for construction, building, renovation, remodeling,
11 alteration, repair, or improvement of real property that may be used by
12 state agencies and by any local government that is expressly authorized
13 to use these provisions. These provisions may be used in lieu of other
14 procedures to award contracts for such work with an estimated cost of
15 two hundred thousand dollars or less. The small works roster process
16 includes the limited public works process authorized under subsection
17 (3) of this section and any local government authorized to award
18 contracts using the small works roster process under this section may
19 award contracts using the limited public works process under subsection
20 (3) of this section.

21 (2)(a) A state agency or authorized local government may create a
22 single general small works roster, or may create a small works roster
23 for different specialties or categories of anticipated work. Where
24 applicable, small works rosters may make distinctions between
25 contractors based upon different geographic areas served by the
26 contractor. The small works roster or rosters shall consist of all
27 responsible contractors who have requested to be on the list, and where
28 required by law are properly licensed or registered to perform such
29 work in this state. A state agency or local government establishing a
30 small works roster or rosters may require eligible contractors desiring
31 to be placed on a roster or rosters to keep current records of any
32 applicable licenses, certifications, registrations, bonding, insurance,
33 or other appropriate matters on file with the state agency or local
34 government as a condition of being placed on a roster or rosters. At
35 least once a year, the state agency or local government shall publish
36 in a newspaper of general circulation within the jurisdiction a notice

1 of the existence of the roster or rosters and solicit the names of
2 contractors for such roster or rosters. In addition, responsible
3 contractors shall be added to an appropriate roster or rosters at any
4 time they submit a written request and necessary records. Master
5 contracts may be required to be signed that become effective when a
6 specific award is made using a small works roster.

7 ~~((3))~~ (b) A state agency establishing a small works roster or
8 rosters shall adopt rules implementing this ~~((section))~~ subsection. A
9 local government establishing a small works roster or rosters shall
10 adopt an ordinance or resolution implementing this ~~((section))~~
11 subsection. Procedures included in rules adopted by the department of
12 general administration in implementing this ~~((section))~~ subsection must
13 be included in any rules providing for a small works roster or rosters
14 that is adopted by another state agency, if the authority for that
15 state agency to engage in these activities has been delegated to it by
16 the department of general administration under chapter 43.19 RCW. An
17 interlocal contract or agreement between two or more state agencies or
18 local governments establishing a small works roster or rosters to be
19 used by the parties to the agreement or contract must clearly identify
20 the lead entity that is responsible for implementing the provisions of
21 this ~~((section))~~ subsection.

22 ~~((4))~~ (c) Procedures shall be established for securing telephone,
23 written, or electronic quotations from contractors on the appropriate
24 small works roster to assure that a competitive price is established
25 and to award contracts to the lowest responsible bidder, as defined in
26 RCW 43.19.1911. Invitations for quotations shall include an estimate
27 of the scope and nature of the work to be performed as well as
28 materials and equipment to be furnished. However, detailed plans and
29 specifications need not be included in the invitation. This
30 ~~((section))~~ subsection does not eliminate other requirements for
31 architectural or engineering approvals as to quality and compliance
32 with building codes. Quotations may be invited from all appropriate
33 contractors on the appropriate small works roster. As an alternative,
34 quotations may be invited from at least five contractors on the
35 appropriate small works roster who have indicated the capability of
36 performing the kind of work being contracted, in a manner that will
37 equitably distribute the opportunity among the contractors on the
38 appropriate roster. However, if the estimated cost of the work is from
39 one hundred thousand dollars to two hundred thousand dollars, a state

1 agency or local government, other than a port district, that chooses to
2 solicit bids from less than all the appropriate contractors on the
3 appropriate small works roster must also notify the remaining
4 contractors on the appropriate small works roster that quotations on
5 the work are being sought. The government has the sole option of
6 determining whether this notice to the remaining contractors is made
7 by: ~~((a))~~ (i) Publishing notice in a legal newspaper in general
8 circulation in the area where the work is to be done; ~~((b))~~ (ii)
9 mailing a notice to these contractors; or ~~((c))~~ (iii) sending a
10 notice to these contractors by facsimile or other electronic means.
11 For purposes of this subsection (2)(c), "equitably distribute" means
12 that a state agency or local government soliciting bids may not favor
13 certain contractors on the appropriate small works roster over other
14 contractors on the appropriate small works roster who perform similar
15 services.

16 ~~((5))~~ (d) A contract awarded from a small works roster under this
17 section need not be advertised.

18 ~~((6))~~ (e) Immediately after an award is made, the bid quotations
19 obtained shall be recorded, open to public inspection, and available by
20 telephone inquiry.

21 ~~((7))~~ (3) In lieu of awarding contracts under subsection (2) of
22 this section, a state agency or authorized local government may award
23 a contract for work, construction, alteration, repair, or improvement
24 project estimated to cost less than thirty-five thousand dollars using
25 the limited public works process provided under this subsection.
26 Public works projects awarded under this subsection are exempt from the
27 other requirements of the small works roster process provided under
28 subsection (2) of this section and are exempt from the requirement that
29 contracts be awarded after advertisement as provided under RCW
30 39.04.010.

31 For limited public works projects, a state agency or authorized
32 local government shall solicit electronic or written quotations from a
33 minimum of three contractors from the appropriate small works roster,
34 when practicable, otherwise from other lists of contractors available
35 in the geographic area in which the work is to be done, in rotation,
36 and shall award the contract to the lowest responsible bidder as
37 defined under RCW 43.19.1911, even if only one quotation is received,
38 or reject all quotations. After an award is made, the quotations shall
39 be open to public inspection and available by electronic request. A

1 state agency or authorized local government shall attempt to distribute
2 opportunities for limited public works projects equitably among
3 contractors willing to perform in the geographic area of the work. A
4 state agency or authorized local government shall maintain a list of
5 the contractors contacted and the contracts awarded during the previous
6 twenty-four months under the limited public works process, including
7 the name of the contractor, the contractor's registration number, the
8 amount of the contract, a brief description of the type of work
9 performed, and the date the contract was awarded. For limited public
10 works projects, a state agency or authorized local government may waive
11 the payment and performance bond requirements of chapter 39.08 RCW and
12 the retainage requirements of chapter 60.28 RCW, thereby assuming the
13 liability for the contractor's nonpayment of laborers, mechanics,
14 subcontractors, materialmen, suppliers, and taxes imposed under Title
15 82 RCW that may be due from the contractor for the limited public works
16 project, however the state agency or authorized local government shall
17 have the right of recovery against the contractor for any payments made
18 on the contractor's behalf.

19 (4) The breaking of any project into units or accomplishing any
20 projects by phases is prohibited if it is done for the purpose of
21 avoiding the maximum dollar amount of a contract that may be let using
22 the small works roster process or limited public works process.

23 ((+8)) (5) As used in this section, "state agency" means the
24 department of general administration, the state parks and recreation
25 commission, the department of natural resources, the department of fish
26 and wildlife, the department of transportation, any institution of
27 higher education as defined under RCW 28B.10.016, and any other state
28 agency delegated authority by the department of general administration
29 to engage in construction, building, renovation, remodeling,
30 alteration, improvement, or repair activities."

31 Correct the title.

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