

SENATE BILL REPORT

SB 5063

As Passed Senate, March 13, 2001

Title: An act relating to limited public works.

Brief Description: Authorizing a limited public works process.

Sponsors: Senators Patterson and Winsley.

Brief History:

Committee Activity: State & Local Government: 2/19/01, 3/5/01 [DP].

Passed Senate: 3/13/01, 32-17.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Staff: Diane Smith (786-7410)

Background: State contracting law provides for an optional uniform small works roster process to award public works contracts that assure a competitive price is established and that the contract is awarded to the lowest responsible bidder. The small works roster may be used by government agencies and by any local government that is expressly authorized to use it. Contracts estimated to cost \$200,000 or less are eligible for the small works roster process.

Summary of Bill: State agencies and local governments authorized to use the small works roster process may award contracts using a limited public works process for construction, building renovation, remodeling, altering, repairing, or improving real property.

The limited public works process is a type of small works roster process, but only applies to contracts estimated to cost less than \$35,000. Bids must be solicited from at least three contractors, including a certified minority or certified woman-owned contractor, when practicable and to the extent permitted by Initiative Measure No. 200. The agency or local government may award the contract, even if only one quotation is received, or reject all quotations. Quotations are available for public inspection after a contract is awarded. An attempt must be made to distribute opportunities equitably among contractors willing to perform in the geographic area of the work.

Agencies and local governments must maintain a list each biennium of contracts awarded under this process, including the names of the contractors.

An agency or local government using the limited public works process may waive performance bond requirements and retainage requirements but has a right of recovery against the contractor for any payments it makes on behalf of the contractor.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: In eastern Washington, DOT often cannot find three contractors to do needed work. This is the case in many rural areas. The administrative costs for projects under \$35,000 outweighs the benefit to the state of strictly requiring the bonding and retainage. This will facilitate getting deferred maintenance taken care of.

Testimony Against: When the public owner does not have to take the lowest responsible bidder, there is no accountability at all. It is fearful to proceed down this track.

Testified: Jim King, Citizens for Parks and Recreation (pro); Jeff Thomas, CBIC (con); Ashley Probart, AWC (pro).

House Amendment(s): The House amendment has additional reporting requirements as follows: the contractors solicited to bid; the contractors' registration numbers; and reporting for the previous 24 months rather than for the previous biennium.

The House amendment also removes the requirement for state agencies and local governments to solicit bids from minority and woman-owned contractors where practicable and as allowed by I-200.