
HOUSE BILL 1912

State of Washington

57th Legislature

2001 Regular Session

By Representatives Boldt and Mielke

Read first time 02/08/2001. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to construction of common schools; amending RCW
2 39.04.010, 39.12.020, 28A.335.190, and 39.80.020; adding a new section
3 to chapter 39.12 RCW; adding a new section to chapter 82.02 RCW; and
4 adding a new section to chapter 82.12 RCW.

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

6 **Sec. 1.** RCW 39.04.010 and 2000 c 138 s 102 are each amended to
7 read as follows:

8 The term state shall include the state of Washington and all
9 departments, supervisors, commissioners and agencies thereof.

10 The term municipality shall include every city, county, town,
11 district or other public agency thereof which is authorized by law to
12 require the execution of public work, except drainage districts, diking
13 districts, diking and drainage improvement districts, drainage
14 improvement districts, diking improvement districts, consolidated
15 diking and drainage improvement districts, consolidated drainage
16 improvement districts, consolidated diking improvement districts,
17 irrigation districts or any such other districts as shall from time to
18 time be authorized by law for the reclamation or development of waste
19 or undeveloped lands.

1 The term public work shall include all work, construction,
2 alteration, repair, or improvement other than ordinary maintenance,
3 executed at the cost of the state or of any municipality, or which is
4 by law a lien or charge on any property therein. All public works,
5 including maintenance when performed by contract shall comply with the
6 provisions of ((RCW 39.12.020)) chapter 39.12 RCW. The term does not
7 include work, construction, alteration, repair, or improvement
8 performed under contracts entered into under RCW 36.102.060(4) or under
9 development agreements entered into under RCW 36.102.060(7) or leases
10 entered into under RCW 36.102.060(8).

11 The term contract shall mean a contract in writing for the
12 execution of public work for a fixed or determinable amount duly
13 awarded after advertisement and competitive bid. However, a contract
14 which is awarded from a small works roster need not be advertised.

15 **Sec. 2.** RCW 39.12.020 and 1989 c 12 s 7 are each amended to read
16 as follows:

17 The hourly wages to be paid to laborers, workers, or mechanics,
18 upon all public works and under all public building service maintenance
19 contracts of the state or any county, municipality or political
20 subdivision created by its laws, shall be not less than the prevailing
21 rate of wage for an hour's work in the same trade or occupation in the
22 locality within the state where such labor is performed. For a
23 contract in excess of ten thousand dollars, a contractor required to
24 pay the prevailing rate of wage shall post in a location readily
25 visible to workers at the job site: PROVIDED, That on road
26 construction, sewer line, pipeline, transmission line, street, or alley
27 improvement projects for which no field office is needed or
28 established, a contractor may post the prevailing rate of wage
29 statement at the contractor's local office, gravel crushing, concrete,
30 or asphalt batch plant as long as the contractor provides a copy of the
31 wage statement to any employee on request:

32 (1) A copy of a statement of intent to pay prevailing wages
33 approved by the industrial statistician of the department of labor and
34 industries under RCW 39.12.040; and

35 (2) The address and telephone number of the industrial statistician
36 of the department of labor and industries where a complaint or inquiry
37 concerning prevailing wages may be made.

1 (~~This chapter shall not apply to workers or other persons~~
2 ~~regularly employed on monthly or per diem salary by the state, or any~~
3 ~~county, municipality, or political subdivision created by its laws.~~)

4 **NEW SECTION. Sec. 3.** A new section is added to chapter 39.12 RCW
5 to read as follows:

6 This chapter does not apply to:

7 (1) Workers or other persons regularly employed on a monthly or per
8 diem salary by the state, or any county, municipality, or political
9 subdivision created by its laws; or

10 (2) Common school construction performed under Title 28A RCW.

11 **Sec. 4.** RCW 28A.335.190 and 2000 c 138 s 201 are each amended to
12 read as follows:

13 (1) When, in the opinion of the board of directors of any school
14 district, the cost of any furniture, supplies, equipment, architectural
15 and engineering services, building, improvements, or repairs, or other
16 work or purchases, except books, will equal or exceed the sum of fifty
17 thousand dollars, complete plans and specifications for such work or
18 purchases shall be prepared and notice by publication given in at least
19 one newspaper of general circulation within the district, once each
20 week for two consecutive weeks, of the intention to receive bids
21 therefor and that specifications and other information may be examined
22 at the office of the board or any other officially designated location:
23 PROVIDED, That the board without giving such notice may make
24 improvements or repairs to the property of the district through the
25 shop and repair department of such district when the total of such
26 improvements or repair does not exceed the sum of (a) fifteen thousand
27 dollars, for districts with fifteen thousand five hundred or more full-
28 time equivalent students; or (b) for districts with fewer than fifteen
29 thousand five hundred full-time equivalent students, fifteen thousand
30 dollars if more than one craft or trade is involved with the school
31 district improvement or repair, or ten thousand dollars if a single
32 craft or trade is involved with the school district improvement or
33 repair. The cost of any public work, improvement or repair for the
34 purposes of this section shall be the aggregate of all amounts to be
35 paid for labor, material, and equipment on one continuous or
36 interrelated project where work is to be performed simultaneously or in
37 close sequence. The bids shall be in writing and shall be opened and

1 read in public on the date and in the place named in the notice and
2 after being opened shall be filed for public inspection.

3 (2) Every purchase of furniture, equipment or supplies, except
4 books, the cost of which is estimated to be in excess of fifteen
5 thousand dollars, shall be on a competitive basis. The board of
6 directors shall establish a procedure for securing telephone and/or
7 written quotations for such purchases. Whenever the estimated cost is
8 from fifteen thousand dollars up to fifty thousand dollars, the
9 procedure shall require quotations from at least three different
10 sources to be obtained in writing or by telephone, and recorded for
11 public perusal. Whenever the estimated cost is in excess of fifty
12 thousand dollars, the public bidding process provided in subsection (1)
13 of this section shall be followed.

14 (3) Every architectural and engineering service, building,
15 improvement, repair or other public works project, the cost of which is
16 estimated to be in excess of (a) fifteen thousand dollars, for
17 districts with fifteen thousand five hundred or more full-time
18 equivalent students; or (b) for districts with fewer than fifteen
19 thousand five hundred full-time equivalent students, fifteen thousand
20 dollars if more than one craft or trade is involved with the school
21 district improvement or repair, or ten thousand dollars if a single
22 craft or trade is involved with the school district improvement or
23 repair, shall be on a competitive bid process. Whenever the estimated
24 cost of architectural and engineering services or a public works
25 project is fifty thousand dollars or more, the public bidding process
26 provided in subsection (1) of this section shall be followed unless the
27 contract is let using the small works roster process in RCW 39.04.155
28 or under any other procedure authorized for school districts. One or
29 more school districts may authorize an educational service district to
30 establish and operate a small works roster for the school district
31 under the provisions of RCW 39.04.155.

32 (4) The contract for the work or purchase shall be awarded to the
33 lowest responsible bidder as defined in RCW 43.19.1911 but the board
34 may by resolution reject any and all bids and make further calls for
35 bids in the same manner as the original call. On any work or purchase
36 the board shall provide bidding information to any qualified bidder or
37 the bidder's agent, requesting it in person.

38 (5) In the event of any emergency when the public interest or
39 property of the district would suffer material injury or damage by

1 delay, upon resolution of the board declaring the existence of such an
2 emergency and reciting the facts constituting the same, the board may
3 waive the requirements of this section with reference to any purchase
4 or contract: PROVIDED, That an "emergency", for the purposes of this
5 section, means a condition likely to result in immediate physical
6 injury to persons or to property of the school district in the absence
7 of prompt remedial action.

8 (6) This section does not apply to the direct purchase of school
9 buses by school districts and educational services in accordance with
10 RCW 28A.160.195.

11 **Sec. 5.** RCW 39.80.020 and 1999 c 153 s 55 are each amended to read
12 as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section shall apply throughout this chapter.

15 (1) "State agency" means any department, agency, commission,
16 bureau, office, or any other entity or authority of the state
17 government.

18 (2) "Local agency" means any city and any town, county, special
19 district, municipal corporation, agency, port district or authority, or
20 political subdivision of any type, or any other entity or authority of
21 local government in corporate form or otherwise, other than a school
22 district.

23 (3) "Special district" means a local unit of government, other than
24 a city, town, (~~(or)~~) county, or school district, authorized by law to
25 perform a single function or a limited number of functions, and
26 including but not limited to, water-sewer districts, irrigation
27 districts, fire districts, (~~(school districts,)~~) community college
28 districts, hospital districts, transportation districts, and
29 metropolitan municipal corporations organized under chapter 35.58 RCW.

30 (4) "Agency" means both state and local agencies and special
31 districts as defined in subsections (1), (2), and (3) of this section.

32 (5) "Architectural and engineering services" or "professional
33 services" means professional services rendered by any person, other
34 than as an employee of the agency, contracting to perform activities
35 within the scope of the general definition of professional practice in
36 chapters 18.08, 18.43, or 18.96 RCW.

1 (6) "Person" means any individual, organization, group,
2 association, partnership, firm, joint venture, corporation, or any
3 combination thereof.

4 (7) "Consultant" means any person providing professional services
5 who is not an employee of the agency for which the services are
6 provided.

7 (8) "Application" means a completed statement of qualifications
8 together with a request to be considered for the award of one or more
9 contracts for professional services.

10 NEW SECTION. **Sec. 6.** A new section is added to chapter 82.08 RCW
11 to read as follows:

12 The tax levied by RCW 82.08.020 does not apply to sales of items
13 that become components of a public school, as defined in RCW
14 28A.150.010.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 82.12 RCW
16 to read as follows:

17 The provisions of this chapter do not apply in respect to the use
18 of items that become components of a public school, as defined in RCW
19 28A.150.010.

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