
State Government Committee

HB 2056

Brief Description: Modifying public works bidding provisions.

Sponsors: Representatives Haigh, Armstrong and Miloscia.

Brief Summary of Bill

- Prohibits municipalities that receive written protests from public works bidders from awarding the contract to anyone other than the protesting bidder without first providing at least five days' notice of an intent to award the contract.
- Prohibits low bidders who claim error and fail to enter into a contract from bidding on the same project again if a second or subsequent call for bids is made.

Hearing Date: 3/4/03

Staff: Katie Blinn (786-7114).

Background:

Public works projects include construction, building, renovation, remodeling, alteration, repair or improvement of real property. The method by which contracts for public works projects are awarded is based on the estimated cost of the project and the size of the public entity. Very low cost projects may be completed by in-house labor or by contract without a bid process. Contracts of a small estimated cost may be awarded using a small works roster process or a limited public works process. Contracts of a medium estimated cost are awarded based on the traditional bid-build process, in which the public entity retains an architectural firm to design the facility, puts the construction phase of the project out for competitive sealed bid, and awards the contract to the lowest responsible bidder. Finally, contracts of a large dollar amount may be awarded through an alternative public works contracting procedure.

Under the traditional bid-build process, the public entity must publicize a request for bids in the official newspaper or a newspaper of general circulation at least 13 days prior to the date bids are due. The notice must state the nature of the work to be done, and the date that sealed bids must be filed with the public entity. Each bid must be accompanied by a deposit of at least 5 percent of the amount of the bid. The public entity must award the contract to

the lowest responsible bidder.

Summary of Bill:

If a municipality receives a written protest from a bidder, the municipality may not award the contract for the project to anyone other than the protesting bidder without first providing at least five days' notice of the municipality's intent to award the contract. Saturdays, Sundays, and legal holidays are not counted.

A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project again if a second or subsequent call for bids for the project is made.

Appropriation: None.

Fiscal Note: Requested on February 26, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.