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HOUSE BILL 1435

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Simpson, Schindler, Miloscia, P. Sullivan and Nixon

Read first time 01/24/2005. Referred to Committee on Local Government.

1            AN ACT Relating to allowing water-sewer districts to consider fees  
2 in selecting engineering services; reenacting and amending RCW  
3 57.08.050; and adding a new section to chapter 39.80 RCW.

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

5            **Sec. 1.** RCW 57.08.050 and 2003 c 145 s 1 and 2003 c 60 s 1 are  
6 each reenacted and amended to read as follows:

7            (1) All work ordered, the estimated cost of which is in excess of  
8 ten thousand dollars, shall be let by contract and competitive bidding.  
9 Before awarding any such contract the board of commissioners shall  
10 publish a notice in a newspaper of general circulation where the  
11 district is located at least once thirteen days before the last date  
12 upon which bids will be received, inviting sealed proposals for such  
13 work, plans and specifications which must at the time of publication of  
14 such notice be on file in the office of the board of commissioners  
15 subject to the public inspection. The notice shall state generally the  
16 work to be done and shall call for proposals for doing the same to be  
17 sealed and filed with the board of commissioners on or before the day  
18 and hour named therein.

1 Each bid shall be accompanied by a certified or cashier's check or  
2 postal money order payable to the order of the county treasurer for a  
3 sum not less than five percent of the amount of the bid, or accompanied  
4 by a bid bond in an amount not less than five percent of the bid with  
5 a corporate surety licensed to do business in the state, conditioned  
6 that the bidder will pay the district as liquidated damages the amount  
7 specified in the bond, unless the bidder enters into a contract in  
8 accordance with the bidder's bid, and no bid shall be considered unless  
9 accompanied by such check, cash or bid bond. At the time and place  
10 named such bids shall be publicly opened and read and the board of  
11 commissioners shall proceed to canvass the bids and may let such  
12 contract to the lowest responsible bidder upon plans and specifications  
13 on file or to the best bidder submitting the bidder's own plans and  
14 specifications. The board of commissioners may reject all bids for  
15 good cause and readvertise and in such case all checks, cash or bid  
16 bonds shall be returned to the bidders. If the contract is let, then  
17 all checks, cash, or bid bonds shall be returned to the bidders, except  
18 that of the successful bidder, which shall be retained until a contract  
19 shall be entered into for doing the work, and a bond to perform such  
20 work furnished with sureties satisfactory to the board of commissioners  
21 in the full amount of the contract price between the bidder and the  
22 commission in accordance with the bid. If the bidder fails to enter  
23 into the contract in accordance with the bid and furnish the bond  
24 within ten days from the date at which the bidder is notified that the  
25 bidder is the successful bidder, the check, cash, or bid bonds and the  
26 amount thereof shall be forfeited to the district. If the bidder fails  
27 to enter into a contract in accordance with the bidder's bid, and the  
28 board of commissioners deems it necessary to take legal action to  
29 collect on any bid bond required by this section, then the district  
30 shall be entitled to collect from the bidder any legal expenses,  
31 including reasonable attorneys' fees occasioned thereby. A low bidder  
32 who claims error and fails to enter into a contract is prohibited from  
33 bidding on the same project if a second or subsequent call for bids is  
34 made for the project.

35 (2) As an alternative to requirements under subsection (1) of this  
36 section, a water-sewer district may let contracts using the small works  
37 roster process under RCW 39.04.155.

1 (3) Any purchase of materials, supplies, or equipment, with an  
2 estimated cost in excess of ten thousand dollars, shall be by contract.  
3 Any purchase of materials, supplies, or equipment, with an estimated  
4 cost of less than fifty thousand dollars shall be made using the  
5 process provided in RCW 39.04.190. Any purchase of materials,  
6 supplies, or equipment with an estimated cost of fifty thousand dollars  
7 or more shall be made by competitive bidding following the procedure  
8 for letting contracts for projects under subsection (1) of this  
9 section.

10 (4) As an alternative to requirements under subsection (3) of this  
11 section, a water-sewer district may let contracts for purchase of  
12 materials, supplies, or equipment with the suppliers designated on  
13 current state agency, county, city, or town purchasing rosters for the  
14 materials, supplies, or equipment, when the roster has been established  
15 in accordance with the competitive bidding law for purchases applicable  
16 to the state agency, county, city, or town. The price and terms for  
17 purchases shall be as described on the applicable roster.

18 (5) The board may waive the competitive bidding requirements of  
19 this section pursuant to RCW 39.04.280 if an exemption contained within  
20 that section applies to the purchase or public work.

21 (6) When selecting a professional engineer or professional  
22 engineering firm to perform services on behalf of the district, the  
23 district may, in lieu of pursuing selection under chapter 39.80 RCW,  
24 elect to request that the person or firm submit with its statement of  
25 qualifications or project proposal a declaration of the professional  
26 fees and fee rates to be charged in performing the services, which may  
27 also be used in determining which proposal from a qualified person or  
28 firm is chosen.

29 NEW SECTION. Sec. 2. A new section is added to chapter 39.80 RCW  
30 to read as follows:

31 RCW 39.80.040 and 39.80.050 need not be complied with by a water-  
32 sewer district selecting a professional engineer or professional  
33 engineering firm to perform services on behalf of the district under  
34 RCW 57.08.050(6).

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