
SENATE BILL 5474

State of Washington

59th Legislature

2005 Regular Session

By Senators Kastama, Schmidt and Eide

Read first time 01/26/2005. Referred to Committee on Government Operations & Elections.

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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