

SB 5844 - S AMD 29

By Senator Fairley

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 28B.50.330 and 2007 c 495 s 2 are each amended to
4 read as follows:

5 (1) The boards of trustees of college districts are empowered in
6 accordance with the provisions of this chapter to provide for the
7 construction, reconstruction, erection, equipping, demolition, and
8 major alterations of buildings and other capital assets, and the
9 acquisition of sites, rights-of-way, easements, improvements, or
10 appurtenances for the use of the aforementioned colleges as authorized
11 by the college board in accordance with RCW 28B.50.140; to be financed
12 by bonds payable out of special funds from revenues hereafter derived
13 from income received from such facilities, gifts, bequests, or grants,
14 and such additional funds as the legislature may provide, and payable
15 out of a bond retirement fund to be established by the respective
16 district boards in accordance with rules (~~((and regulations))~~) of the
17 state board. With respect to building, improvements, or repairs, or
18 other work, where the estimated cost exceeds (~~((fifty-five))~~) ninety
19 thousand dollars, or (~~((thirty-five))~~) forty-five thousand dollars if the
20 work involves one trade or craft area, complete plans and
21 specifications for the work shall be prepared, the work shall be put
22 out for a public bid, and the contract shall be awarded to the
23 responsible bidder who submits the lowest responsive bid. Any project
24 regardless of dollar amount may be put to public bid.

25 (2) This section does not apply when a contract is awarded by the
26 small works roster procedure authorized in RCW 39.04.155.

27 (3) Where the estimated cost to any college of any building,
28 improvements, or repairs, or other work, is less than (~~((fifty-five))~~)
29 ninety thousand dollars, or (~~((thirty-five))~~) forty-five thousand dollars

1 if the work involves one trade or craft area, the publication
2 requirements of RCW 39.04.020 do not apply.

3 **Sec. 2.** RCW 28B.10.350 and 2007 c 495 s 1 are each amended to read
4 as follows:

5 (1) When the cost to The Evergreen State College or any regional or
6 state university of any building, construction, renovation, remodeling,
7 or demolition, other than maintenance or repairs, will equal or exceed
8 the sum of ((~~fifty-five~~)) ninety thousand dollars, or ((~~thirty-five~~))
9 forty-five thousand dollars if the work involves one trade or craft
10 area, complete plans and specifications for the work shall be prepared,
11 the work shall be put out for public bid, and the contract shall be
12 awarded to the responsible bidder who submits the lowest responsive
13 bid.

14 (2) Any building, construction, renovation, remodeling, or
15 demolition project that exceeds the dollar amounts in subsection (1) of
16 this section is subject to the provisions of chapter 39.12 RCW.

17 (3) The Evergreen State College or any regional or state university
18 may require a project to be put to public bid even when it is not
19 required to do so under subsection (1) of this section. Any project
20 publicly bid under this subsection is subject to the provisions of
21 chapter 39.12 RCW.

22 (4) Where the estimated cost of any building, construction,
23 renovation, remodeling, or demolition is less than ((~~fifty-five~~))
24 ninety thousand dollars or the contract is awarded by the small works
25 roster procedure authorized in RCW 39.04.155, the publication
26 requirements of RCW 39.04.020 do not apply.

27 (5) In the event of any emergency when the public interest or
28 property of The Evergreen State College or a regional or state
29 university would suffer material injury or damage by delay, the
30 president of such college or university may declare the existence of an
31 emergency and, reciting the facts constituting the same, may waive the
32 requirements of this section with reference to any contract in order to
33 correct the condition causing the emergency. For the purposes of this
34 section, "emergency" means a condition likely to result in immediate
35 physical injury to persons or to property of the college or university
36 in the absence of prompt remedial action or a condition which

1 immediately impairs the institution's ability to perform its
2 educational obligations.

3 (6) This section does not apply when a contract is awarded by the
4 small works roster procedure authorized in RCW 39.04.155 or under any
5 other procedure authorized for an institution of higher education.

6 **Sec. 3.** RCW 35.22.620 and 2002 c 94 s 1 are each amended to read
7 as follows:

8 (1) As used in this section, the term "public works" means as
9 defined in RCW 39.04.010.

10 (2) A first-class city may have public works performed by contract
11 pursuant to public notice and call for competitive bids. As limited by
12 subsection (3) of this section, a first-class city may have public
13 works performed by city employees in any annual or biennial budget
14 period equal to a dollar value not exceeding ten percent of the public
15 works construction budget, including any amount in a supplemental
16 public works construction budget, over the budget period. The amount
17 of public works that a first-class city has a county perform for it
18 under RCW 35.77.020 shall be included within this ten percent
19 limitation.

20 If a first-class city has public works performed by public
21 employees in any budget period that are in excess of this ten percent
22 limitation, the amount in excess of the permitted amount shall be
23 reduced from the otherwise permitted amount of public works that may be
24 performed by public employees for that city in its next budget period.
25 Twenty percent of the motor vehicle fuel tax distributions to that city
26 shall be withheld if two years after the year in which the excess
27 amount of work occurred, the city has failed to so reduce the amount of
28 public works that it has performed by public employees. The amount so
29 withheld shall be distributed to the city when it has demonstrated in
30 its reports to the state auditor that the amount of public works it has
31 performed by public employees has been so reduced.

32 Whenever a first-class city has had public works performed in any
33 budget period up to the maximum permitted amount for that budget
34 period, all remaining public works within that budget period shall be
35 done by contract pursuant to public notice and call for competitive
36 bids.

1 The state auditor shall report to the state treasurer any
2 first-class city that exceeds this amount and the extent to which the
3 city has or has not reduced the amount of public works it has performed
4 by public employees in subsequent years.

5 (3) In addition to the percentage limitation provided in subsection
6 (2) of this section, a first-class city (~~((with a population in excess
7 of one hundred fifty thousand))~~) shall not have public employees perform
8 a public works project in excess of (~~((seventy thousand dollars, or))~~)
9 ninety thousand dollars (~~((after January 1, 2010,))~~) if more than a
10 single craft or trade is involved with the public works project, or a
11 public works project in excess of (~~((thirty five thousand dollars, or))~~)
12 forty-five thousand dollars (~~((after January 1, 2010,))~~) if only a single
13 craft or trade is involved with the public works project or the public
14 works project is street signalization or street lighting. (~~((In
15 addition to the percentage limitation provided in subsection (2) of
16 this section, a first class city with a population of one hundred fifty
17 thousand or less shall not have public employees perform a public works
18 project in excess of fifty thousand dollars, or sixty five thousand
19 dollars after January 1, 2010, if more than one craft or trade is
20 involved with the public works project, or a public works project in
21 excess of thirty thousand dollars, or forty thousand dollars after
22 January 1, 2010, if only a single craft or trade is involved with the
23 public works project or the public works project is street
24 signalization or street lighting.))~~) A public works project means a
25 complete project. The restrictions in this subsection do not permit
26 the division of the project into units of work or classes of work to
27 avoid the restriction on work that may be performed by day labor on a
28 single project.

29 (4) In addition to the accounting and record-keeping requirements
30 contained in RCW 39.04.070, every first-class city annually shall
31 prepare a report for the state auditor indicating the total public
32 works construction budget and supplemental public works construction
33 budget for that year, the total construction costs of public works
34 performed by public employees for that year, and the amount of public
35 works that is performed by public employees above or below ten percent
36 of the total construction budget. However, if a city budgets on a
37 biennial basis, this annual report shall indicate the amount of public

1 works that is performed by public employees within the current biennial
2 period that is above or below ten percent of the total biennial
3 construction budget.

4 Each first-class city with a population of one hundred fifty
5 thousand or less shall use the form required by RCW 43.09.205 to
6 account and record costs of public works in excess of five thousand
7 dollars that are not let by contract.

8 (5) The cost of a separate public works project shall be the costs
9 of materials, supplies, equipment, and labor on the construction of
10 that project. The value of the public works budget shall be the value
11 of all the separate public works projects within the budget.

12 (6) The competitive bidding requirements of this section may be
13 waived by the city legislative authority pursuant to RCW 39.04.280 if
14 an exemption contained within that section applies to the work or
15 contract.

16 (7) In lieu of the procedures of subsections (2) and (6) of this
17 section, a first-class city may let contracts using the small works
18 roster process in RCW 39.04.155.

19 Whenever possible, the city shall invite at least one proposal from
20 a minority or woman contractor who shall otherwise qualify under this
21 section.

22 (8) The allocation of public works projects to be performed by city
23 employees shall not be subject to a collective bargaining agreement.

24 (9) This section does not apply to performance-based contracts, as
25 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
26 RCW.

27 (10) Nothing in this section shall prohibit any first-class city
28 from allowing for preferential purchase of products made from recycled
29 materials or products that may be recycled or reused.

30 **Sec. 4.** RCW 35.23.352 and 2002 c 94 s 2 are each amended to read
31 as follows:

32 (1) Any second-class city or any town may construct any public
33 works, as defined in RCW 39.04.010, by contract or day labor without
34 calling for bids therefor whenever the estimated cost of the work or
35 improvement, including cost of materials, supplies and equipment will
36 not exceed the sum of (~~forty five thousand dollars, or sixty thousand~~
37 ~~dollars after January 1, 2010,~~) sixty-five thousand dollars if more

1 than one craft or trade is involved with the public works, or (~~thirty~~
2 ~~thousand-dollars, or~~) forty thousand dollars (~~(after-January-1,~~
3 ~~2010)~~) if a single craft or trade is involved with the public works or
4 the public works project is street signalization or street lighting.
5 A public works project means a complete project. The restrictions in
6 this subsection do not permit the division of the project into units of
7 work or classes of work to avoid the restriction on work that may be
8 performed by day labor on a single project.

9 Whenever the cost of the public work or improvement, including
10 materials, supplies and equipment, will exceed these figures, the same
11 shall be done by contract. All such contracts shall be let at public
12 bidding upon publication of notice calling for sealed bids upon the
13 work. The notice shall be published in the official newspaper, or a
14 newspaper of general circulation most likely to bring responsive bids,
15 at least thirteen days prior to the last date upon which bids will be
16 received. The notice shall generally state the nature of the work to
17 be done that plans and specifications therefor shall then be on file in
18 the city or town hall for public inspections, and require that bids be
19 sealed and filed with the council or commission within the time
20 specified therein. Each bid shall be accompanied by a bid proposal
21 deposit in the form of a cashier's check, postal money order, or surety
22 bond to the council or commission for a sum of not less than five
23 percent of the amount of the bid, and no bid shall be considered unless
24 accompanied by such bid proposal deposit. The council or commission of
25 the city or town shall let the contract to the lowest responsible
26 bidder or shall have power by resolution to reject any or all bids and
27 to make further calls for bids in the same manner as the original call.

28 When the contract is let then all bid proposal deposits shall be
29 returned to the bidders except that of the successful bidder which
30 shall be retained until a contract is entered into and a bond to
31 perform the work furnished, with surety satisfactory to the council or
32 commission, in accordance with RCW 39.08.030. If the bidder fails to
33 enter into the contract in accordance with his or her bid and furnish
34 a bond within ten days from the date at which he or she is notified
35 that he or she is the successful bidder, the check or postal money
36 order and the amount thereof shall be forfeited to the council or
37 commission or the council or commission shall recover the amount of the

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

4 If no bid is received on the first call the council or commission
5 may readvertise and make a second call, or may enter into a contract
6 without any further call or may purchase the supplies, material or
7 equipment and perform the work or improvement by day labor.

8 (2) The allocation of public works projects to be performed by city
9 or town employees shall not be subject to a collective bargaining
10 agreement.

11 (3) In lieu of the procedures of subsection (1) of this section, a
12 second-class city or a town may let contracts using the small works
13 roster process provided in RCW 39.04.155.

14 Whenever possible, the city or town shall invite at least one
15 proposal from a minority or woman contractor who shall otherwise
16 qualify under this section.

17 (4) The form required by RCW 43.09.205 shall be to account and
18 record costs of public works in excess of five thousand dollars that
19 are not let by contract.

20 (5) The cost of a separate public works project shall be the costs
21 of the materials, equipment, supplies, and labor on that construction
22 project.

23 (6) Any purchase of supplies, material, or equipment, except for
24 public work or improvement, where the cost thereof exceeds seven
25 thousand five hundred dollars shall be made upon call for bids.

26 (7) Bids shall be called annually and at a time and in the manner
27 prescribed by ordinance for the publication in a newspaper of general
28 circulation in the city or town of all notices or newspaper
29 publications required by law. The contract shall be awarded to the
30 lowest responsible bidder.

31 (8) For advertisement and formal sealed bidding to be dispensed
32 with as to purchases with an estimated value of fifteen thousand
33 dollars or less, the council or commission must authorize by
34 resolution, use of the uniform procedure provided in RCW 39.04.190.

35 (9) The city or town legislative authority may waive the
36 competitive bidding requirements of this section pursuant to RCW
37 39.04.280 if an exemption contained within that section applies to the
38 purchase or public work.

1 (10) This section does not apply to performance-based contracts, as
2 defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A
3 RCW.

4 (11) Nothing in this section shall prohibit any second class city
5 or any town from allowing for preferential purchase of products made
6 from recycled materials or products that may be recycled or reused.

7 **Sec. 5.** RCW 35A.40.210 and 1989 c 11 s 8 are each amended to read
8 as follows:

9 Procedures for any public work or improvement (~~(contracts or~~
10 ~~purchases))~~ for code cities shall be governed by (~~(the following~~
11 ~~statutes, as indicated:))~~ RCW 35.23.352.

12 (~~(1))~~ Purchases for code cities (~~(of))~~ with twenty thousand
13 population or (~~(over,))~~ more shall be governed by RCW 35.22.620(~~(; and~~
14 ~~(2))~~). Purchases for code cities with under twenty thousand
15 population(~~(;))~~ shall be governed by RCW 35.23.352.

16 **Sec. 6.** RCW 36.32.235 and 2000 c 138 s 206 are each amended to
17 read as follows:

18 (1) In each county with a population of one million or more which
19 by resolution establishes a county purchasing department, the
20 purchasing department shall enter into leases of personal property on
21 a competitive basis and purchase all supplies, materials, and equipment
22 on a competitive basis, for all departments of the county, as provided
23 in this chapter and chapter 39.04 RCW, except that the county
24 purchasing department is not required to make purchases that are paid
25 from the county road fund or equipment rental and revolving fund.

26 (2) As used in this section, "public works" has the same definition
27 as in RCW 39.04.010.

28 (3) Except as otherwise specified in this chapter or in chapter
29 36.77 RCW, all counties subject to these provisions shall contract on
30 a competitive basis for all public works after bids have been submitted
31 to the county upon specifications therefor. Such specifications shall
32 be in writing and shall be filed with the clerk of the county
33 legislative authority for public inspection.

34 (4) An advertisement shall be published in the county official
35 newspaper stating the time and place where bids will be opened, the
36 time after which bids will not be received, the character of the work

1 to be done, the materials and equipment to be furnished, and that
2 specifications therefor may be seen at the office of the clerk of the
3 county legislative authority. An advertisement shall also be published
4 in a legal newspaper of general circulation in or as near as possible
5 to that part of the county in which such work is to be done. If the
6 county official newspaper is a newspaper of general circulation
7 covering at least forty percent of the residences in that part of the
8 county in which such public works are to be done, then the publication
9 of an advertisement of the applicable specifications in the county
10 official newspaper is sufficient. Such advertisements shall be
11 published at least once at least thirteen days prior to the last date
12 upon which bids will be received.

13 (5) The bids shall be in writing, shall be filed with the clerk,
14 shall be opened and read in public at the time and place named therefor
15 in the advertisements, and after being opened, shall be filed for
16 public inspection. No bid may be considered for public work unless it
17 is accompanied by a bid deposit in the form of a surety bond, postal
18 money order, cash, cashier's check, or certified check in an amount
19 equal to five percent of the amount of the bid proposed.

20 (6) The contract for the public work shall be awarded to the lowest
21 responsible bidder. Any or all bids may be rejected for good cause.
22 The county legislative authority shall require from the successful
23 bidder for such public work a contractor's bond in the amount and with
24 the conditions imposed by law.

25 (7) If the bidder to whom the contract is awarded fails to enter
26 into the contract and furnish the contractor's bond as required within
27 ten days after notice of the award, exclusive of the day of notice, the
28 amount of the bid deposit shall be forfeited to the county and the
29 contract awarded to the next lowest and best bidder. The bid deposit
30 of all unsuccessful bidders shall be returned after the contract is
31 awarded and the required contractor's bond given by the successful
32 bidder is accepted by the county legislative authority. Immediately
33 after the award is made, the bid quotations obtained shall be recorded
34 and open to public inspection and shall be available by telephone
35 inquiry.

36 (8) As limited by subsection (10) of this section, a county subject
37 to these provisions may have public works performed by county employees
38 in any annual or biennial budget period equal to a dollar value not

1 exceeding ten percent of the public works construction budget,
2 including any amount in a supplemental public works construction
3 budget, over the budget period.

4 Whenever a county subject to these provisions has had public works
5 performed in any budget period up to the maximum permitted amount for
6 that budget period, all remaining public works except emergency work
7 under subsection (12) of this section within that budget period shall
8 be done by contract pursuant to public notice and call for competitive
9 bids as specified in subsection (3) of this section. The state auditor
10 shall report to the state treasurer any county subject to these
11 provisions that exceeds this amount and the extent to which the county
12 has or has not reduced the amount of public works it has performed by
13 public employees in subsequent years.

14 (9) If a county subject to these provisions has public works
15 performed by public employees in any budget period that are in excess
16 of this ten percent limitation, the amount in excess of the permitted
17 amount shall be reduced from the otherwise permitted amount of public
18 works that may be performed by public employees for that county in its
19 next budget period. Ten percent of the motor vehicle fuel tax
20 distributions to that county shall be withheld if two years after the
21 year in which the excess amount of work occurred, the county has failed
22 to so reduce the amount of public works that it has performed by public
23 employees. The amount withheld shall be distributed to the county when
24 it has demonstrated in its reports to the state auditor that the amount
25 of public works it has performed by public employees has been reduced
26 as required.

27 (10) In addition to the percentage limitation provided in
28 subsection (8) of this section, counties subject to these provisions
29 containing a population of one million or more shall not have public
30 employees perform a public works project in excess of (~~seventy~~)
31 ninety thousand dollars if more than a single craft or trade is
32 involved with the public works project, or a public works project in
33 excess of (~~twenty-five~~) forty-five thousand dollars if only a single
34 craft or trade is involved with the public works project. A public
35 works project means a complete project. The restrictions in this
36 subsection do not permit the division of the project into units of work
37 or classes of work to avoid the restriction on work that may be
38 performed by public employees on a single project.

1 The cost of a separate public works project shall be the costs of
2 materials, supplies, equipment, and labor on the construction of that
3 project. The value of the public works budget shall be the value of
4 all the separate public works projects within the budget.

5 (11) In addition to the accounting and recordkeeping requirements
6 contained in chapter 39.04 RCW, any county which uses public employees
7 to perform public works projects under RCW 36.32.240(1) shall prepare
8 a year-end report to be submitted to the state auditor indicating the
9 total dollar amount of the county's public works construction budget
10 and the total dollar amount for public works projects performed by
11 public employees for that year.

12 The year-end report submitted pursuant to this subsection to the
13 state auditor shall be in accordance with the standard form required by
14 RCW 43.09.205.

15 (12) Notwithstanding any other provision in this section, counties
16 may use public employees without any limitation for emergency work
17 performed under an emergency declared pursuant to RCW 36.32.270, and
18 any such emergency work shall not be subject to the limitations of this
19 section. Publication of the description and estimate of costs relating
20 to correcting the emergency may be made within seven days after the
21 commencement of the work. Within two weeks of the finding that such an
22 emergency existed, the county legislative authority shall adopt a
23 resolution certifying the damage to public facilities and costs
24 incurred or anticipated relating to correcting the emergency.
25 Additionally this section shall not apply to architectural and
26 engineering or other technical or professional services performed by
27 public employees in connection with a public works project.

28 (13) In lieu of the procedures of subsections (3) through (11) of
29 this section, a county may let contracts using the small works roster
30 process provided in RCW 39.04.155.

31 Whenever possible, the county shall invite at least one proposal
32 from a minority or woman contractor who shall otherwise qualify under
33 this section.

34 (14) The allocation of public works projects to be performed by
35 county employees shall not be subject to a collective bargaining
36 agreement.

37 (15) This section does not apply to performance-based contracts, as

1 defined in RCW 39.35A.020(~~(+3+)~~) (4), that are negotiated under chapter
2 39.35A RCW.

3 (16) Nothing in this section prohibits any county from allowing for
4 preferential purchase of products made from recycled materials or
5 products that may be recycled or reused.

6 (17) This section does not apply to contracts between the public
7 stadium authority and a team affiliate under RCW 36.102.060(4), or
8 development agreements between the public stadium authority and a team
9 affiliate under RCW 36.102.060(7) or leases entered into under RCW
10 36.102.060(8).

11 **Sec. 7.** RCW 36.32.250 and 2000 c 138 s 207 are each amended to
12 read as follows:

13 No contract for public works may be entered into by the county
14 legislative authority or by any elected or appointed officer of the
15 county until after bids have been submitted to the county upon
16 specifications therefor. Such specifications shall be in writing and
17 shall be filed with the clerk of the county legislative authority for
18 public inspection. An advertisement shall be published in the county
19 official newspaper stating the time and place where bids will be
20 opened, the time after which bids will not be received, the character
21 of the work to be done, the materials and equipment to be furnished,
22 and that specifications therefor may be seen at the office of the clerk
23 of the county legislative authority. An advertisement shall also be
24 published in a legal newspaper of general circulation in or as near as
25 possible to that part of the county in which such work is to be done.
26 If the county official newspaper is a newspaper of general circulation
27 covering at least forty percent of the residences in that part of the
28 county in which such public works are to be done, then the publication
29 of an advertisement of the applicable specifications in the county
30 official newspaper shall be sufficient. Such advertisements shall be
31 published at least once at least thirteen days prior to the last date
32 upon which bids will be received. The bids shall be in writing, shall
33 be filed with the clerk, shall be opened and read in public at the time
34 and place named therefor in the advertisements, and after being opened,
35 shall be filed for public inspection. No bid may be considered for
36 public work unless it is accompanied by a bid deposit in the form of a
37 surety bond, postal money order, cash, cashier's check, or certified

1 check in an amount equal to five percent of the amount of the bid
2 proposed. The contract for the public work shall be awarded to the
3 lowest responsible bidder. Any or all bids may be rejected for good
4 cause. The county legislative authority shall require from the
5 successful bidder for such public work a contractor's bond in the
6 amount and with the conditions imposed by law. If the bidder to whom
7 the contract is awarded fails to enter into the contract and furnish
8 the contractor's bond as required within ten days after notice of the
9 award, exclusive of the day of notice, the amount of the bid deposit
10 shall be forfeited to the county and the contract awarded to the next
11 lowest and best bidder. A low bidder who claims error and fails to
12 enter into a contract is prohibited from bidding on the same project if
13 a second or subsequent call for bids is made for the project. The bid
14 deposit of all unsuccessful bidders shall be returned after the
15 contract is awarded and the required contractor's bond given by the
16 successful bidder is accepted by the county legislative authority. In
17 the letting of any contract for public works involving less than
18 ((ten)) forty thousand dollars, advertisement and competitive bidding
19 may be dispensed with on order of the county legislative authority.
20 Immediately after the award is made, the bid quotations obtained shall
21 be recorded and open to public inspection and shall be available by
22 telephone inquiry.

23 As an alternative to requirements under this section, a county may
24 let contracts using the small works roster process under RCW 39.04.155.

25 This section does not apply to performance-based contracts, as
26 defined in RCW 39.35A.020((+3)) (4), that are negotiated under chapter
27 39.35A RCW.

28 **Sec. 8.** RCW 52.14.110 and 2001 c 79 s 1 are each amended to read
29 as follows:

30 Insofar as practicable, purchases and any public works by the
31 district shall be based on competitive bids. A formal sealed bid
32 procedure shall be used as standard procedure for purchases and
33 contracts for purchases executed by the board of commissioners. Formal
34 sealed bidding shall not be required for:

35 (1) The purchase of any materials, supplies, or equipment if the
36 cost will not exceed the sum of ten thousand dollars. However,

1 whenever the estimated cost does not exceed fifty thousand dollars, the
2 commissioners may by resolution use the process provided in RCW
3 39.04.190 to award contracts;

4 (2) Contracting for work to be done involving the construction or
5 improvement of a fire station or other buildings where the estimated
6 cost will not exceed the sum of (~~two thousand five hundred~~) twenty
7 thousand dollars, which includes the costs of labor, material, and
8 equipment;

9 (3) Contracts using the small works roster process under RCW
10 39.04.155; and

11 (4) Any contract for purchases or public work pursuant to RCW
12 39.04.280 if an exemption contained within that section applies to the
13 purchase or public work.

14 **Sec. 9.** RCW 35.61.135 and 2001 c 29 s 1 are each amended to read
15 as follows:

16 (1) All work ordered, the estimated cost of which is in excess of
17 (~~five~~) twenty thousand dollars, shall be let by contract and
18 competitive bidding. Before awarding any such contract the board of
19 park commissioners shall publish a notice in a newspaper of general
20 circulation where the district is located at least once thirteen days
21 before the last date upon which bids will be received, inviting sealed
22 proposals for such work, plans, and specifications which must at the
23 time of publication of such notice be on file in the office of the
24 board of park commissioners subject to the public inspection. The
25 notice shall state generally the work to be done and shall call for
26 proposals for doing the same to be sealed and filed with the board of
27 park commissioners on or before the day and hour named therein.

28 Each bid shall be accompanied by a certified or cashier's check or
29 postal money order payable to the order of the metropolitan park
30 district for a sum not less than five percent of the amount of the bid,
31 or accompanied by a bid bond in an amount not less than five percent of
32 the bid with a corporate surety licensed to do business in the state,
33 conditioned that the bidder will pay the metropolitan park district as
34 liquidated damages the amount specified in the bond, unless the bidder
35 enters into a contract in accordance with the bidder's bid, and no bid
36 shall be considered unless accompanied by such check, cash, or bid
37 bond. At the time and place named such bids shall be publicly opened

1 and read and the board of park commissioners shall proceed to canvass
2 the bids and may let such contract to the lowest responsible bidder
3 upon plans and specifications on file or to the best bidder submitting
4 the bidder's own plans and specifications. The board of park
5 commissioners may reject all bids for good cause and readvertise and in
6 such case all checks, cash, or bid bonds shall be returned to the
7 bidders. If the contract is let, then all checks, cash, or bid bonds
8 shall be returned to the bidders, except that of the successful bidder,
9 which shall be retained until a contract is entered into for doing the
10 work, and a bond to perform such work furnished with sureties
11 satisfactory to the board of park commissioners in the full amount of
12 the contract price between the bidder and the metropolitan park
13 district in accordance with the bid. If the bidder fails to enter into
14 the contract in accordance with the bid and furnish the bond within ten
15 days from the date at which the bidder is notified that the bidder is
16 the successful bidder, the check, cash, or bid bonds and the amount
17 thereof shall be forfeited to the metropolitan park district. If the
18 bidder fails to enter into a contract in accordance with the bidder's
19 bid, and the board of park commissioners deems it necessary to take
20 legal action to collect on any bid bond required by this section, then
21 the metropolitan park district is entitled to collect from the bidder
22 any legal expenses, including reasonable attorneys' fees occasioned
23 thereby. A low bidder who claims error and fails to enter into a
24 contract is prohibited from bidding on the same project if a second or
25 subsequent call for bids is made for the project.

26 (2) As an alternative to requirements under subsection (1) of this
27 section, a metropolitan park district may let contracts using the small
28 works roster process under RCW 39.04.155.

29 (3) Any purchase of materials, supplies, or equipment, with an
30 estimated cost in excess of forty thousand dollars, shall be by
31 contract. Any purchase of materials, supplies, or equipment, with an
32 estimated cost of less than fifty thousand dollars shall be made using
33 the process provided in RCW 39.04.190. Any purchase of materials,
34 supplies, or equipment with an estimated cost of fifty thousand dollars
35 or more shall be made by competitive bidding following the procedure
36 for letting contracts for projects under subsection (1) of this
37 section.

1 (4) As an alternative to requirements under subsection (3) of this
2 section, a metropolitan park district may let contracts for purchase of
3 materials, supplies, or equipment with the suppliers designated on
4 current state agency, county, city, or town purchasing rosters for the
5 materials, supplies, or equipment, when the roster has been established
6 in accordance with the competitive bidding law for purchases applicable
7 to the state agency, county, city, or town. The price and terms for
8 purchases shall be as described on the applicable roster.

9 (5) The park board may waive the competitive bidding requirements
10 of this section pursuant to RCW 39.04.280 if an exemption contained
11 within RCW 39.04.280 applies to the purchase or public work.

12 **Sec. 10.** RCW 57.08.050 and 2003 c 145 s 1 and 2003 c 60 s 1 are
13 each reenacted and amended to read as follows:

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

26 Each bid shall be accompanied by a certified or cashier's check or
27 postal money order payable to the order of the county treasurer for a
28 sum not less than five percent of the amount of the bid, or accompanied
29 by a bid bond in an amount not less than five percent of the bid with
30 a corporate surety licensed to do business in the state, conditioned
31 that the bidder will pay the district as liquidated damages the amount
32 specified in the bond, unless the bidder enters into a contract in
33 accordance with the bidder's bid, and no bid shall be considered unless
34 accompanied by such check, cash or bid bond. At the time and place
35 named such bids shall be publicly opened and read and the board of
36 commissioners shall proceed to canvass the bids and may let such
37 contract to the lowest responsible bidder upon plans and specifications

1 on file or to the best bidder submitting the bidder's own plans and
2 specifications. The board of commissioners may reject all bids for
3 good cause and readvertise and in such case all checks, cash or bid
4 bonds shall be returned to the bidders. If the contract is let, then
5 all checks, cash, or bid bonds shall be returned to the bidders, except
6 that of the successful bidder, which shall be retained until a contract
7 shall be entered into for doing the work, and a bond to perform such
8 work furnished with sureties satisfactory to the board of commissioners
9 in the full amount of the contract price between the bidder and the
10 commission in accordance with the bid. If the bidder fails to enter
11 into the contract in accordance with the bid and furnish the bond
12 within ten days from the date at which the bidder is notified that the
13 bidder is the successful bidder, the check, cash, or bid bonds and the
14 amount thereof shall be forfeited to the district. If the bidder fails
15 to enter into a contract in accordance with the bidder's bid, and the
16 board of commissioners deems it necessary to take legal action to
17 collect on any bid bond required by this section, then the district
18 shall be entitled to collect from the bidder any legal expenses,
19 including reasonable attorneys' fees occasioned thereby. A low bidder
20 who claims error and fails to enter into a contract is prohibited from
21 bidding on the same project if a second or subsequent call for bids is
22 made for the project.

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

26 (3) Any purchase of materials, supplies, or equipment, with an
27 estimated cost in excess of (~~ten~~) forty thousand dollars, shall be by
28 contract. Any purchase of materials, supplies, or equipment, with an
29 estimated cost of less than fifty thousand dollars shall be made using
30 the process provided in RCW 39.04.190. Any purchase of materials,
31 supplies, or equipment with an estimated cost of fifty thousand dollars
32 or more shall be made by competitive bidding following the procedure
33 for letting contracts for projects under subsection (1) of this
34 section.

35 (4) As an alternative to requirements under subsection (3) of this
36 section, a water-sewer district may let contracts for purchase of
37 materials, supplies, or equipment with the suppliers designated on
38 current state agency, county, city, or town purchasing rosters for the

1 materials, supplies, or equipment, when the roster has been established
2 in accordance with the competitive bidding law for purchases applicable
3 to the state agency, county, city, or town. The price and terms for
4 purchases shall be as described on the applicable roster.

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

8 **Sec. 11.** RCW 70.44.140 and 2002 c 106 s 1 are each amended to read
9 as follows:

10 (1) All materials purchased and work ordered, the estimated cost of
11 which is in excess of (~~fifty~~) seventy-five thousand dollars, shall be
12 by contract. Before awarding any such contract, the commission shall
13 publish a notice at least thirteen days before the last date upon which
14 bids will be received, inviting sealed proposals for such work. The
15 plans and specifications must at the time of the publication of such
16 notice be on file at the office of the public hospital district,
17 subject to public inspection: PROVIDED, HOWEVER, That the commission
18 may at the same time, and as part of the same notice, invite tenders
19 for the work or materials upon plans and specifications to be submitted
20 by bidders. The notice shall state generally the work to be done, and
21 shall call for proposals for doing the same, to be sealed and filed
22 with the commission on or before the day and hour named therein. Each
23 bid shall be accompanied by bid proposal security in the form of a
24 certified check, cashier's check, postal money order, or surety bond
25 made payable to the order of the commission, for a sum not less than
26 five percent of the amount of the bid, and no bid shall be considered
27 unless accompanied by such bid proposal security. At the time and
28 place named, such bids shall be publicly opened and read, and the
29 commission shall proceed to canvass the bids, and may let such contract
30 to the lowest responsible bidder upon plans and specifications on file,
31 or to the best bidder submitting his or her own plans and
32 specifications: PROVIDED, HOWEVER, That no contract shall be let in
33 excess of the estimated cost of the materials or work, or if, in the
34 opinion of the commission, all bids are unsatisfactory, they may reject
35 all of them and readvertise, and in such case all bid proposal security
36 shall be returned to the bidders. If the contract is let, then all bid
37 proposal security shall be returned to the bidders, except that of the

1 successful bidder, which is retained until a contract shall be entered
2 into for the purchase of such materials for doing such work, and a bond
3 to perform such work furnished, with sureties satisfactory to the
4 commission, in an amount to be fixed by the commission, not less than
5 twenty-five percent of contract price in any case, between the bidder
6 and commission, in accordance with the bid. If such bidder fails to
7 enter into the contract in accordance with the bid and furnish such
8 bond within ten days from the date at which the bidder is notified that
9 he or she is the successful bidder, the bid proposal security and the
10 amount thereof shall be forfeited to the public hospital district. A
11 low bidder who claims error and fails to enter into a contract is
12 prohibited from bidding on the same project if a second or subsequent
13 call for bids is made for the project.

14 (2) As an alternative to the requirements of subsection (1) of this
15 section, a public hospital district may let contracts using the small
16 works roster process under RCW 39.04.155.

17 (3) Any purchases with an estimated cost of up to fifteen thousand
18 dollars may be made using the process provided in RCW 39.04.190.

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

22 **Sec. 12.** RCW 87.03.437 and 1999 c 234 s 2 are each amended to read
23 as follows:

24 (1) Purchases of any materials, supplies, or equipment by the
25 district shall be based on competitive bids except as provided in RCW
26 87.03.435 and 39.04.280. A formal sealed bid procedure shall be used
27 as standard procedure for the purchases made by irrigation districts.
28 However, the board may by resolution adopt a policy to waive formal
29 sealed bidding procedures for purchases of any materials, supplies, or
30 equipment for an amount set by the board not to exceed (~~ten~~) forty
31 thousand dollars for each purchase.

32 (2) The directors may by resolution adopt a policy to use the
33 process provided in RCW 39.04.190 for purchases of materials, supplies,
34 or equipment when the estimated cost is between the amount established
35 by the board under subsection (1) of this section and a maximum amount
36 set by resolution adopted by the board for purchases up to fifty
37 thousand dollars exclusive of sales tax."

SB 5844 - S AMD

By Senator Fairley

1 On page 1, line 1 of the title, after "limits;" strike the
2 remainder of the title and insert "amending RCW 28B.50.330, 28B.10.350,
3 35.22.620, 35.23.352, 35A.40.210, 36.32.235, 36.32.250, 52.14.110,
4 35.61.135, 70.44.140, and 87.03.437; and reenacting and amending RCW
5 57.08.050."

EFFECT: The effect of the amendment is to increase bid limits for public works and purchases of materials for fire protection districts, metro park districts, public hospital districts, and irrigation districts.

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