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HOUSE BILL 1847

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State of Washington

61st Legislature

2009 Regular Session

By Representative Haigh

Read first time 01/30/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to bid limits; amending RCW 28B.50.330, 28B.10.350,  
2 35.22.620, 35.23.352, 35A.40.210, 36.32.235, 36.32.250, 52.14.110, and  
3 35.61.135; and reenacting and amending RCW 57.08.050.

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

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

7 (1) The boards of trustees of college districts are empowered in  
8 accordance with the provisions of this chapter to provide for the  
9 construction, reconstruction, erection, equipping, demolition, and  
10 major alterations of buildings and other capital assets, and the  
11 acquisition of sites, rights-of-way, easements, improvements, or  
12 appurtenances for the use of the aforementioned colleges as authorized  
13 by the college board in accordance with RCW 28B.50.140; to be financed  
14 by bonds payable out of special funds from revenues hereafter derived  
15 from income received from such facilities, gifts, bequests, or grants,  
16 and such additional funds as the legislature may provide, and payable  
17 out of a bond retirement fund to be established by the respective  
18 district boards in accordance with rules ((and regulations)) of the  
19 state board. With respect to building, improvements, or repairs, or

1 other work, where the estimated cost exceeds (~~(fifty-five)~~) ninety  
2 thousand dollars, or (~~(thirty-five)~~) forty-five thousand dollars if the  
3 work involves one trade or craft area, complete plans and  
4 specifications for the work shall be prepared, the work shall be put  
5 out for a public bid, and the contract shall be awarded to the  
6 responsible bidder who submits the lowest responsive bid. Any project  
7 regardless of dollar amount may be put to public bid.

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

10 (3) Where the estimated cost to any college of any building,  
11 improvements, or repairs, or other work, is less than (~~(fifty-five)~~)  
12 ninety thousand dollars, or (~~(thirty-five)~~) forty-five thousand dollars  
13 if the work involves one trade or craft area, the publication  
14 requirements of RCW 39.04.020 do not apply.

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

17 (1) When the cost to The Evergreen State College or any regional or  
18 state university of any building, construction, renovation, remodeling,  
19 or demolition, other than maintenance or repairs, will equal or exceed  
20 the sum of (~~(fifty-five)~~) ninety thousand dollars, or (~~(thirty-five)~~)  
21 forty-five thousand dollars if the work involves one trade or craft  
22 area, complete plans and specifications for the work shall be prepared,  
23 the work shall be put out for public bid, and the contract shall be  
24 awarded to the responsible bidder who submits the lowest responsive  
25 bid.

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

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

34 (4) Where the estimated cost of any building, construction,  
35 renovation, remodeling, or demolition is less than (~~(fifty-five)~~)  
36 ninety thousand dollars or the contract is awarded by the small works

1 roster procedure authorized in RCW 39.04.155, the publication  
2 requirements of RCW 39.04.020 do not apply.

3 (5) In the event of any emergency when the public interest or  
4 property of The Evergreen State College or a regional or state  
5 university would suffer material injury or damage by delay, the  
6 president of such college or university may declare the existence of an  
7 emergency and, reciting the facts constituting the same, may waive the  
8 requirements of this section with reference to any contract in order to  
9 correct the condition causing the emergency. For the purposes of this  
10 section, "emergency" means a condition likely to result in immediate  
11 physical injury to persons or to property of the college or university  
12 in the absence of prompt remedial action or a condition which  
13 immediately impairs the institution's ability to perform its  
14 educational obligations.

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

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

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

22 (2) A first-class city may have public works performed by contract  
23 pursuant to public notice and call for competitive bids. As limited by  
24 subsection (3) of this section, a first-class city may have public  
25 works performed by city employees in any annual or biennial budget  
26 period equal to a dollar value not exceeding ten percent of the public  
27 works construction budget, including any amount in a supplemental  
28 public works construction budget, over the budget period. The amount  
29 of public works that a first-class city has a county perform for it  
30 under RCW 35.77.020 shall be included within this ten percent  
31 limitation.

32 If a first-class city has public works performed by public  
33 employees in any budget period that are in excess of this ten percent  
34 limitation, the amount in excess of the permitted amount shall be  
35 reduced from the otherwise permitted amount of public works that may be  
36 performed by public employees for that city in its next budget period.  
37 Twenty percent of the motor vehicle fuel tax distributions to that city

1 shall be withheld if two years after the year in which the excess  
2 amount of work occurred, the city has failed to so reduce the amount of  
3 public works that it has performed by public employees. The amount so  
4 withheld shall be distributed to the city when it has demonstrated in  
5 its reports to the state auditor that the amount of public works it has  
6 performed by public employees has been so reduced.

7 Whenever a first-class city has had public works performed in any  
8 budget period up to the maximum permitted amount for that budget  
9 period, all remaining public works within that budget period shall be  
10 done by contract pursuant to public notice and call for competitive  
11 bids.

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

16 (3) In addition to the percentage limitation provided in subsection  
17 (2) of this section, a first-class city (~~(with a population in excess~~  
18 ~~of one hundred fifty thousand))~~ shall not have public employees perform  
19 a public works project in excess of (~~(seventy thousand dollars, or)~~)  
20 ninety thousand dollars (~~(after January 1, 2010,)~~) if more than a  
21 single craft or trade is involved with the public works project, or a  
22 public works project in excess of (~~(thirty five thousand dollars, or)~~)  
23 forty-five thousand dollars (~~(after January 1, 2010,)~~) if only a single  
24 craft or trade is involved with the public works project or the public  
25 works project is street signalization or street lighting. (~~(In~~  
26 ~~addition to the percentage limitation provided in subsection (2) of~~  
27 ~~this section, a first-class city with a population of one hundred fifty~~  
28 ~~thousand or less shall not have public employees perform a public works~~  
29 ~~project in excess of fifty thousand dollars, or sixty five thousand~~  
30 ~~dollars after January 1, 2010, if more than one craft or trade is~~  
31 ~~involved with the public works project, or a public works project in~~  
32 ~~excess of thirty thousand dollars, or forty thousand dollars after~~  
33 ~~January 1, 2010, if only a single craft or trade is involved with the~~  
34 ~~public works project or the public works project is street~~  
35 ~~signalization or street lighting.))~~ A public works project means a  
36 complete project. The restrictions in this subsection do not permit  
37 the division of the project into units of work or classes of work to

1 avoid the restriction on work that may be performed by day labor on a  
2 single project.

3 (4) In addition to the accounting and record-keeping requirements  
4 contained in RCW 39.04.070, every first-class city annually shall  
5 prepare a report for the state auditor indicating the total public  
6 works construction budget and supplemental public works construction  
7 budget for that year, the total construction costs of public works  
8 performed by public employees for that year, and the amount of public  
9 works that is performed by public employees above or below ten percent  
10 of the total construction budget. However, if a city budgets on a  
11 biennial basis, this annual report shall indicate the amount of public  
12 works that is performed by public employees within the current biennial  
13 period that is above or below ten percent of the total biennial  
14 construction budget.

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

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

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

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

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

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

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

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

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

6 (1) Any second-class city or any town may construct any public  
7 works, as defined in RCW 39.04.010, by contract or day labor without  
8 calling for bids therefor whenever the estimated cost of the work or  
9 improvement, including cost of materials, supplies and equipment will  
10 not exceed the sum of (~~forty-five thousand dollars, or sixty thousand~~  
11 ~~dollars after January 1, 2010,~~) sixty-five thousand dollars if more  
12 than one craft or trade is involved with the public works, or (~~thirty~~  
13 ~~thousand dollars, or~~) forty thousand dollars (~~(after January 1,~~  
14 ~~2010,~~) if a single craft or trade is involved with the public works or  
15 the public works project is street signalization or street lighting.  
16 A public works project means a complete project. The restrictions in  
17 this subsection do not permit the division of the project into units of  
18 work or classes of work to avoid the restriction on work that may be  
19 performed by day labor on a single project.

20 Whenever the cost of the public work or improvement, including  
21 materials, supplies and equipment, will exceed these figures, the same  
22 shall be done by contract. All such contracts shall be let at public  
23 bidding upon publication of notice calling for sealed bids upon the  
24 work. The notice shall be published in the official newspaper, or a  
25 newspaper of general circulation most likely to bring responsive bids,  
26 at least thirteen days prior to the last date upon which bids will be  
27 received. The notice shall generally state the nature of the work to  
28 be done that plans and specifications therefor shall then be on file in  
29 the city or town hall for public inspections, and require that bids be  
30 sealed and filed with the council or commission within the time  
31 specified therein. Each bid shall be accompanied by a bid proposal  
32 deposit in the form of a cashier's check, postal money order, or surety  
33 bond to the council or commission for a sum of not less than five  
34 percent of the amount of the bid, and no bid shall be considered unless  
35 accompanied by such bid proposal deposit. The council or commission of  
36 the city or town shall let the contract to the lowest responsible

1 bidder or shall have power by resolution to reject any or all bids and  
2 to make further calls for bids in the same manner as the original call.

3 When the contract is let then all bid proposal deposits shall be  
4 returned to the bidders except that of the successful bidder which  
5 shall be retained until a contract is entered into and a bond to  
6 perform the work furnished, with surety satisfactory to the council or  
7 commission, in accordance with RCW 39.08.030. If the bidder fails to  
8 enter into the contract in accordance with his or her bid and furnish  
9 a bond within ten days from the date at which he or she is notified  
10 that he or she is the successful bidder, the check or postal money  
11 order and the amount thereof shall be forfeited to the council or  
12 commission or the council or commission shall recover the amount of the  
13 surety bond. A low bidder who claims error and fails to enter into a  
14 contract is prohibited from bidding on the same project if a second or  
15 subsequent call for bids is made for the project.

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

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

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

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

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

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

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

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

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

10 (9) The city or town legislative authority may waive the  
11 competitive bidding requirements of this section pursuant to RCW  
12 39.04.280 if an exemption contained within that section applies to the  
13 purchase or public work.

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

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

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

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

25 (~~((1))~~) Purchases for code cities (~~((of))~~) with twenty thousand  
26 population or (~~((over,))~~) more shall be governed by RCW 35.22.620(~~((and~~  
27 ~~(2))~~). Purchases for code cities with under twenty thousand  
28 population(~~((and))~~) shall be governed by RCW 35.23.352.

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

31 (1) In each county with a population of one million or more which  
32 by resolution establishes a county purchasing department, the  
33 purchasing department shall enter into leases of personal property on  
34 a competitive basis and purchase all supplies, materials, and equipment  
35 on a competitive basis, for all departments of the county, as provided



1 in this chapter and chapter 39.04 RCW, except that the county  
2 purchasing department is not required to make purchases that are paid  
3 from the county road fund or equipment rental and revolving fund.

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

6 (3) Except as otherwise specified in this chapter or in chapter  
7 36.77 RCW, all counties subject to these provisions shall contract on  
8 a competitive basis for all public works after bids have been submitted  
9 to the county upon specifications therefor. Such specifications shall  
10 be in writing and shall be filed with the clerk of the county  
11 legislative authority for public inspection.

12 (4) An advertisement shall be published in the county official  
13 newspaper stating the time and place where bids will be opened, the  
14 time after which bids will not be received, the character of the work  
15 to be done, the materials and equipment to be furnished, and that  
16 specifications therefor may be seen at the office of the clerk of the  
17 county legislative authority. An advertisement shall also be published  
18 in a legal newspaper of general circulation in or as near as possible  
19 to that part of the county in which such work is to be done. If the  
20 county official newspaper is a newspaper of general circulation  
21 covering at least forty percent of the residences in that part of the  
22 county in which such public works are to be done, then the publication  
23 of an advertisement of the applicable specifications in the county  
24 official newspaper is sufficient. Such advertisements shall be  
25 published at least once at least thirteen days prior to the last date  
26 upon which bids will be received.

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

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

1 (7) If the bidder to whom the contract is awarded fails to enter  
2 into the contract and furnish the contractor's bond as required within  
3 ten days after notice of the award, exclusive of the day of notice, the  
4 amount of the bid deposit shall be forfeited to the county and the  
5 contract awarded to the next lowest and best bidder. The bid deposit  
6 of all unsuccessful bidders shall be returned after the contract is  
7 awarded and the required contractor's bond given by the successful  
8 bidder is accepted by the county legislative authority. Immediately  
9 after the award is made, the bid quotations obtained shall be recorded  
10 and open to public inspection and shall be available by telephone  
11 inquiry.

12 (8) As limited by subsection (10) of this section, a county subject  
13 to these provisions may have public works performed by county employees  
14 in any annual or biennial budget period equal to a dollar value not  
15 exceeding ten percent of the public works construction budget,  
16 including any amount in a supplemental public works construction  
17 budget, over the budget period.

18 Whenever a county subject to these provisions has had public works  
19 performed in any budget period up to the maximum permitted amount for  
20 that budget period, all remaining public works except emergency work  
21 under subsection (12) of this section within that budget period shall  
22 be done by contract pursuant to public notice and call for competitive  
23 bids as specified in subsection (3) of this section. The state auditor  
24 shall report to the state treasurer any county subject to these  
25 provisions that exceeds this amount and the extent to which the county  
26 has or has not reduced the amount of public works it has performed by  
27 public employees in subsequent years.

28 (9) If a county subject to these provisions has public works  
29 performed by public employees in any budget period that are in excess  
30 of this ten percent limitation, the amount in excess of the permitted  
31 amount shall be reduced from the otherwise permitted amount of public  
32 works that may be performed by public employees for that county in its  
33 next budget period. Ten percent of the motor vehicle fuel tax  
34 distributions to that county shall be withheld if two years after the  
35 year in which the excess amount of work occurred, the county has failed  
36 to so reduce the amount of public works that it has performed by public  
37 employees. The amount withheld shall be distributed to the county when

1 it has demonstrated in its reports to the state auditor that the amount  
2 of public works it has performed by public employees has been reduced  
3 as required.

4 (10) In addition to the percentage limitation provided in  
5 subsection (8) of this section, counties subject to these provisions  
6 containing a population of one million or more shall not have public  
7 employees perform a public works project in excess of (~~seventy~~)  
8 ninety thousand dollars if more than a single craft or trade is  
9 involved with the public works project, or a public works project in  
10 excess of (~~twenty-five~~) forty-five thousand dollars if only a single  
11 craft or trade is involved with the public works project. A public  
12 works project means a complete project. The restrictions in this  
13 subsection do not permit the division of the project into units of work  
14 or classes of work to avoid the restriction on work that may be  
15 performed by public employees on a single project.

16 The cost of a separate public works project shall be the costs of  
17 materials, supplies, equipment, and labor on the construction of that  
18 project. The value of the public works budget shall be the value of  
19 all the separate public works projects within the budget.

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

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

30 (12) Notwithstanding any other provision in this section, counties  
31 may use public employees without any limitation for emergency work  
32 performed under an emergency declared pursuant to RCW 36.32.270, and  
33 any such emergency work shall not be subject to the limitations of this  
34 section. Publication of the description and estimate of costs relating  
35 to correcting the emergency may be made within seven days after the  
36 commencement of the work. Within two weeks of the finding that such an  
37 emergency existed, the county legislative authority shall adopt a  
38 resolution certifying the damage to public facilities and costs

1 incurred or anticipated relating to correcting the emergency.  
2 Additionally this section shall not apply to architectural and  
3 engineering or other technical or professional services performed by  
4 public employees in connection with a public works project.

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

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

11 (14) The allocation of public works projects to be performed by  
12 county employees shall not be subject to a collective bargaining  
13 agreement.

14 (15) This section does not apply to performance-based contracts, as  
15 defined in RCW 39.35A.020(~~(+3+)~~) (4), that are negotiated under chapter  
16 39.35A RCW.

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

20 (17) This section does not apply to contracts between the public  
21 stadium authority and a team affiliate under RCW 36.102.060(4), or  
22 development agreements between the public stadium authority and a team  
23 affiliate under RCW 36.102.060(7) or leases entered into under RCW  
24 36.102.060(8).

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

27 No contract for public works may be entered into by the county  
28 legislative authority or by any elected or appointed officer of the  
29 county until after bids have been submitted to the county upon  
30 specifications therefor. Such specifications shall be in writing and  
31 shall be filed with the clerk of the county legislative authority for  
32 public inspection. An advertisement shall be published in the county  
33 official newspaper stating the time and place where bids will be  
34 opened, the time after which bids will not be received, the character  
35 of the work to be done, the materials and equipment to be furnished,  
36 and that specifications therefor may be seen at the office of the clerk  
37 of the county legislative authority. An advertisement shall also be

1 published in a legal newspaper of general circulation in or as near as  
2 possible to that part of the county in which such work is to be done.  
3 If the county official newspaper is a newspaper of general circulation  
4 covering at least forty percent of the residences in that part of the  
5 county in which such public works are to be done, then the publication  
6 of an advertisement of the applicable specifications in the county  
7 official newspaper shall be sufficient. Such advertisements shall be  
8 published at least once at least thirteen days prior to the last date  
9 upon which bids will be received. The bids shall be in writing, shall  
10 be filed with the clerk, shall be opened and read in public at the time  
11 and place named therefor in the advertisements, and after being opened,  
12 shall be filed for public inspection. No bid may be considered for  
13 public work unless it is accompanied by a bid deposit in the form of a  
14 surety bond, postal money order, cash, cashier's check, or certified  
15 check in an amount equal to five percent of the amount of the bid  
16 proposed. The contract for the public work shall be awarded to the  
17 lowest responsible bidder. Any or all bids may be rejected for good  
18 cause. The county legislative authority shall require from the  
19 successful bidder for such public work a contractor's bond in the  
20 amount and with the conditions imposed by law. If the bidder to whom  
21 the contract is awarded fails to enter into the contract and furnish  
22 the contractor's bond as required within ten days after notice of the  
23 award, exclusive of the day of notice, the amount of the bid deposit  
24 shall be forfeited to the county and the contract awarded to the next  
25 lowest and best bidder. A low bidder who claims error and fails to  
26 enter into a contract is prohibited from bidding on the same project if  
27 a second or subsequent call for bids is made for the project. The bid  
28 deposit of all unsuccessful bidders shall be returned after the  
29 contract is awarded and the required contractor's bond given by the  
30 successful bidder is accepted by the county legislative authority. In  
31 the letting of any contract for public works involving less than  
32 ((ten)) forty thousand dollars, advertisement and competitive bidding  
33 may be dispensed with on order of the county legislative authority.  
34 Immediately after the award is made, the bid quotations obtained shall  
35 be recorded and open to public inspection and shall be available by  
36 telephone inquiry.

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

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

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

6 Insofar as practicable, purchases and any public works by the  
7 district shall be based on competitive bids. A formal sealed bid  
8 procedure shall be used as standard procedure for purchases and  
9 contracts for purchases executed by the board of commissioners. Formal  
10 sealed bidding shall not be required for:

11 (1) The purchase of any materials, supplies, or equipment if the  
12 cost will not exceed the sum of ten thousand dollars. However,  
13 whenever the estimated cost does not exceed fifty thousand dollars, the  
14 commissioners may by resolution use the process provided in RCW  
15 39.04.190 to award contracts;

16 (2) Contracting for work to be done involving the construction or  
17 improvement of a fire station or other buildings where the estimated  
18 cost will not exceed the sum of (~~two thousand five hundred~~) forty  
19 thousand dollars, which includes the costs of labor, material, and  
20 equipment;

21 (3) Contracts using the small works roster process under RCW  
22 39.04.155; and

23 (4) Any contract for purchases or public work pursuant to RCW  
24 39.04.280 if an exemption contained within that section applies to the  
25 purchase or public work.

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

28 (1) All work ordered, the estimated cost of which is in excess of  
29 (~~five~~) twenty-five thousand dollars, shall be let by contract and  
30 competitive bidding. Before awarding any such contract the board of  
31 park commissioners shall publish a notice in a newspaper of general  
32 circulation where the district is located at least once thirteen days  
33 before the last date upon which bids will be received, inviting sealed  
34 proposals for such work, plans, and specifications which must at the  
35 time of publication of such notice be on file in the office of the  
36 board of park commissioners subject to the public inspection. The

1 notice shall state generally the work to be done and shall call for  
2 proposals for doing the same to be sealed and filed with the board of  
3 park commissioners on or before the day and hour named therein.

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

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

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

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

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

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

26 (1) All work ordered, the estimated cost of which is in excess of  
27 (~~ten~~) twenty-five thousand dollars, shall be let by contract and  
28 competitive bidding. Before awarding any such contract the board of  
29 commissioners shall publish a notice in a newspaper of general  
30 circulation where the district is located at least once thirteen days  
31 before the last date upon which bids will be received, inviting sealed  
32 proposals for such work, plans and specifications which must at the  
33 time of publication of such notice be on file in the office of the  
34 board of commissioners subject to the public inspection. The notice  
35 shall state generally the work to be done and shall call for proposals  
36 for doing the same to be sealed and filed with the board of  
37 commissioners on or before the day 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~~) forty thousand dollars, shall be by  
3 contract. Any purchase of materials, supplies, or equipment, with an  
4 estimated cost of less than fifty thousand dollars shall be made using  
5 the 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.

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