

SENATE BILL REPORT

SB 6365

As of January 31, 2012

Title: An act relating to waiving and clarifying certain requirements for port district small public works projects.

Brief Description: Waiving and clarifying certain requirements for port district small public works projects.

Sponsors: Senators Hatfield, Swecker, Prentice, Holmquist Newbry, Pridemore, Haugen, Hobbs, Parlette and Shin.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/31/12.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sam Thompson (786-7413)

Background: State agencies and many local governments may use a small works roster process to award contracts for relatively small public works projects (projects), rather than using a formal competitive public bidding process. Contractors request to be included in a small works roster. A state agency or local government may solicit quotations from contractors on the roster and award a contract to the lowest responsible bidder. Port districts (districts) may use the small works roster process for projects estimated to cost up to \$300,000.

Districts must determine whether projects over \$40,000 can be accomplished less expensively by contracting out; if contracting out is less expensive, a district may contract out.

Summary of Bill: District public works contracting standards are revised. Many provisions in a uniform small works roster process currently applying to state agencies and many local governments are incorporated in a separate provision applying only to districts, and revised.

Projects Costing Less Than \$35,000. Districts are exempt from formal competitive public bidding requirements and may award contracts based on quotations from responsible contractors, if projects are estimated to cost between \$5,000 and \$35,000. Districts must

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reasonably attempt to equitably distribute opportunity to provide quotations. Contractors need not be listed on a district's small works roster to be eligible. Contracts may not be negotiated after receipt of a quotation or amended by addition of work not included in a quotation.

Districts are exempt from formal advertising requirements, in addition to competitive public bidding requirements, if projects are estimated to cost less than \$5,000.

Quotations must be logged, open to public inspection, and available electronically by request.

Districts may not break apart larger scopes of work to avoid formal competitive public bidding requirements.

Work performed is subject to prevailing wage requirements. Projects estimated to cost less than \$5,000 may use an alternative prevailing wage procedure.

Districts may waive payment and performance bonds and cost retainage requirements, but must adopt implementing procedures if they do so. Districts waiving these requirements assume liability for nonpayment of sums owed to various parties by contractors. A district may recover payments from contractors the district has made on their behalf.

A district may meet public notification requirements by publishing an annual notification describing the nature and value of work to be performed.

Projects Costing Over \$40,000. Districts may determine whether projects over \$40,000 can be accomplished more efficiently by contracting out; if contracting out is more efficient, a district may contract out.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.