
HOUSE BILL 2771

State of Washington

64th Legislature

2016 Regular Session

By Representatives Bergquist and Johnson

Read first time 01/20/16. Referred to Committee on Capital Budget.

1 AN ACT Relating to public hospital district contracts for
2 material and work; and amending RCW 70.44.140.

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

4 **Sec. 1.** RCW 70.44.140 and 2009 c 229 s 12 are each amended to
5 read as follows:

6 (1) All materials purchased and work ordered, the estimated cost
7 of which is in excess of seventy-five thousand dollars, shall be by
8 contract. Before awarding any such contract, the commission shall
9 publish a notice at least thirteen days before the last date upon
10 which bids will be received, inviting sealed proposals for such work.
11 The plans and specifications must at the time of the publication of
12 such notice be on file at the office of the public hospital district,
13 subject to public inspection: PROVIDED, HOWEVER, That the commission
14 may at the same time, and as part of the same notice, invite tenders
15 for the work or materials upon plans and specifications to be
16 submitted by bidders. The notice shall state generally the work to be
17 done, and shall call for proposals for doing the same, to be sealed
18 and filed with the commission on or before the day and hour named
19 therein. Each bid shall be accompanied by bid proposal security in
20 the form of a certified check, cashier's check, postal money order,
21 or surety bond made payable to the order of the commission, for a sum

1 not less than five percent of the amount of the bid, and no bid shall
2 be considered unless accompanied by such bid proposal security. At
3 the time and place named, such bids shall be publicly opened and
4 read, and the commission shall proceed to canvass the bids, and may
5 let such contract to the lowest responsible bidder upon plans and
6 specifications on file, or to the best bidder submitting his or her
7 own plans and specifications(~~(: PROVIDED, HOWEVER, That no contract~~
8 ~~shall be let in excess of the estimated cost of the materials or~~
9 ~~work, or)~~). If, in the opinion of the commission, all bids are
10 unsatisfactory, they may reject all of them and readvertise, and in
11 such case all bid proposal security shall be returned to the bidders.
12 If the contract is let, then all bid proposal security shall be
13 returned to the bidders, except that of the successful bidder, which
14 is retained until a contract shall be entered into for the purchase
15 of such materials for doing such work, and a bond to perform such
16 work furnished, with sureties satisfactory to the commission, in an
17 amount to be fixed by the commission, not less than twenty-five
18 percent of contract price in any case, between the bidder and
19 commission, in accordance with the bid. If such bidder fails to enter
20 into the contract in accordance with the bid and furnish such bond
21 within ten days from the date at which the bidder is notified that he
22 or she is the successful bidder, the bid proposal security and the
23 amount thereof shall be forfeited to the public hospital district. A
24 low bidder who claims error and fails to enter into a contract is
25 prohibited from bidding on the same project if a second or subsequent
26 call for bids is made for the project.

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

30 (3) Any purchases with an estimated cost of up to fifteen
31 thousand dollars may be made using the process provided in RCW
32 39.04.190.

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

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