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SENATE BILL 6329

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State of Washington

65th Legislature

2018 Regular Session

By Senators Takko, Angel, and Chase

Read first time 01/12/18. Referred to Committee on Local Government.

1 AN ACT Relating to clarifying the authority and procedures for  
2 contracting by public port districts; amending RCW 53.08.120; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that certain  
6 maintenance and repair work that is common but unpredictable in its  
7 timing and scope can sometimes be overly burdensome to procure  
8 through a competitive bid process. It is an efficient mechanism to  
9 maintain essential services to port customers, often on short notice  
10 or in emergency situations to allow port districts to contract  
11 without calling for bids when public works do not exceed forty  
12 thousand dollars.

13 (2) The legislature also finds that the necessary work continues  
14 to be performed safely and at a competitive rate by responsible  
15 contractors, and also saves public money because of additional costs  
16 that would be incurred by bidding each contract separately.

17 **Sec. 2.** RCW 53.08.120 and 2009 c 74 s 2 are each amended to read  
18 as follows:

19 (1) All material and work required by a port district not meeting  
20 the definition of public work in RCW 39.04.010(4) may be procured in

1 the open market or by contract and all work ordered may be done by  
2 contract or day labor.

3 (2)(a) All such contracts for work meeting the definition of  
4 "public work" in RCW 39.04.010(4), the estimated cost of which  
5 exceeds three hundred thousand dollars, shall be awarded using a  
6 competitive bid process. The contract must be awarded at public  
7 bidding upon notice published in a newspaper of general circulation  
8 in the district at least thirteen days before the last date upon  
9 which bids will be received, calling for bids upon the work, plans  
10 and specifications for which shall then be on file in the office of  
11 the commission for public inspection. The same notice may call for  
12 bids on such work or material based upon plans and specifications  
13 submitted by the bidder. The competitive bidding requirements for  
14 purchases or public works may be waived pursuant to RCW 39.04.280 if  
15 an exemption contained within that section applies to the purchase or  
16 public work.

17 (b) For all contracts related to work meeting the definition of  
18 "public work" in RCW 39.04.010(4) that are estimated at three hundred  
19 thousand dollars or less, a port district may let contracts using the  
20 small works roster process under RCW 39.04.155 in lieu of advertising  
21 for bids. Whenever possible, the managing official shall invite at  
22 least one proposal from a minority contractor who shall otherwise  
23 qualify under this section.

24 When awarding such a contract for work, when utilizing proposals  
25 from the small works roster, the managing official shall give weight  
26 to the contractor submitting the lowest and best proposal, and  
27 whenever it would not violate the public interest, such contracts  
28 shall be distributed equally among contractors, including minority  
29 contractors, on the small works roster.

30 (c) Any port district may construct any public work, as defined  
31 in RCW 39.04.010, by contract without calling for bids whenever the  
32 estimated cost of the work or improvement, including cost of  
33 materials, supplies, and equipment, will not exceed the sum of forty  
34 thousand dollars. A "public works project" means a complete project.  
35 The restrictions in this subsection do not permit the division of the  
36 project into units of work or classes of work to avoid calling for  
37 bids.

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