
SENATE BILL 5453

State of Washington

66th Legislature

2019 Regular Session

By Senators Takko and Short

1 AN ACT Relating to the administration of irrigation districts;
2 and amending RCW 87.03.082 and 87.03.435.

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

4 **Sec. 1.** RCW 87.03.082 and 2013 c 23 s 488 are each amended to
5 read as follows:

6 Each director shall take and subscribe an official oath for the
7 faithful discharge of the duties of his or her office (~~(, and shall~~
8 ~~execute a bond to the district in the sum of one thousand dollars,~~
9 ~~conditioned for the faithful discharge of his or her duties, which~~
10 ~~shall be approved by the judge of the superior court of the county~~
11 ~~where the district was organized,~~) and the oath ((and bond)) shall
12 be recorded ((in the office of the county clerk of that county)) and
13 filed with the secretary of the board of directors. The secretary
14 shall take and subscribe a written oath of office ((and execute a
15 bond in the sum of not less than one thousand dollars to be fixed by
16 the directors)), which shall be approved and filed as in the case of
17 ((the bond of)) a director. ((If a district is appointed fiscal agent
18 of the United States to collect money for it, the secretary and
19 directors and the district treasurer shall each execute such
20 additional bonds as the secretary of the interior may require,
21 conditioned for the faithful discharge of their duties which shall be

1 ~~approved, recorded, and filed as other official bonds. All such bonds~~
2 ~~shall be secured at the cost of the district.)~~)

3 **Sec. 2.** RCW 87.03.435 and 1997 c 354 s 3 are each amended to
4 read as follows:

5 (1) Except as provided in subsections (2) and (3) of this section
6 and RCW 87.03.436, whenever in the construction of the district canal
7 or canals, or other works, or the furnishing of materials therefor,
8 the board of directors shall determine to let a contract or contracts
9 for the doing of the work or the furnishing of the materials, a
10 notice calling for sealed proposals shall be published. The notice
11 shall be published in a newspaper in the county in which the office
12 of the board is situated, and in any other newspaper which may be
13 designated by the board, and for such length of time, not less than
14 once each week for two weeks, as may be fixed by the board. At the
15 time and place appointed in the notice for the opening of bids, the
16 sealed proposals shall be opened in public, and as soon as convenient
17 thereafter, the board shall let the work or the contract for the
18 purchase of materials, either in portions or as a whole, to the
19 lowest responsible bidder, or the board may reject any or all bids
20 and readvertise, or if no bid is received on the first call the board
21 of directors may readvertise and make a second call, or may enter
22 into a contract without any further call and may purchase the
23 supplies, material, or equipment or may proceed to construct the work
24 under its own superintendence. All work shall be done under the
25 direction and to the satisfaction of the engineer of the district,
26 and be approved by the board. The board of directors may require
27 bidders submitting bids for the construction or maintenance for any
28 of the works of the district, or for the furnishing of labor or
29 material, to accompany their bids by a deposit in cash, certified
30 check, cashier's check, or surety bond in an amount equal to five
31 percent of the amount of the bid and a bid shall not be considered
32 unless the deposit is enclosed with it. If the contract is let, then
33 all the bid deposits shall be returned to the unsuccessful bidders.
34 The bid deposit of the successful bidder shall be retained until a
35 contract is entered into for the purchase of the materials or doing
36 of such work, and a bond given to the district in accordance with
37 chapter 39.08 RCW for the performance of the contract. The
38 performance bond shall be conditioned as may be required by law and
39 as may be required by resolution of the board, with good and

1 sufficient sureties satisfactory to the board, payable to the
2 district for its use, for at least twenty-five percent of the
3 contract price. If the successful bidder fails to enter into a
4 contract and furnish the necessary bond within twenty days from the
5 award, exclusive of the day of the award, the bid deposit shall be
6 forfeited to the district and the contract may then be awarded to the
7 second lowest bidder.

8 (2) The provisions of this section in regard to public bidding
9 shall not apply in cases where the board is authorized to exchange
10 bonds of the district in payment for labor and material.

11 (3) The provisions of this section do not apply:

12 (a) In the case of any contract between the district and the
13 United States;

14 (b) In the case of an emergency when the public interest or
15 property of the district would suffer material injury or damage by
16 delay, upon resolution of the board of directors or proclamation of
17 an official designated by the board to act for the board during such
18 emergencies. The resolution or proclamation shall declare the
19 existence of the emergency and recite the facts constituting the
20 emergency; or

21 (c) To purchases which are clearly and legitimately limited to a
22 single source of supply or to purchases involving special facilities,
23 services, or market conditions, in which instances the purchase price
24 may be best established by direct negotiation.

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