

2 **SSB 5048 - H COMM AMD ADOPTED 4-13-93**
3 By Committee on Local Government

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 39.04.155 and 1991 c 363 s 109 are each amended to
8 read as follows:

9 (1) This section provides a uniform process to award contracts for
10 public works projects by those ((counties)) municipalities that are
11 authorized to use a small works roster in lieu of the requirements for
12 formal sealed bidding. The state statutes governing ((counties)) a
13 specific type of municipality shall establish the maximum dollar
14 thresholds of the contracts that can be awarded under this process, and
15 may include other matters concerning the small works roster process,
16 for the ((county)) municipality.

17 (2) ((Counties)) Such municipalities may create a single general
18 small works roster, or may create a small works roster for different
19 categories of anticipated work. The small works roster or rosters
20 shall consist of all responsible contractors who have requested to be
21 on the list, and where required by law are properly licensed or
22 registered to perform such work in this state. At least ((once)) twice
23 a year, the ((county)) municipality shall publish in a newspaper of
24 general circulation within the jurisdiction a notice of the existence
25 of the roster or rosters and solicit the names of contractors for such
26 roster or rosters.

27 The governing body of the ((county)) municipality shall establish
28 a procedure for securing telephone or written quotations from the
29 contractors on the general small works roster, or a specific small
30 works roster for the appropriate category of work, to assure that a
31 competitive price is established and to award contracts to the lowest
32 responsible bidder, as defined in RCW 43.19.1911. Such invitations for
33 quotations shall include an estimate of the scope and nature of the
34 work to be performed as well as materials and equipment to be
35 furnished. Whenever possible at least five contractors shall be
36 invited to submit bids. Once a contractor has been afforded an

1 opportunity to submit a proposal, that contractor shall not be offered
2 another opportunity until all other appropriate contractors on the
3 small works roster have been afforded an opportunity to submit a
4 proposal on a contract. Proposals may be invited from all appropriate
5 contractors on the small works roster.

6 A contract awarded from a small works roster under this section
7 need not be advertised.

8 Immediately after an award is made, the bid quotations obtained
9 shall be recorded, open to public inspection, and available by
10 telephone inquiry.

11 **Sec. 2.** RCW 39.04.190 and 1991 c 363 s 110 are each amended to
12 read as follows:

13 (1) This section provides a uniform process to award contracts for
14 the purchase of any materials, equipment, supplies, or services by
15 those ((counties)) municipalities that are authorized to use this
16 process in lieu of the requirements for formal sealed bidding. The
17 state statutes governing ((counties)) a specific type of municipality
18 shall establish the maximum dollar thresholds of the contracts that can
19 be awarded under this process, and may include other matters concerning
20 the awarding of contracts for purchases, for the ((county))
21 municipality.

22 (2) At least ((once)) twice per year, the ((county)) municipality
23 shall publish in a newspaper of general circulation within the
24 jurisdiction a notice of the existence of vendor lists and solicit the
25 names of vendors for the lists. ((Counties)) Municipalities shall by
26 resolution establish a procedure for securing telephone or written
27 quotations, or both, from at least three different vendors whenever
28 possible to assure that a competitive price is established and for
29 awarding the contracts for the purchase of any materials, equipment,
30 supplies, or services to the lowest responsible bidder as defined in
31 RCW 43.19.1911. Immediately after the award is made, the bid quotations
32 obtained shall be recorded, open to public inspection, and shall be
33 available by telephone inquiry. A contract awarded pursuant to this
34 section need not be advertised.

35 **Sec. 3.** RCW 39.04.200 and 1991 c 363 s 111 are each amended to
36 read as follows:

1 Any ((county)) municipality that utilizes the small works roster
2 process established in RCW 39.04.155 to award contracts for public
3 works projects, or the uniform process established in RCW 39.04.190 to
4 award contracts for purchases, must post a list of the contracts
5 awarded under RCW 39.04.155 and 39.04.190 at least once every two
6 months. The list shall contain the name of the contractor or vendor
7 awarded the contract, the amount of the contract, a brief description
8 of the type of work performed or items purchased under the contract,
9 and the date it was awarded. The list shall also state the location
10 where the bid quotations for these contracts are available for public
11 inspection.

12 **Sec. 4.** RCW 39.30.045 and 1991 c 363 s 112 are each amended to
13 read as follows:

14 Any ((county)) municipality, as defined in RCW 39.04.010, may
15 purchase any supplies, equipment, or materials at auctions conducted by
16 the government of the United States or any agency thereof, any agency
17 of the state of Washington, any municipality or other government
18 agency, or any private party without being subject to public bidding
19 requirements if the items can be obtained at a competitive price.

20 **Sec. 5.** RCW 36.32.240 and 1991 c 363 s 57 are each amended to read
21 as follows:

22 In any county the county legislative authority may by resolution
23 establish a county purchasing department. In each county which
24 exercises this option, the purchasing department shall contract on a
25 competitive basis for all public works, enter into leases of personal
26 property on a competitive basis, and purchase all supplies, materials,
27 and equipment, on a competitive basis, for all departments of the
28 county, as provided in this chapter and chapter 39.04 RCW, except that
29 the county purchasing department is not required to make purchases for
30 the county hospital, or make purchases that are paid from the county
31 road fund or equipment rental and revolving fund.

32 **Sec. 6.** RCW 36.32.253 and 1991 c 363 s 63 are each amended to read
33 as follows:

34 No lease of personal property may be entered into by the county
35 legislative authority or by any elected or appointed officer of the
36 county ~~((until after bids have been submitted to the county. The~~

1 county shall use the same)) except upon use of the procedures specified
2 in ((RCW 36.32.245 and 39.04.190)) this chapter and chapter 39.04 RCW
3 for awarding contracts for purchases when it leases personal property
4 from the lowest responsible bidder.

5 **Sec. 7.** RCW 36.32.245 and 1991 c 363 s 62 are each amended to read
6 as follows:

7 (1) No contract for the purchase of materials, equipment, or
8 supplies((, or services)) may be entered into by the county legislative
9 authority or by any elected or appointed officer of the county until
10 after bids have been submitted to the county. Bid specifications shall
11 be in writing and shall be filed with the clerk of the county
12 legislative authority for public inspection. An advertisement shall be
13 published in the official newspaper of the county stating the time and
14 place where bids will be opened, the time after which bids will not be
15 received, the materials, equipment, supplies, or services to be
16 purchased, and that the specifications may be seen at the office of the
17 clerk of the county legislative authority. The advertisement shall be
18 published at least once at least ((ten)) thirteen days prior to the
19 last date upon which bids will be received.

20 (2) The bids shall be in writing and filed with the clerk. The
21 bids shall be opened and read in public at the time and place named in
22 the advertisement. Contracts requiring competitive bidding under this
23 section may be awarded only to the lowest responsible bidder.
24 Immediately after the award is made, the bid quotations shall be
25 recorded and open to public inspection and shall be available by
26 telephone inquiry. Any or all bids may be rejected for good cause.

27 (3) For advertisement and formal sealed bidding to be dispensed
28 with as to purchases between two thousand five hundred and twenty-five
29 thousand dollars, the county legislative authority must use the uniform
30 process to award contracts as provided in RCW 39.04.190. Advertisement
31 and formal sealed bidding may be dispensed with as to purchases of less
32 than two thousand five hundred dollars upon the order of the county
33 legislative authority.

34 (4) This section does not apply to performance-based contracts, as
35 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
36 RCW; or contracts and purchases for the printing of election ballots,
37 voting machine labels, and all other election material containing the
38 names of candidates and ballot titles.

1 (5) Nothing in this section shall prohibit the legislative
2 authority of any county from allowing for preferential purchase of
3 products made from recycled materials or products that may be recycled
4 or reused.

5 **Sec. 8.** RCW 36.32.250 and 1991 c 363 s 58 are each amended to read
6 as follows:

7 No contract for public works may be entered into by the county
8 legislative authority or by any elected or appointed officer of the
9 county until after bids have been submitted to the county upon
10 specifications therefor. Such specifications shall be in writing and
11 shall be filed with the clerk of the county legislative authority for
12 public inspection. An advertisement shall be published in the county
13 official newspaper stating the time and place where bids will be
14 opened, the time after which bids will not be received, the character
15 of the work to be done, the materials and equipment to be furnished,
16 and that specifications therefor may be seen at the office of the clerk
17 of the county legislative authority. An advertisement shall also be
18 published in a legal newspaper of general circulation in or as near as
19 possible to that part of the county in which such work is to be done.
20 If the 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 shall be sufficient. Such advertisements shall be
25 published at least once at least (~~ten~~) thirteen days prior to the
26 last date upon which bids will be received. The bids shall be in
27 writing, shall be filed with the clerk, shall be opened and read in
28 public at the time and place named therefor in the advertisements, and
29 after being opened, shall be filed for public inspection. No bid may
30 be considered for public work unless it is accompanied by a bid deposit
31 in the form of a surety bond, postal money order, cash, cashier's
32 check, or certified check in an amount equal to five percent of the
33 amount of the bid proposed. The contract for the public work shall be
34 awarded to the lowest responsible bidder. Any or all bids may be
35 rejected for good cause. The county legislative authority shall
36 require from the successful bidder for such public work a contractor's
37 bond in the amount and with the conditions imposed by law. If the
38 bidder to whom the contract is awarded fails to enter into the contract

1 and furnish the contractor's bond as required within ten days after
2 notice of the award, exclusive of the day of notice, the amount of the
3 bid deposit shall be forfeited to the county and the contract awarded
4 to the next lowest and best bidder. The bid deposit of all
5 unsuccessful bidders shall be returned after the contract is awarded
6 and the required contractor's bond given by the successful bidder is
7 accepted by the county legislative authority. In the letting of any
8 contract for public works involving less than ten thousand dollars,
9 advertisement and competitive bidding may be dispensed with on order of
10 the county legislative authority. Immediately after the award is made,
11 the bid quotations obtained shall be recorded and open to public
12 inspection and shall be available by telephone inquiry.

13 For advertisement and competitive bidding to be dispensed with as
14 to public works projects with an estimated value of ten thousand
15 dollars up to one hundred thousand dollars (~~(or less)~~), a county must
16 use a small works roster process as provided in RCW 39.04.155.

17 This section does not apply to performance-based contracts, as
18 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
19 RCW.

20 **Sec. 9.** RCW 35.22.620 and 1989 c 431 s 59 are each amended to read
21 as follows:

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

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

34 If a first class city has public works performed by public
35 employees in any budget period that are in excess of this ten percent
36 limitation, the amount in excess of the permitted amount shall be
37 reduced from the otherwise permitted amount of public works that may be
38 performed by public employees for that city in its next budget period.

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

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

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

17 (3) In addition to the percentage limitation provided in subsection
18 (2) of this section, a first class city with a population in excess of
19 one hundred fifty thousand shall not have public employees perform a
20 public works project in excess of fifty thousand dollars if more than
21 a single craft or trade is involved with the public works project, or
22 a public works project in excess of twenty-five thousand dollars if
23 only a single craft or trade is involved with the public works project
24 or the public works project is street signalization or street lighting.
25 In addition to the percentage limitation provided in subsection (2) of
26 this section, a first class city with a population of one hundred fifty
27 thousand or less shall not have public employees perform a public works
28 project in excess of thirty-five thousand dollars if more than one
29 craft or trade is involved with the public works project, or a public
30 works project in excess of twenty thousand dollars if only a single
31 craft or trade is involved with the public works project or the public
32 works project is street signalization or street lighting. A public
33 works project means a complete project. The restrictions in this
34 subsection do not permit the division of the project into units of work
35 or classes of work to avoid the restriction on work that may be
36 performed by day labor on a single project.

37 (4) In addition to the accounting and record-keeping requirements
38 contained in RCW 39.04.070, every first class city annually shall
39 prepare a report for the state auditor indicating the total public

1 works construction budget and supplemental public works construction
2 budget for that year, the total construction costs of public works
3 performed by public employees for that year, and the amount of public
4 works that is performed by public employees above or below ten percent
5 of the total construction budget. However, if a city budgets on a
6 biennial basis, this annual report shall indicate the amount of public
7 works that is performed by public employees within the current biennial
8 period that is above or below ten percent of the total biennial
9 construction budget.

10 After September 1, 1987, each first class city with a population of
11 one hundred fifty thousand or less shall use the form required by RCW
12 43.09.205 to account and record costs of public works in excess of five
13 thousand dollars that are not let by contract.

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

18 (6) When any emergency shall require the immediate execution of
19 such public work, upon the finding of the existence of such emergency
20 by the authority having power to direct such public work to be done and
21 duly entered of record, publication of description and estimate may be
22 made within seven days after the commencement of the work. Within two
23 weeks of the finding that such an emergency existed, the city council
24 shall adopt a resolution certifying the existence of this emergency
25 situation.

26 (7) In lieu of the procedures of subsections (2) and (6) of this
27 section, a first class city may use a small works roster process and
28 award contracts ~~((under this subsection for contracts))~~ for public
29 works projects with an estimated value of one hundred thousand dollars
30 or less as provided in RCW 39.04.155.

31 ~~((a) The city may maintain a small works roster comprised of all~~
32 ~~contractors who have requested to be on the roster and are, where~~
33 ~~required by law, properly licensed or registered to perform such work~~
34 ~~in this state.~~

35 ~~(b) Whenever work is done by contract, the estimated cost of which~~
36 ~~is one hundred thousand dollars or less, and the city uses the small~~
37 ~~works roster, the city shall invite proposals from all appropriate~~
38 ~~contractors on the small works roster: PROVIDED, That not less than~~
39 ~~five separate appropriate contractors, if available, shall be invited~~

1 ~~to submit bids on any one contract: PROVIDED FURTHER, That)) Whenever~~
2 possible, the city shall invite at least one proposal from a minority
3 or woman contractor who shall otherwise qualify under this section.
4 ~~((Once a bidder on the small works roster has been offered an~~
5 ~~opportunity to bid, that bidder shall not be offered another~~
6 ~~opportunity until all other appropriate contractors on the small works~~
7 ~~roster have been afforded an opportunity to submit a bid. Invitations~~
8 ~~shall include an estimate of the scope and nature of the work to be~~
9 ~~performed, and materials and equipment to be furnished.~~

10 ~~(c) When awarding such a contract for work, the estimated cost of~~
11 ~~which is one hundred thousand dollars or less, the city shall award the~~
12 ~~contract to the contractor submitting the lowest responsible bid.))~~

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

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

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

21 **Sec. 10.** RCW 35.23.352 and 1989 c 431 s 56 are each amended to
22 read as follows:

23 (1) Any second or third class city or any town may construct any
24 public works, as defined in RCW 39.04.010, by contract or day labor
25 without calling for bids therefor whenever the estimated cost of the
26 work or improvement, including cost of materials, supplies and
27 equipment will not exceed the sum of thirty thousand dollars if more
28 than one craft or trade is involved with the public works, or twenty
29 thousand dollars if a single craft or trade is involved with the public
30 works or the public works project is street signalization or street
31 lighting. A public works project means a complete project. The
32 restrictions in this subsection do not permit the division of the
33 project into units of work or classes of work to avoid the restriction
34 on work that may be performed by day labor on a single project.

35 Whenever the cost of the public work or improvement, including
36 materials, supplies and equipment, will exceed these figures, the same
37 shall be done by contract. All such contracts shall be let at public
38 bidding upon ~~((posting))~~ publication of notice calling for sealed bids

1 upon the work. The notice (~~((thereof shall be posted in a public place~~
2 ~~in the city or town and by publication))~~ shall be published in the
3 official newspaper, or a newspaper of general circulation most likely
4 to bring responsive bids, (~~((once each week for two consecutive weeks~~
5 ~~before))~~ at least thirteen days prior to the (~~((date fixed for opening~~
6 ~~the bids))~~ last date upon which bids will be received. The notice
7 shall generally state the nature of the work to be done that plans and
8 specifications therefor shall then be on file in the city or town hall
9 for public inspections, and require that bids be sealed and filed with
10 the council or commission within the time specified therein. Each bid
11 shall be accompanied by a bid proposal deposit in the form of a
12 cashier's check, postal money order, or surety bond to the council or
13 commission for a sum of not less than five percent of the amount of the
14 bid, and no bid shall be considered unless accompanied by such bid
15 proposal deposit. The council or commission of the city or town shall
16 let the contract to the lowest responsible bidder or shall have power
17 by resolution to reject any or all bids and to make further calls for
18 bids in the same manner as the original call.

19 When the contract is let then all bid proposal deposits shall be
20 returned to the bidders except that of the successful bidder which
21 shall be retained until a contract is entered into and a bond to
22 perform the work furnished, with surety satisfactory to the council or
23 commission, in (~~((the full amount of the contract price))~~) accordance
24 with RCW 39.08.030. If the bidder fails to enter into the contract in
25 accordance with his or her bid and furnish a bond within ten days from
26 the date at which he or she is notified that he or she is the
27 successful bidder, the check or postal money order and the amount
28 thereof shall be forfeited to the council or commission or the council
29 or commission shall recover the amount of the surety bond.

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

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

37 (3) In lieu of the procedures of subsection (1) of this section, a
38 second or third class city or a town may use a small works roster
39 process and award public works contracts (~~((under this subsection for~~

1 contracts)) with an estimated value of one hundred thousand dollars or
2 less as provided in RCW 39.04.155.

3 ~~((a) The city or town may maintain a small works roster comprised~~
4 ~~of all contractors who have requested to be on the roster and are,~~
5 ~~where required by law, properly licensed or registered to perform such~~
6 ~~work in this state.~~

7 ~~(b) Whenever work is done by contract, the estimated cost of which~~
8 ~~is one hundred thousand dollars or less, and the city uses the small~~
9 ~~works roster, the city or town shall invite proposals from all~~
10 ~~appropriate contractors on the small works roster: PROVIDED, That))~~
11 Whenever possible, the city or town shall invite at least one proposal
12 from a minority or woman contractor who shall otherwise qualify under
13 this section. ((The invitation shall include an estimate of the scope
14 and nature of the work to be performed, and materials and equipment to
15 be furnished.

16 ~~(c) When awarding such a contract for work, the estimated cost of~~
17 ~~which is one hundred thousand dollars or less, the city or town shall~~
18 ~~award the contract to the contractor submitting the lowest responsible~~
19 ~~bid.))~~

20 (4) After September 1, 1987, each second class city, third class
21 city, and town shall use the form required by RCW 43.09.205 to account
22 and record costs of public works in excess of five thousand dollars
23 that are not let by contract.

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

27 (6) Any purchase of supplies, material, equipment or services other
28 than professional services, except for public work or improvement,
29 where the cost thereof exceeds seven thousand five hundred dollars
30 shall be made upon call for bids(~~(: PROVIDED, That the limitations~~
31 ~~herein shall not apply to any purchases of materials at auctions~~
32 ~~conducted by the government of the United States, any agency thereof or~~
33 ~~by the state of Washington or a political subdivision thereof)).~~

34 (7) Bids shall be called annually and at a time and in the manner
35 prescribed by ordinance for the publication in a newspaper (~~(published~~
36 ~~or)) of general circulation in the city or town of all notices or
37 newspaper publications required by law. The contract shall be awarded
38 to the lowest responsible bidder.~~

1 (8) For advertisement and (~~competitive~~) formal sealed bidding to
2 be dispensed with as to purchases between seven thousand five hundred
3 and fifteen thousand dollars, the city legislative authority must
4 authorize by resolution ((a)), use of the uniform procedure ((~~for~~
5 ~~securing telephone and/or written quotations from enough vendors to~~
6 ~~assure establishment of a competitive price and for awarding the~~
7 ~~contracts for purchase of materials, equipment, or services to the~~
8 ~~lowest responsible bidder. Immediately after the award is made, the~~
9 ~~bid quotations obtained shall be recorded and open to public inspection~~
10 ~~and shall be available by telephone inquiry~~)) provided in RCW
11 39.04.190.

12 (9) These requirements for purchasing may be waived by resolution
13 of the city or town council which declared that the purchase is clearly
14 and legitimately limited to a single source or supply within the near
15 vicinity, or the materials, supplies, equipment, or services are
16 subject to special market conditions, and recites why this situation
17 exists. Such actions are subject to RCW 39.30.020.

18 (10) This section does not apply to performance-based contracts, as
19 defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A
20 RCW.

21 (11) Nothing in this section shall prohibit any second or third
22 class city or any town from allowing for preferential purchase of
23 products made from recycled materials or products that may be recycled
24 or reused.

25 **Sec. 11.** RCW 52.14.110 and 1984 c 238 s 3 are each amended to read
26 as follows:

27 Insofar as practicable, purchases and any public works by the
28 district shall be based on competitive bids. A formal sealed bid
29 procedure shall be used as standard procedure for purchases and
30 contracts for purchases executed by the board of commissioners. Formal
31 sealed bidding shall not be required for:

32 (1) Emergency purchases if the sealed bidding procedure would
33 prevent or hinder the emergency from being addressed appropriately.
34 The term emergency means an occurrence that creates an immediate threat
35 to life or property;

36 (2) The purchase of any materials, supplies, or equipment if the
37 cost will not exceed the sum of (~~ten~~) four thousand five hundred
38 dollars(~~(: PROVIDED, That)~~). However, whenever the estimated cost is

1 from (~~forty five hundred~~) four thousand five hundred dollars up to
2 ten thousand dollars, the commissioners (~~shall require quotations from~~
3 ~~at least three different sources to be obtained in writing or by~~
4 ~~telephone, and recorded for public perusal to assure establishment of~~
5 ~~a competitive price for such purchase~~) may by resolution use the
6 process provided in RCW 39.04.190 to award contracts;

7 (3) Contracting for work to be done involving the construction or
8 improvement of a fire station or other buildings where the estimated
9 cost will not exceed the sum of two thousand five hundred dollars,
10 which includes the costs of labor, material, and equipment. However,
11 whenever the estimated cost is from two thousand five hundred dollars
12 up to ten thousand dollars, the commissioner may by resolution use the
13 small works roster process provided in RCW 39.04.155;

14 (4) Purchases which are clearly and legitimately limited to a
15 single source of supply, or services, in which instances the purchase
16 price may be best established by direct negotiation: PROVIDED, That
17 this subsection shall not apply to purchases or contracts relating to
18 public works as defined in chapter 39.04 RCW; and

19 (5) Purchases of insurance and bonds.

20 **Sec. 12.** RCW 52.14.120 and 1984 c 238 s 4 are each amended to read
21 as follows:

22 (1) Notice of the call for bids shall be given by (~~posting notice~~
23 ~~in three public places in the district and by publication once each~~
24 ~~week for two consecutive weeks. The posting and first publication~~
25 ~~shall be at least two weeks before the date fixed for opening of the~~
26 ~~bids, and the publication shall be~~) publishing the notice in a
27 newspaper of general circulation within the district at least thirteen
28 days before the last date upon which bids will be received. If no bid
29 is received on the first call, the commissioners may readvertise and
30 make a second call, or may enter into a contract without a further
31 call.

32 (2) A public work involving three or more specialty contractors
33 requires that the district retain the services of a general contractor
34 as defined in RCW 18.27.010.

35 **Sec. 13.** RCW 53.08.120 and 1988 c 235 s 1 are each amended to read
36 as follows:

1 All material required by a port district may be procured in the
2 open market or by contract and all work ordered may be done by contract
3 or day labor. All such contracts for work, the estimated cost of which
4 exceeds one hundred thousand dollars, shall be let at public bidding
5 upon notice published in a newspaper of general circulation in the
6 district at least ~~((ten))~~ thirteen days before the ~~((letting))~~ last
7 date upon which bids will be received, calling for sealed bids upon the
8 work, plans and specifications for which shall then be on file in the
9 office of the commission for public inspection. The same notice may
10 call for bids on such work or material based upon plans and
11 specifications submitted by the bidder.

12 Each port district shall maintain a small works roster ~~((which~~
13 ~~shall be comprised of all contractors who have requested to be on the~~
14 ~~roster and are, where required by law, properly licensed or registered~~
15 ~~to perform such work in the state of Washington.))~~, as provided in RCW
16 39.04.155, and may use the small works roster process to award
17 contracts in lieu of calling for sealed bids whenever work is done by
18 contract, the estimated cost of which is one hundred thousand dollars
19 or less~~((, the managing official of the port district may invite~~
20 ~~proposals from all appropriate contractors on the small works roster:~~
21 ~~PROVIDED, That not less than five separate appropriate contractors~~
22 ~~shall be invited to submit proposals on any individual contract:~~
23 ~~PROVIDED FURTHER, That))~~. Whenever possible, the managing official
24 shall invite at least one proposal from a minority contractor who shall
25 otherwise qualify under this section. ((Such invitation shall include
26 an estimate of the scope and nature of the work to be performed, and
27 materials and equipment to be furnished.))

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

34 **Sec. 14.** RCW 54.04.070 and 1990 c 251 s 1 are each amended to read
35 as follows:

36 Any item, or items of the same kind of materials, equipment, or
37 supplies purchased, the estimated cost of which is in excess of five
38 thousand dollars, exclusive of sales tax shall be by contract:

1 PROVIDED, That a district may make purchases of the same kind of items
2 of materials, equipment and supplies not exceeding five thousand
3 dollars in any calendar month without a contract, purchasing any excess
4 thereof over five thousand dollars by contract. Any work ordered by a
5 district commission, the estimated cost of which is in excess of ten
6 thousand dollars exclusive of sales tax, shall be by contract, except
7 that a district commission may have its own regularly employed
8 personnel perform work which is an accepted industry practice under
9 prudent utility management without a contract. Prudent utility
10 management means performing work with regularly employed personnel
11 utilizing material of a worth not exceeding fifty thousand dollars in
12 value without a contract: PROVIDED, That such limit on the value of
13 material being utilized in work being performed by regularly employed
14 personnel shall not include the value of individual items of equipment
15 purchased or acquired and used as one unit of a project. Before
16 awarding such a contract, the commission shall publish a notice once or
17 more in a newspaper of general circulation in the district at least
18 ~~((twenty))~~ thirteen days before the ~~((letting of the contract))~~ last
19 date upon which bids will be received, inviting sealed proposals for
20 the work or materials; plans and specifications of which shall at the
21 time of the publication be on file at the office of the district
22 subject to public inspection(~~(:—PROVIDED, That any))~~). Any published
23 notice ordering work to be performed for the district shall be mailed
24 at the time of publication to any established trade association which
25 files a written request with the district to receive such notices. The
26 commission may at the same time and as part of the same notice, invite
27 tenders for the work or materials upon plans and specifications to be
28 submitted by the bidders.

29 Notwithstanding any other provisions herein, all contract projects,
30 the estimated cost of which is less than one hundred thousand dollars,
31 may be awarded to a contractor ~~((on))~~ using the small works roster(~~(-~~
32 ~~The small works roster shall be comprised of all responsible~~
33 ~~contractors who have requested to be on the list. The commission shall~~
34 ~~authorize by resolution a procedure for securing telephone and/or~~
35 ~~written quotations from the contractors on the small works roster to~~
36 ~~assure establishment of a competitive price and for awarding contracts~~
37 ~~to the lowest responsible bidder. Such procedure shall require that a~~
38 ~~good faith effort be made to request quotations from all contractors on~~
39 ~~the small works roster. Immediately after an award is made, the bid~~

1 ~~quotations obtained shall be recorded, open to public inspection, and~~
2 ~~available by telephone inquiry. The small works roster shall be~~
3 ~~revised once a year)) process provided in RCW 39.04.155. All contract~~
4 projects equal to or in excess of one hundred thousand dollars shall be
5 let by competitive bidding.

6 Whenever equipment or materials required by a district are held by
7 a governmental agency and are available for sale but such agency is
8 unwilling to submit a proposal, the commission may ascertain the price
9 of such items and file a statement of such price supported by the sworn
10 affidavit of one member of the commission and may consider such price
11 as a bid without a deposit or bond. In the event of an emergency when
12 the public interest or property of the district would suffer material
13 injury or damage by delay, upon resolution of the commission, or
14 proclamation of an official designated by the board to act for the
15 board during such emergencies, declaring the existence of such
16 emergency and reciting the facts constituting the same, the board, or
17 the official acting for the board, may waive the requirements of this
18 chapter with reference to any purchase or contract, after having taken
19 precautions to secure the lowest price practicable under the
20 circumstances.

21 After determination by the commission during a public meeting that
22 a particular purchase is available clearly and legitimately only from
23 a single source of supply, the bidding requirements of this section may
24 be waived by the commission.

25 **Sec. 15.** RCW 54.04.082 and 1977 ex.s. c 116 s 1 are each amended
26 to read as follows:

27 For the awarding of a contract to purchase any item, or items of
28 the same kind of materials, equipment, or supplies in an amount
29 exceeding five thousand dollars, but less than fifteen thousand
30 dollars, exclusive of sales tax, the commission may, in lieu of the
31 procedure described in RCW 54.04.070 and 54.04.080 requiring public
32 notice to invite sealed proposals for such materials, equipment, or
33 supplies, ~~((authorize by))~~ pursuant to commission resolution ~~((a staff~~
34 ~~procedure for securing telephone and/or written quotations from enough~~
35 ~~vendors to assure establishment of a competitive price and for awarding~~
36 ~~such contracts for purchase of materials, equipment, or supplies to the~~
37 ~~lowest responsible bidder. Immediately after the award is made, the bid~~
38 ~~quotations obtained shall be recorded and shall be posted or otherwise~~

1 made available at the office of the commission or any other officially
2 designated location)) use the process provided in RCW 39.04.190.
3 Waiver of the deposit or bid bond required under RCW 54.04.080 may be
4 authorized by the commission in securing such bid quotations.

5 **Sec. 16.** RCW 56.08.070 and 1989 c 105 s 1 are each amended to read
6 as follows:

7 (1) All materials purchased and work ordered, the estimated cost of
8 which is in excess of five thousand dollars shall be let by contract.
9 All contract projects, the estimated cost of which is less than fifty
10 thousand dollars, may be awarded to a contractor ((~~on~~)) using the small
11 works roster((~~. The small works roster shall be comprised of all~~
12 ~~responsible contractors who have requested to be on the list~~)) process
13 provided in RCW 39.04.155 or the process provided in RCW 39.04.190 for
14 purchases. The board of sewer commissioners may set up uniform
15 procedures to prequalify contractors for inclusion on the small works
16 roster. ((~~The board of sewer commissioners shall authorize by~~
17 ~~resolution a procedure for securing telephone and/or written quotations~~
18 ~~from the contractors on the small works roster to assure establishment~~
19 ~~of a competitive price and for awarding contracts to the lowest~~
20 ~~responsible bidder. Such procedure shall require that a good faith~~
21 ~~effort be made to request quotations from all contractors on the small~~
22 ~~works roster. Immediately after an award is made, the bid quotations~~
23 ~~obtained shall be recorded, open to public inspection, and available by~~
24 ~~telephone inquiry. The small works roster shall be revised once a~~
25 ~~year.~~)) All contract projects equal to or in excess of fifty thousand
26 dollars shall be let by competitive bidding. Before awarding any
27 competitive contract the board of sewer commissioners shall ((~~cause~~))
28 publish a notice ((~~to be published~~)) in a newspaper ((~~in~~)) of general
29 circulation where the district is located at least once, ((~~ten~~))
30 thirteen days before the ((~~letting of such contract~~)) last date upon
31 which bids will be received, inviting sealed proposals for such work,
32 plans and specifications which must at the time of publication of such
33 notice be on file in the office of the board of sewer commissioners
34 subject to public inspection. Such notice shall state generally the
35 work to be done and shall call for proposals for doing the same to be
36 sealed and filed with the board of sewer commissioners on or before the
37 day and hour named therein.

1 (2) Each bid shall be accompanied by a bid proposal deposit in the
2 form of a certified check, cashier's check, postal money order, or
3 surety bond payable to the order of the county treasurer for a sum not
4 less than five percent of the amount of the bid and no bid shall be
5 considered unless accompanied by such bid proposal deposit. At the
6 time and place named such bids shall be publicly opened and read and
7 the board of sewer commissioners shall proceed to canvass the bids and
8 may let such contract to the lowest responsible bidder upon plans and
9 specifications: PROVIDED, That no contract shall be let in excess of
10 the cost of (~~said~~) the materials or work, or if in the opinion of the
11 board of sewer commissioners all bids are unsatisfactory they may
12 reject all of them and readvertise and in such case all checks, cash or
13 bid bonds shall be returned to the bidders. If such contract be let,
14 then all checks, cash or bid bonds shall be returned to the bidders,
15 except that of the successful bidder, which shall be retained until a
16 contract shall be entered into for the purchase of such materials or
17 doing such work, and a bond to perform such work furnished with
18 sureties satisfactory to the board of sewer commissioners in the full
19 amount of the contract price between the bidder and the commission in
20 accordance with bid. If (~~said~~) the bidder fails to enter into
21 (~~said~~) the contract in accordance with (~~said~~) the bid and furnish
22 such bond within ten days from the date at which (~~he~~) the bidder is
23 notified that he or she is the successful bidder, the (~~said~~) check,
24 cash, or bid bonds and the amount thereof shall be forfeited to the
25 sewer district.

26 (3) In the event of an emergency when the public interest or
27 property of the sewer district would suffer material injury or damage
28 by delay, upon resolution of the board of sewer commissioners, or
29 proclamation of an official designated by the board to act for the
30 board during such emergencies, declaring the existence of such
31 emergency and reciting the facts constituting the same, the board, or
32 the official acting for the board, may waive the requirements of this
33 chapter with reference to any purchase or contract. In addition, these
34 requirements may be waived for purchases which are clearly and
35 legitimately limited to a single source of supply and purchases
36 involving special facilities, services, or market conditions, in which
37 instances the purchase price may be best established by direct
38 negotiation.

1 **Sec. 17.** RCW 56.08.080 and 1989 c 308 s 5 are each amended to read
2 as follows:

3 The board of commissioners of a sewer district may sell, at public
4 or private sale, property belonging to the district if the board
5 determines that the property is not and will not be needed for district
6 purposes and if the board gives notice of intention to sell as in this
7 section provided: PROVIDED, That no notice of intention is required to
8 sell personal property of less than two thousand five hundred dollars
9 in value.

10 The notice of intention to sell shall be published once a week for
11 ~~((three))~~ two consecutive weeks in a newspaper of general circulation
12 in the district. ~~((The last publication shall be at least twenty days
13 but not more than thirty days before the date of sale.))~~ The notice
14 shall describe the property and state the time and place at which it
15 will be sold or offered for sale, the terms of sale, whether the
16 property is to be sold at public or private sale, and if at public sale
17 the notice shall call for bids, fix the conditions thereof and shall
18 reserve the right to reject any and all bids.

19 **Sec. 18.** RCW 56.08.090 and 1989 c 308 s 6 are each amended to read
20 as follows:

21 (1) Subject to the provisions of subsection (2) of this section, no
22 real property valued at two thousand five hundred dollars or more of
23 the district shall be sold for less than ninety percent of the value
24 thereof as established by a written appraisal made not more than six
25 months prior to the date of sale by three disinterested real estate
26 brokers licensed under the laws of the state or professionally
27 designated real estate appraisers as defined in RCW 74.46.020. The
28 appraisal shall be signed by the appraisers and filed with the
29 secretary of the board of commissioners of the district, who shall keep
30 it at the office of the district open to public inspection. Any notice
31 of intention to sell real property of the district shall recite the
32 appraised value thereof: PROVIDED, That there shall be no private sale
33 of real property where the appraised value exceeds the sum of two
34 thousand five hundred dollars.

35 (2) If no purchasers can be obtained for the property at ninety
36 percent or more of its appraised value after one hundred ~~((eighty))~~
37 twenty days of offering the property for sale, the board of
38 commissioners of the sewer district may adopt a resolution stating that

1 the district has been unable to sell the property at the ninety percent
2 amount. The sewer district then may sell the property at the highest
3 price it can obtain at public auction. A notice of intention to sell
4 at public auction shall be published once a week for (~~three~~) two
5 consecutive weeks in a newspaper of general circulation in the sewer
6 district. (~~The last publication shall be at least twenty days but not~~
7 ~~more than thirty days before the date of sale.~~) The notice shall
8 describe the property, state the time and place at which it will be
9 offered for sale and the terms of sale, and shall call for bids, fix
10 the conditions thereof, and reserve the right to reject any and all
11 bids.

12 **Sec. 19.** RCW 57.08.015 and 1989 c 308 s 7 are each amended to read
13 as follows:

14 The board of commissioners of a water district may sell, at public
15 or private sale, property belonging to the district if the board
16 determines that the property is not and will not be needed for district
17 purposes and if the board gives notice of intention to sell as in this
18 section provided: PROVIDED, That no such notice of intention shall be
19 required to sell personal property of less than two thousand five
20 hundred dollars in value.

21 The notice of intention to sell shall be published once a week for
22 (~~three~~) two consecutive weeks in a newspaper of general circulation
23 in the district. (~~The last publication shall be at least twenty days~~
24 ~~but not more than thirty days before the date of sale.~~) The notice
25 shall describe the property and state the time and place at which it
26 will be sold or offered for sale, the terms of sale, whether the
27 property is to be sold at public or private sale, and if at public sale
28 the notice shall call for bids, fix the conditions thereof and shall
29 reserve the right to reject any and all bids.

30 **Sec. 20.** RCW 57.08.016 and 1989 c 308 s 8 are each amended to read
31 as follows:

32 (1) Subject to the provisions of subsection (2) of this section, no
33 real property valued at two thousand five hundred dollars or more of
34 the district shall be sold for less than ninety percent of the value
35 thereof as established by a written appraisal made not more than six
36 months prior to the date of sale by three disinterested real estate
37 brokers licensed under the laws of the state or professionally

1 designated real estate appraisers as defined in RCW 74.46.020. The
2 appraisal shall be signed by the appraisers and filed with the
3 secretary of the board of commissioners of the district, who shall keep
4 it at the office of the district open to public inspection. Any notice
5 of intention to sell real property of the district shall recite the
6 appraised value thereof: PROVIDED, That there shall be no private sale
7 of real property where the appraised value exceeds the sum of two
8 thousand five hundred dollars.

9 (2) If no purchasers can be obtained for the property at ninety
10 percent or more of its appraised value after one hundred (~~eighty~~)
11 twenty days of offering the property for sale, the board of
12 commissioners of the water district may adopt a resolution stating that
13 the district has been unable to sell the property at the ninety percent
14 amount. The water district then may sell the property at the highest
15 price it can obtain at public auction. A notice of intention to sell
16 at public auction shall be published once a week for (~~three~~) two
17 consecutive weeks in a newspaper of general circulation in the water
18 district. (~~The last publication shall be at least twenty days but not~~
19 ~~more than thirty days before the date of sale.~~) The notice shall
20 describe the property, state the time and place at which it will be
21 offered for sale and the terms of sale, and shall call for bids, fix
22 the conditions thereof, and reserve the right to reject any and all
23 bids.

24 **Sec. 21.** RCW 57.08.050 and 1989 c 105 s 2 are each amended to read
25 as follows:

26 (1) The board of water commissioners shall have authority to create
27 and fill such positions and fix salaries and bonds thereof as it may by
28 resolution provide.

29 (2) All materials purchased and work ordered, the estimated cost of
30 which is in excess of five thousand dollars shall be let by contract.
31 All contract projects, the estimated cost of which is less than fifty
32 thousand dollars, may be awarded to a contractor (~~on the~~) using a
33 small works roster(~~. The small works roster shall be comprised of all~~
34 ~~responsible contractors who have requested to be on the list~~) process
35 provided in RCW 39.04.155 or the process provided in RCW 39.04.190 for
36 purchases. The board of water commissioners may set up uniform
37 procedures to prequalify contractors for inclusion on the small works
38 roster. (~~The board of water commissioners shall authorize by~~

1 resolution a procedure for securing telephone and/or written quotations
2 from the contractors on the small works roster to assure establishment
3 of a competitive price and for awarding contracts to the lowest
4 responsible bidder. Such procedure shall require that a good faith
5 effort be made to request quotations from all contractors on the small
6 works roster. Immediately after an award is made, the bid quotations
7 obtained shall be recorded, open to public inspection, and available by
8 telephone inquiry. The small works roster shall be revised once a
9 year.) All contract projects equal to or in excess of fifty thousand
10 dollars shall be let by competitive bidding. Before awarding any such
11 contract the board of water commissioners shall ((cause)) publish a
12 notice ((to be published)) in a newspaper ((in)) of general circulation
13 where the district is located at least once ((ten)) thirteen days
14 before the ((letting of such contract)) last date upon which bids will
15 be received, inviting sealed proposals for such work, plans and
16 specifications which must at the time of publication of such notice be
17 on file in the office of the board of water commissioners subject to
18 public inspection. Such notice shall state generally the work to be
19 done and shall call for proposals for doing the same to be sealed and
20 filed with the board of water commissioners on or before the day and
21 hour named therein.

22 (3) Each bid shall be accompanied by a certified or cashier's check
23 or postal money order payable to the order of the county treasurer for
24 a sum not less than five percent of the amount of the bid, or
25 accompanied by a bid bond in an amount not less than five percent of
26 the bid with a corporate surety licensed to do business in the state,
27 conditioned that the bidder will pay the district as liquidated damages
28 the amount specified in the bond, unless ((he)) the bidder enters into
29 a contract in accordance with his or her bid, and no bid shall be
30 considered unless accompanied by such check, cash or bid bond. At the
31 time and place named such bids shall be publicly opened and read and
32 the board of water commissioners shall proceed to canvass the bids and
33 may let such contract to the lowest responsible bidder upon plans and
34 specifications on file or to the best bidder submitting his or her own
35 plans and specifications: PROVIDED, That no contract shall be let in
36 excess of the cost of ((said)) the materials or work, or if in the
37 opinion of the board of water commissioners all bids are unsatisfactory
38 they may reject all of them and readvertise and in such case all
39 checks, cash or bid bonds shall be returned to the bidders. If such

1 contract be let, then all checks, cash or bid bonds shall be returned
2 to the bidders, except that of the successful bidder, which shall be
3 retained until a contract shall be entered into for the purchase of
4 such materials or doing such work, and a bond to perform such work
5 furnished with sureties satisfactory to the board of water
6 commissioners in the full amount of the contract price between the
7 bidder and the commission in accordance with the bid. If (~~said~~) the
8 bidder fails to enter into (~~said~~) the contract in accordance with
9 (~~said~~) the bid and furnish such bond within ten days from the date at
10 which (~~he~~) the bidder is notified that he or she is the successful
11 bidder, the (~~said~~) check, cash or bid bonds and the amount thereof
12 shall be forfeited to the water district: PROVIDED, That if the bidder
13 fails to enter into a contract in accordance with his or her bid, and
14 the board of water commissioners deems it necessary to take legal
15 action to collect on any bid bond required herein, then the water
16 district shall be entitled to collect from (~~said~~) the bidder any
17 legal expenses, including reasonable attorneys' fees occasioned
18 thereby.

19 (4) In the event of an emergency when the public interest or
20 property of the water district would suffer material injury or damage
21 by delay, upon resolution of the board of water commissioners, or
22 proclamation of an official designated by the board to act for the
23 board during such emergencies, declaring the existence of such
24 emergency and reciting the facts constituting the same, the board, or
25 official acting for the board, may waive the requirements of this
26 chapter with reference to any purchase or contract. In addition, these
27 requirements may be waived for purchases which are clearly and
28 legitimately limited to a single source of supply and purchases
29 involving special facilities, services, or market conditions, in which
30 instances the purchase price may be best established by direct
31 negotiation.

32 **Sec. 22.** RCW 70.44.140 and 1965 c 83 s 1 are each amended to read
33 as follows:

34 (1) All materials purchased and work ordered, the estimated cost of
35 which is in excess of five thousand dollars, shall be by contract.
36 Before awarding any such contract, the commission shall (~~cause to be~~
37 ~~published~~) publish a notice at least (~~thirty~~) thirteen days before
38 the (~~letting of said contract~~) last date upon which bids will be

1 received, inviting sealed proposals for such work((~~τ~~)). The plans and
2 specifications ((~~which~~)) must at the time of the publication of such
3 notice be on file at the office of the public hospital district,
4 subject to public inspection: PROVIDED, HOWEVER, That the commission
5 may at the same time, and as part of the same notice, invite tenders
6 for ((~~said~~)) the work or materials upon plans and specifications to be
7 submitted by bidders. ((~~Such~~)) The notice shall state generally the
8 work to be done, and shall call for proposals for doing the same, to be
9 sealed and filed with the commission on or before the day and hour
10 named therein. Each bid shall be accompanied by bid proposal security
11 in the form of a certified check, cashier's check, postal money order,
12 or surety bond made payable to the order of the commission, for a sum
13 not less than five percent of the amount of the bid, and no bid shall
14 be considered unless accompanied by such bid proposal security. At the
15 time and place named, such bids shall be publicly opened and read, and
16 the commission shall proceed to canvass the bids, and may let such
17 contract to the lowest responsible bidder upon plans and specifications
18 on file, or to the best bidder submitting his or her own plans and
19 specifications: PROVIDED, HOWEVER, That no contract shall be let in
20 excess of the estimated cost of ((~~said~~)) the materials or work, or if,
21 in the opinion of the commission, all bids are unsatisfactory, they may
22 reject all of them and readvertise, and in such case all bid proposal
23 security shall be returned to the bidders; but if such contract be let,
24 then and in such case all bid proposal security shall be returned to
25 the bidders, except that of the successful bidder, which shall be
26 retained until a contract shall be entered into for the purchase of
27 such materials for doing such work, and a bond to perform such work
28 furnished, with sureties satisfactory to the commission, in an amount
29 to be fixed by the commission, not less than twenty-five percent of
30 contract price in any case, between the bidder and commission, in
31 accordance with the bid. If such bidder fails to enter into ((~~said~~))
32 the contract in accordance with ((~~said~~)) the bid and furnish such bond
33 within ten days from the date at which ((~~he~~)) the bidder is notified
34 that he or she is the successful bidder, the ((~~said~~)) bid proposal
35 security and the amount thereof shall be forfeited to the public
36 hospital district.

37 (2) In lieu of the procedures of subsection (1) of this section, a
38 public hospital district may use a small works roster process and award

1 public works contracts for projects in excess of five thousand dollars
2 up to fifty thousand dollars as provided in RCW 39.04.155.
3 (3) For advertisement and formal sealed bidding to be dispensed
4 with as to purchases between five thousand and fifteen thousand
5 dollars, the commission must authorize by resolution a procedure as
6 provided in RCW 39.04.190."

--- END ---