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HOUSE BILL 1642

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State of Washington

55th Legislature

1997 Regular Session

By Representatives D. Sommers, Scott, Wolfe, D. Schmidt, Wensman and  
Dunn

Read first time 02/04/97. Referred to Committee on Government  
Administration.

1 AN ACT Relating to bid requirements for water-sewer districts; and  
2 reenacting and amending RCW 57.08.050.

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

4 **Sec. 1.** RCW 57.08.050 and 1996 c 230 s 311 and 1996 c 18 s 14 are  
5 each reenacted and amended to read as follows:

6 (1) All work ordered, the estimated cost of which is in excess of  
7 five thousand dollars, shall be let by contract. All contract  
8 projects, the estimated cost of which is less than fifty thousand  
9 dollars, may be awarded to a contractor using the small works roster  
10 process provided in RCW 39.04.155. The board of commissioners may set  
11 up uniform procedures to prequalify contractors for inclusion on the  
12 small works roster. All contract projects equal to or in excess of  
13 fifty thousand dollars shall be let by competitive bidding. Before  
14 awarding any such contract the board of commissioners shall publish a  
15 notice in a newspaper of general circulation where the district is  
16 located at least once thirteen days before the last date upon which  
17 bids will be received, inviting sealed proposals for such work, plans  
18 and specifications which must at the time of publication of such notice  
19 be on file in the office of the board of commissioners subject to the

1 public inspection. The notice shall state generally the work to be  
2 done and shall call for proposals for doing the same to be sealed and  
3 filed with the board of water commissioners on or before the day and  
4 hour named therein.

5 Each bid shall be accompanied by a certified or cashier's check or  
6 postal money order payable to the order of the county treasurer for a  
7 sum not less than five percent of the amount of the bid, or accompanied  
8 by a bid bond in an amount not less than five percent of the bid with  
9 a corporate surety licensed to do business in the state, conditioned  
10 that the bidder will pay the district as liquidated damages the amount  
11 specified in the bond, unless the bidder enters into a contract in  
12 accordance with the bidder's bid, and no bid shall be considered unless  
13 accompanied by such check, cash or bid bond. At the time and place  
14 named such bids shall be publicly opened and read and the board of  
15 commissioners shall proceed to canvass the bids and may let such  
16 contract to the lowest responsible bidder upon plans and specifications  
17 on file or to the best bidder submitting the bidder's own plans and  
18 specifications. However, no contract shall be let in excess of the  
19 cost of the materials or work. The board of commissioners may reject  
20 all bids for good cause and readvertise and in such case all checks,  
21 cash or bid bonds shall be returned to the bidders. If the contract is  
22 let, then all checks, cash, or bid bonds shall be returned to the  
23 bidders, except that of the successful bidder, which shall be retained  
24 until a contract shall be entered into for doing the work, and a bond  
25 to perform such work furnished with sureties satisfactory to the board  
26 of commissioners in the full amount of the contract price between the  
27 bidder and the commission in accordance with the bid. If the bidder  
28 fails to enter into the contract in accordance with the bid and furnish  
29 the bond within ten days from the date at which the bidder is notified  
30 that the bidder is the successful bidder, the check, cash, or bid bonds  
31 and the amount thereof shall be forfeited to the district. If the  
32 bidder fails to enter into a contract in accordance with the bidder's  
33 bid, and the board of commissioners deems it necessary to take legal  
34 action to collect on any bid bond required by this section, then the  
35 district shall be entitled to collect from the bidder any legal  
36 expenses, including reasonable attorneys' fees occasioned thereby. A  
37 low bidder who claims error and fails to enter into a contract is  
38 prohibited from bidding on the same project if a second or subsequent  
39 call for bids is made for the project.

1 (2) Any purchase of materials, supplies, or equipment, with an  
2 estimated cost in excess of ten thousand dollars, shall be by contract.  
3 Any purchase of materials, supplies, or equipment, with an estimated  
4 cost of from (~~five~~) ten thousand dollars to less than fifty thousand  
5 dollars shall be made using the process provided in RCW 39.04.155 or by  
6 competitive bidding following the procedure for letting contracts for  
7 projects under subsection (1) of this section. Any purchase of  
8 materials, supplies, or equipment with an estimated cost of fifty  
9 thousand dollars or more shall be made by competitive bidding following  
10 the procedure for letting contracts for projects under subsection (1)  
11 of this section.

12 (3) Any purchase of labor with an estimated cost in excess of ten  
13 thousand dollars shall be by contract. Any purchase of labor with an  
14 estimated cost of from ten thousand dollars to less than fifty thousand  
15 dollars shall be made using the process provided in RCW 39.04.155 or by  
16 competitive bidding following the procedure for letting contracts for  
17 projects under subsection (1) of this section. Any purchase of labor  
18 with an estimated cost of fifty thousand dollars or more shall be made  
19 by competitive bidding following the procedure for letting contracts  
20 for projects under subsection (1) of this section.

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

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