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HOUSE BILL 2399

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Romero, D. Schmidt and Thompson

Read first time 01/13/98. Referred to Committee on Government Administration.

1 AN ACT Relating to small public works rosters; and reenacting and  
2 amending RCW 39.04.150.

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

4 **Sec. 1.** RCW 39.04.150 and 1994 c 264 s 12 and 1994 c 243 s 2 are  
5 each reenacted and amended to read as follows:

6 (1) As used in this section, "agency" means the department of  
7 general administration, the department of fish and wildlife, the  
8 department of natural resources, the department of transportation, and  
9 the state parks and recreation commission.

10 (2) In addition to any other power or authority that an agency may  
11 have, each agency, alone or in concert, may establish a small works  
12 roster consisting of all qualified contractors who have requested to be  
13 included on the roster.

14 (3) The small works roster may make distinctions between  
15 contractors based on the geographic areas served and the nature of the  
16 work the contractor is qualified to perform. At least once every year,  
17 the agency shall advertise in a newspaper of general circulation the  
18 existence of the small works roster and shall add to the roster those  
19 contractors who request to be included on the roster.

1 (4) Construction, repair, or alteration projects estimated to cost  
2 less than one hundred thousand dollars are exempt from the requirement  
3 that the contracts be awarded after advertisement and competitive bid  
4 as defined by RCW 39.04.010. In lieu of advertisement and competitive  
5 bid, (~~the agency shall solicit at least five quotations, confirmed in~~  
6 ~~writing, from contractors chosen from the small works roster for the~~  
7 ~~category of job type involved and shall award the work to the party~~  
8 ~~with the lowest quotation or reject all quotations. If the agency does~~  
9 ~~not receive at least two responsive quotations for a particular~~  
10 ~~project, then the project shall be advertised and competitively bid.~~  
11 ~~The agency shall solicit quotations from contractors selected randomly~~  
12 ~~from the small works roster in a manner which will equitably distribute~~  
13 ~~the opportunity for these contracts among contractors on the roster.~~  
14 ~~The agency shall invite at least one proposal each from a certified~~  
15 ~~minority and a certified women owned contractor who shall otherwise~~  
16 ~~qualify to perform such work. Immediately after an award is made, the~~  
17 ~~bid quotations obtained shall be recorded, open to public inspection,~~  
18 ~~and available by telephone request. If the work is executed by~~  
19 ~~competitive bid, the agency shall invite at least one proposal each~~  
20 ~~from a certified minority and a certified women owned contractor who~~  
21 ~~shall otherwise qualify to perform such work)) each agency alone or in  
22 concert shall establish a procedure for securing telephone, electronic,  
23 or written quotations from the contractors on the small works roster to  
24 assure establishment of a competitive price and for awarding contracts  
25 to the lowest responsive and responsible bidder. This procedure shall  
26 require either that the agency make a good faith effort to request  
27 quotations from all contractors on the small works roster who have  
28 indicated the capability of performing the kind of public works being  
29 contracted or that the agency solicit quotations from at least five  
30 contractors in a manner that will equitably distribute the opportunity  
31 among contractors willing to perform in the geographic area of the  
32 work. The agency shall invite at least one proposal from a certified  
33 minority or women-owned contractor, if available, who is otherwise  
34 qualified to perform such work. Immediately after an award is made,  
35 the bid quotations obtained shall be recorded, open to public  
36 inspection, and available by telephone inquiry.~~

37 (5) The breaking down of any public work or improvement into units  
38 or accomplishing any public work or improvement by phases for the

1 purpose of avoiding the minimum dollar amount for bidding is contrary  
2 to public policy and is prohibited.

3 (6) The director of general administration shall adopt by rule a  
4 procedure to (~~prequalify~~) qualify contractors for inclusion on the  
5 small works roster. Each agency shall follow the procedure adopted by  
6 the director of general administration. No agency shall be required to  
7 make available for public inspection or copying under chapter 42.17 RCW  
8 financial information required to be provided by the  
9 (~~prequalification~~) qualification procedure.

10 (7) An agency may adopt by rule procedures to implement this  
11 section which shall not be inconsistent with the procedures adopted by  
12 the director of the department of general administration pursuant to  
13 subsection (6) of this section.

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