

2 SHB 2505 - S COMM AMD

3 By Committee on Governmental Operations

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

1 contractors on the general small works roster, or a specific small  
2 works roster for the appropriate category of work, to assure that a  
3 competitive price is established and to award contracts to the lowest  
4 responsible bidder, as defined in RCW 43.19.1911. Such invitations for  
5 quotations shall include an estimate of the scope and nature of the  
6 work to be performed as well as materials and equipment to be  
7 furnished. Whenever possible at least five contractors shall be  
8 invited to submit bids. Once a contractor has been afforded an  
9 opportunity to submit a proposal, that contractor shall not be offered  
10 another opportunity until all other appropriate contractors on the  
11 small works roster have been afforded an opportunity to submit a  
12 proposal on a contract. Proposals may be invited from all appropriate  
13 contractors on the small works roster.

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

16 Immediately after an award is made, the bid quotations obtained  
17 shall be recorded, open to public inspection, and available by  
18 telephone inquiry."

19 "Sec. 2. RCW 39.04.190 and 1991 c 363 s 110 are each amended to  
20 read as follows:

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

1           (2) At least ((~~once~~)) twice per year, the ((~~county~~)) municipality  
2 shall publish in a newspaper of general circulation within the  
3 jurisdiction a notice of the existence of vendor lists and solicit the  
4 names of vendors for the lists. ((~~Counties~~)) Municipalities shall by  
5 resolution establish a procedure for securing telephone or written  
6 quotations, or both, from at least three different vendors whenever  
7 possible to assure that a competitive price is established and for  
8 awarding the contracts for the purchase of any materials, equipment,  
9 supplies, or services to the lowest responsible bidder as defined in  
10 RCW 43.19.1911. Immediately after the award is made, the bid quotations  
11 obtained shall be recorded, open to public inspection, and shall be  
12 available by telephone inquiry. A contract awarded pursuant to this  
13 section need not be advertised."

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

16           Any ((~~county~~)) municipality that utilizes the small works roster  
17 process established in RCW 39.04.155 to award contracts for public  
18 works projects, or the uniform process established in RCW 39.04.190 to  
19 award contracts for purchases, must post a list of the contracts  
20 awarded under RCW 39.04.155 and 39.04.190 at least once every two  
21 months. The list shall contain the name of the contractor or vendor  
22 awarded the contract, the amount of the contract, a brief description  
23 of the type of work performed or items purchased under the contract,  
24 and the date it was awarded. The list shall also state the location  
25 where the bid quotations for these contracts are available for public  
26 inspection."

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

1 Any ((county)) municipality, as defined in RCW 39.04.010, may  
2 purchase any supplies, equipment, or materials at auctions conducted by  
3 the government of the United States or any agency thereof, any agency  
4 of the state of Washington, any municipality or other government  
5 agency, or any private party without being subject to public bidding  
6 requirements if the items can be obtained at a competitive price."

7 "Sec. 5. RCW 36.32.240 and 1991 c 363 s 57 are each amended to  
8 read as follows:

9 In any county the county legislative authority may by resolution  
10 establish a county purchasing department. The purchasing department  
11 shall contract on a competitive basis for all public works, enter into  
12 leases of personal property on a competitive basis, and purchase all  
13 supplies, materials, and equipment, on a competitive basis, for all  
14 departments of the county, as provided in this chapter and chapter  
15 39.04 RCW, except that the county purchasing department is not required  
16 to make purchases for the county hospital, or make purchases that are  
17 paid from the county road fund or equipment rental and revolving fund."

18 "Sec. 6. RCW 36.32.253 and 1991 c 363 s 63 are each amended to  
19 read as follows:

20 No lease of personal property may be entered into by the county  
21 legislative authority or by any elected or appointed officer of the  
22 county ((until after bids have been submitted to the county. The  
23 county shall use the same)) except upon use of the procedures specified  
24 in ((RCW 36.32.245 and 39.04.190)) this chapter and chapter 39.04 RCW  
25 for awarding contracts for purchases when it leases property from the  
26 lowest responsible bidder."

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

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

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

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

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

6 (5) Nothing in this section shall prohibit the legislative  
7 authority of any county from allowing for preferential purchase of  
8 products made from recycled materials or products that may be recycled  
9 or reused."

10 "Sec. 8. RCW 36.32.250 and 1991 c 363 s 58 are each amended to  
11 read as follows:

12 No contract for public works may be entered into by the county  
13 legislative authority or by any elected or appointed officer of the  
14 county until after bids have been submitted to the county upon  
15 specifications therefor. Such specifications shall be in writing and  
16 shall be filed with the clerk of the county legislative authority for  
17 public inspection. An advertisement shall be published in the county  
18 official newspaper stating the time and place where bids will be  
19 opened, the time after which bids will not be received, the character  
20 of the work to be done, the materials and equipment to be furnished,  
21 and that specifications therefor may be seen at the office of the clerk  
22 of the county legislative authority. An advertisement shall also be  
23 published in a legal newspaper of general circulation in or as near as  
24 possible to that part of the county in which such work is to be done.  
25 If the county official newspaper is a newspaper of general circulation  
26 covering at least forty percent of the residences in that part of the  
27 county in which such public works are to be done, then the publication  
28 of an advertisement of the applicable specifications in the county  
29 official newspaper shall be sufficient. Such advertisements shall be

1 published at least once at least (~~ten~~) thirteen days prior to the  
2 last date upon which bids will be received. The bids shall be in  
3 writing, shall be filed with the clerk, shall be opened and read in  
4 public at the time and place named therefor in the advertisements, and  
5 after being opened, shall be filed for public inspection. No bid may  
6 be considered for public work unless it is accompanied by a bid deposit  
7 in the form of a surety bond, postal money order, cash, cashier's  
8 check, or certified check in an amount equal to five percent of the  
9 amount of the bid proposed. The contract for the public work shall be  
10 awarded to the lowest responsible bidder. Any or all bids may be  
11 rejected for good cause. The county legislative authority shall  
12 require from the successful bidder for such public work a contractor's  
13 bond in the amount and with the conditions imposed by law. If the  
14 bidder to whom the contract is awarded fails to enter into the contract  
15 and furnish the contractor's bond as required within ten days after  
16 notice of the award, exclusive of the day of notice, the amount of the  
17 bid deposit shall be forfeited to the county and the contract awarded  
18 to the next lowest and best bidder. The bid deposit of all  
19 unsuccessful bidders shall be returned after the contract is awarded  
20 and the required contractor's bond given by the successful bidder is  
21 accepted by the county legislative authority. In the letting of any  
22 contract for public works involving less than ten thousand dollars,  
23 advertisement and competitive bidding may be dispensed with on order of  
24 the county legislative authority. Immediately after the award is made,  
25 the bid quotations obtained shall be recorded and open to public  
26 inspection and shall be available by telephone inquiry.

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

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

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

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

8 (2) A first class city may have public works performed by contract  
9 pursuant to public notice and call for competitive bids. As limited by  
10 subsection (3) of this section, a first class city may have public  
11 works performed by city employees in any annual or biennial budget  
12 period equal to a dollar value not exceeding ten percent of the public  
13 works construction budget, including any amount in a supplemental  
14 public works construction budget, over the budget period. The amount  
15 of public works that a first class city has a county perform for it  
16 under RCW 35.77.020 shall be included within this ten percent  
17 limitation.

18 If a first class city has public works performed by public  
19 employees in any budget period that are in excess of this ten percent  
20 limitation, the amount in excess of the permitted amount shall be  
21 reduced from the otherwise permitted amount of public works that may be  
22 performed by public employees for that city in its next budget period.  
23 Twenty percent of the motor vehicle fuel tax distributions to that city  
24 shall be withheld if two years after the year in which the excess  
25 amount of work occurred, the city has failed to so reduce the amount of  
26 public works that it has performed by public employees. The amount so  
27 withheld shall be distributed to the city when it has demonstrated in  
28 its reports to the state auditor that the amount of public works it has  
29 performed by public employees has been so reduced.

1           Whenever a first class city has had public works performed in any  
2 budget period up to the maximum permitted amount for that budget  
3 period, all remaining public works within that budget period shall be  
4 done by contract pursuant to public notice and call for competitive  
5 bids.

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

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

1 (4) In addition to the accounting and record-keeping requirements  
2 contained in RCW 39.04.070, every first class city annually shall  
3 prepare a report for the state auditor indicating the total public  
4 works construction budget and supplemental public works construction  
5 budget for that year, the total construction costs of public works  
6 performed by public employees for that year, and the amount of public  
7 works that is performed by public employees above or below ten percent  
8 of the total construction budget. However, if a city budgets on a  
9 biennial basis, this annual report shall indicate the amount of public  
10 works that is performed by public employees within the current biennial  
11 period that is above or below ten percent of the total biennial  
12 construction budget.

13 After September 1, 1987, each first class city with a population of  
14 one hundred fifty thousand or less shall use the form required by RCW  
15 43.09.205 to account and record costs of public works in excess of five  
16 thousand dollars that are not let by contract.

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

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

29 (7) In lieu of the procedures of subsections (2) and (6) of this  
30 section, a first class city may use a small works roster process and

1 award contracts (~~((under this subsection for contracts))~~) for public  
2 works projects with an estimated value of one hundred thousand dollars  
3 or less as provided in RCW 39.04.155.

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

8 (~~(b) Whenever work is done by contract, the estimated cost of which~~  
9 ~~is one hundred thousand dollars or less, and the city uses the small~~  
10 ~~works roster, the city shall invite proposals from all appropriate~~  
11 ~~contractors on the small works roster: PROVIDED, That not less than~~  
12 ~~five separate appropriate contractors, if available, shall be invited~~  
13 ~~to submit bids on any one contract: PROVIDED FURTHER, That))~~ Whenever  
14 possible, the city shall invite at least one proposal from a minority  
15 or woman contractor who shall otherwise qualify under this section.  
16 ~~((Once a bidder on the small works roster has been offered an~~  
17 ~~opportunity to bid, that bidder shall not be offered another~~  
18 ~~opportunity until all other appropriate contractors on the small works~~  
19 ~~roster have been afforded an opportunity to submit a bid. Invitations~~  
20 ~~shall include an estimate of the scope and nature of the work to be~~  
21 ~~performed, and materials and equipment to be furnished.~~

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

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

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

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

4 "Sec. 10. RCW 35.22.650 and 1975 1st ex.s. c 56 s 4 are each  
5 amended to read as follows:

6 All contracts by and between a first class city and contractors for  
7 any public work or improvement exceeding the sum of ~~((ten))~~ twenty-five  
8 thousand dollars, or ~~((fifteen))~~ thirty thousand dollars for  
9 construction of water mains, shall contain the following clause:

10 "Contractor agrees that he shall actively solicit the employment of  
11 women and minority group members. Contractor further agrees that he  
12 shall actively solicit bids for the subcontracting of goods or services  
13 from qualified women businesses and minority businesses which are  
14 certified by the office of minority and women's business enterprises.  
15 Contractor shall furnish evidence of his compliance with these  
16 requirements of ~~((minority))~~ employment and solicitation. Contractor  
17 further agrees to consider the grant of subcontracts to ~~((said))~~ the  
18 minority bidders on the basis of substantially equal proposals in the  
19 light most favorable to ~~((said))~~ the women businesses and minority  
20 businesses. The contractor ~~((shall be))~~ is required to submit evidence  
21 of compliance with this section as part of the bid."

22 ~~((As used in this section, the term "minority business" means a  
23 business at least fifty-one percent of which is owned by minority group  
24 members. Minority group members include, but are not limited to,  
25 blacks, women, native Americans, Orientals, Eskimos, Aleuts, and  
26 Spanish Americans.))"~~

27 "Sec. 11. RCW 35.23.352 and 1989 c 431 s 56 are each amended to  
28 read as follows:

1 (1) Any second or third class city or any town may construct any  
2 public works, as defined in RCW 39.04.010, by contract or day labor  
3 without calling for bids therefor whenever the estimated cost of the  
4 work or improvement, including cost of materials, supplies and  
5 equipment will not exceed the sum of thirty thousand dollars if more  
6 than one craft or trade is involved with the public works, or twenty  
7 thousand dollars if a single craft or trade is involved with the public  
8 works or the public works project is street signalization or street  
9 lighting. A public works project means a complete project. The  
10 restrictions in this subsection do not permit the division of the  
11 project into units of work or classes of work to avoid the restriction  
12 on work that may be performed by day labor on a single project.

13 Whenever the cost of the public work or improvement, including  
14 materials, supplies and equipment, will exceed these figures, the same  
15 shall be done by contract. All such contracts shall be let at public  
16 bidding upon ~~((posting))~~ publication of notice calling for sealed bids  
17 upon the work. The notice ~~((thereof shall be posted in a public place  
18 in the city or town and by publication))~~ shall be published in the  
19 official newspaper, or a newspaper of general circulation most likely  
20 to bring responsive bids, ~~((once each week for two consecutive weeks  
21 before))~~ at least thirteen days prior to the ~~((date fixed for opening  
22 the bids))~~ last date upon which bids will be received. The notice  
23 shall generally state the nature of the work to be done that plans and  
24 specifications therefor shall then be on file in the city or town hall  
25 for public inspections, and require that bids be sealed and filed with  
26 the council or commission within the time specified therein. Each bid  
27 shall be accompanied by a bid proposal deposit in the form of a  
28 cashier's check, postal money order, or surety bond to the council or  
29 commission for a sum of not less than five percent of the amount of the  
30 bid, and no bid shall be considered unless accompanied by such bid

1 proposal deposit. The council or commission of the city or town shall  
2 let the contract to the lowest responsible bidder or shall have power  
3 by resolution to reject any or all bids and to make further calls for  
4 bids in the same manner as the original call.

5 When the contract is let then all bid proposal deposits shall be  
6 returned to the bidders except that of the successful bidder which  
7 shall be retained until a contract is entered into and a bond to  
8 perform the work furnished, with surety satisfactory to the council or  
9 commission, in ~~((the full amount of the contract price))~~ accordance  
10 with RCW 39.08.030. If the bidder fails to enter into the contract in  
11 accordance with his or her bid and furnish a bond within ten days from  
12 the date at which he or she is notified that he or she is the  
13 successful bidder, the check or postal money order and the amount  
14 thereof shall be forfeited to the council or commission or the council  
15 or commission shall recover the amount of the surety bond.

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

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

23 (3) In lieu of the procedures of subsection (1) of this section, a  
24 second or third class city or a town may use a small works roster  
25 process and award public works contracts ~~((under this subsection for~~  
26 ~~contracts))~~ with an estimated value of one hundred thousand dollars or  
27 less as provided in RCW 39.04.155.

28 ~~((a) The city or town may maintain a small works roster comprised~~  
29 ~~of all contractors who have requested to be on the roster and are,~~

1 ~~where required by law, properly licensed or registered to perform such~~  
2 ~~work in this state.~~

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

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

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

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

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

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

6 (8) For advertisement and (~~competitive~~) formal sealed bidding to  
7 be dispensed with as to purchases between seven thousand five hundred  
8 and fifteen thousand dollars, the city legislative authority must  
9 authorize by resolution ((~~a~~)), use of the uniform procedure ((~~for~~  
10 ~~securing telephone and/or written quotations from enough vendors to~~  
11 ~~assure establishment of a competitive price and for awarding the~~  
12 ~~contracts for purchase of materials, equipment, or services to the~~  
13 ~~lowest responsible bidder. Immediately after the award is made, the~~  
14 ~~bid quotations obtained shall be recorded and open to public inspection~~  
15 ~~and shall be available by telephone inquiry~~) provided in RCW  
16 39.04.190.

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

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

26 (11) Nothing in this section shall prohibit any second or third  
27 class city or any town from allowing for preferential purchase of  
28 products made from recycled materials or products that may be recycled  
29 or reused."

1       **"Sec. 12.** RCW 52.14.110 and 1984 c 238 s 3 are each amended to  
2 read as follows:

3       Insofar as practicable, purchases and any public works by the  
4 district shall be based on competitive bids. A formal sealed bid  
5 procedure shall be used as standard procedure for purchases and  
6 contracts for purchases executed by the board of commissioners. Formal  
7 sealed bidding shall not be required for:

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

12       (2) The purchase of any materials, supplies, or equipment if the  
13 cost will not exceed the sum of ~~((ten))~~ four thousand five hundred  
14 dollars~~((: PROVIDED, That))~~. However, whenever the estimated cost is  
15 from ~~((forty five hundred))~~ four thousand five hundred dollars up to  
16 ten thousand dollars, the commissioners ~~((shall require quotations from~~  
17 at least three different sources to be obtained in writing or by  
18 telephone, and recorded for public perusal to assure establishment of  
19 a competitive price for such purchase)) may by resolution use the  
20 process provided in RCW 39.04.190 to award contracts;

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

28       (4) Purchases which are clearly and legitimately limited to a  
29 single source of supply, or services, in which instances the purchase  
30 price may be best established by direct negotiation: PROVIDED, That

1 this subsection shall not apply to purchases or contracts relating to  
2 public works as defined in chapter 39.04 RCW; and

3 (5) Purchases of insurance and bonds."

4 "Sec. 13. RCW 52.14.120 and 1984 c 238 s 4 are each amended to  
5 read as follows:

6 (1) Notice of the call for bids shall be given by (~~posting notice~~  
7 ~~in three public places in the district and by publication once each~~  
8 ~~week for two consecutive weeks. The posting and first publication~~  
9 ~~shall be at least two weeks before the date fixed for opening of the~~  
10 ~~bids, and the publication shall be~~) publishing the notice in a  
11 newspaper of general circulation within the district at least thirteen  
12 days before the last date upon which bids will be received. If no bid  
13 is received on the first call, the commissioners may readvertise and  
14 make a second call, or may enter into a contract without a further  
15 call.

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

19 "Sec. 14. RCW 53.08.120 and 1988 c 235 s 1 are each amended to  
20 read as follows:

21 All material required by a port district may be procured in the  
22 open market or by contract and all work ordered may be done by contract  
23 or day labor. All such contracts for work, the estimated cost of which  
24 exceeds one hundred thousand dollars, shall be let at public bidding  
25 upon notice published in a newspaper of general circulation in the  
26 district at least (~~ten~~) thirteen days before the (~~letting~~) last  
27 date upon which bids will be received, calling for sealed bids upon the  
28 work, plans and specifications for which shall then be on file in the

1 office of the commission for public inspection. The same notice may  
2 call for bids on such work or material based upon plans and  
3 specifications submitted by the bidder.

4 Each port district shall maintain a small works roster ((which  
5 shall be comprised of all contractors who have requested to be on the  
6 roster and are, where required by law, properly licensed or registered  
7 to perform such work in the state of Washington.)), as provided in RCW  
8 39.04.155, and may use the small works roster process to award  
9 contracts in lieu of calling for sealed bids whenever work is done by  
10 contract, the estimated cost of which is one hundred thousand dollars  
11 or less((, the managing official of the port district may invite  
12 proposals from all appropriate contractors on the small works roster:  
13 PROVIDED, That not less than five separate appropriate contractors  
14 shall be invited to submit proposals on any individual contract:  
15 PROVIDED FURTHER, That)). Whenever possible, the managing official  
16 shall invite at least one proposal from a minority contractor who shall  
17 otherwise qualify under this section. ((Such invitation shall include  
18 an estimate of the scope and nature of the work to be performed, and  
19 materials and equipment to be furnished.))

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

26 "Sec. 15. RCW 54.04.070 and 1990 c 251 s 1 are each amended to  
27 read as follows:

28 Any item, or items of the same kind of materials, equipment, or  
29 supplies purchased, the estimated cost of which is in excess of five

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

1           Notwithstanding any other provisions herein, all contract projects,  
2 the estimated cost of which is less than one hundred thousand dollars,  
3 may be awarded to a contractor on the small works roster. The small  
4 works roster shall be comprised of all responsible contractors who have  
5 requested to be on the list. The commission shall authorize by  
6 resolution a procedure for securing telephone and/or written quotations  
7 from the contractors on the small works roster to assure establishment  
8 of a competitive price and for awarding contracts to the lowest  
9 responsible bidder. Such procedure shall require that a good-faith  
10 effort be made to request quotations from all contractors on the small  
11 works roster. Immediately after an award is made, the bid quotations  
12 obtained shall be recorded, open to public inspection, and available by  
13 telephone inquiry. The small works roster shall be revised once a  
14 year. All contract projects equal to or in excess of one hundred  
15 thousand dollars shall be let by competitive bidding.

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

1 After determination by the commission during a public meeting that  
2 a particular purchase is available clearly and legitimately only from  
3 a single source of supply, the bidding requirements of this section may  
4 be waived by the commission."

5 "Sec. 16. RCW 54.04.082 and 1977 ex.s. c 116 s 1 are each amended  
6 to read as follows:

7 For the awarding of a contract to purchase any item, or items of  
8 the same kind of materials, equipment, or supplies in an amount  
9 exceeding five thousand dollars, but less than fifteen thousand  
10 dollars, exclusive of sales tax, the commission may, in lieu of the  
11 procedure described in RCW 54.04.070 and 54.04.080 requiring public  
12 notice to invite sealed proposals for such materials, equipment, or  
13 supplies, (~~authorize by~~) pursuant to commission resolution (~~a staff  
14 procedure for securing telephone and/or written quotations from enough  
15 vendors to assure establishment of a competitive price and for awarding  
16 such contracts for purchase of materials, equipment, or supplies to the  
17 lowest responsible bidder. Immediately after the award is made, the bid  
18 quotations obtained shall be recorded and shall be posted or otherwise  
19 made available at the office of the commission or any other officially  
20 designated location~~) use the process provided in RCW 39.04.190.  
21 Waiver of the deposit or bid bond required under RCW 54.04.080 may be  
22 authorized by the commission in securing such bid quotations."

23 "Sec. 17. RCW 56.08.070 and 1989 c 105 s 1 are each amended to  
24 read as follows:

25 (1) All materials purchased and work ordered, the estimated cost of  
26 which is in excess of five thousand dollars shall be let by contract.  
27 All contract projects, the estimated cost of which is less than fifty  
28 thousand dollars, may be awarded to a contractor (~~on~~) using the small

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

28 (2) Each bid shall be accompanied by a bid proposal deposit in the  
29 form of a certified check, cashier's check, postal money order, or  
30 surety bond payable to the order of the county treasurer for a sum not

1 less than five percent of the amount of the bid and no bid shall be  
2 considered unless accompanied by such bid proposal deposit. At the  
3 time and place named such bids shall be publicly opened and read and  
4 the board of sewer commissioners shall proceed to canvass the bids and  
5 may let such contract to the lowest responsible bidder upon plans and  
6 specifications: PROVIDED, That no contract shall be let in excess of  
7 the cost of (~~said~~) the materials or work, or if in the opinion of the  
8 board of sewer commissioners all bids are unsatisfactory they may  
9 reject all of them and readvertise and in such case all checks, cash or  
10 bid bonds shall be returned to the bidders. If such contract be let,  
11 then all checks, cash or bid bonds shall be returned to the bidders,  
12 except that of the successful bidder, which shall be retained until a  
13 contract shall be entered into for the purchase of such materials or  
14 doing such work, and a bond to perform such work furnished with  
15 sureties satisfactory to the board of sewer commissioners in the full  
16 amount of the contract price between the bidder and the commission in  
17 accordance with bid. If (~~said~~) the bidder fails to enter into  
18 (~~said~~) the contract in accordance with (~~said~~) the bid and furnish  
19 such bond within ten days from the date at which (~~he~~) the bidder is  
20 notified that he or she is the successful bidder, the (~~said~~) check,  
21 cash, or bid bonds and the amount thereof shall be forfeited to the  
22 sewer district.

23 (3) In the event of an emergency when the public interest or  
24 property of the sewer district would suffer material injury or damage  
25 by delay, upon resolution of the board of sewer commissioners, or  
26 proclamation of an official designated by the board to act for the  
27 board during such emergencies, declaring the existence of such  
28 emergency and reciting the facts constituting the same, the board, or  
29 the official acting for the board, may waive the requirements of this  
30 chapter with reference to any purchase or contract. In addition, these

1 requirements may be waived for purchases which are clearly and  
2 legitimately limited to a single source of supply and purchases  
3 involving special facilities, services, or market conditions, in which  
4 instances the purchase price may be best established by direct  
5 negotiation."

6 "Sec. 18. RCW 56.08.080 and 1989 c 308 s 5 are each amended to  
7 read as follows:

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

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

24 "Sec. 19. RCW 56.08.090 and 1989 c 308 s 6 are each amended to  
25 read as follows:

26 (1) Subject to the provisions of subsection (2) of this section, no  
27 real property valued at two thousand five hundred dollars or more of  
28 the district shall be sold for less than ninety percent of the value

1 thereof as established by a written appraisal made not more than six  
2 months prior to the date of sale by three disinterested real estate  
3 brokers licensed under the laws of the state or professionally  
4 designated real estate appraisers as defined in RCW 74.46.020. The  
5 appraisal shall be signed by the appraisers and filed with the  
6 secretary of the board of commissioners of the district, who shall keep  
7 it at the office of the district open to public inspection. Any notice  
8 of intention to sell real property of the district shall recite the  
9 appraised value thereof: PROVIDED, That there shall be no private sale  
10 of real property where the appraised value exceeds the sum of two  
11 thousand five hundred dollars.

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

27 "Sec. 20. RCW 57.08.015 and 1989 c 308 s 7 are each amended to  
28 read as follows:

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

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

17       "**Sec. 21.** RCW 57.08.016 and 1989 c 308 s 8 are each amended to  
18 read as follows:

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

1 appraised value thereof: PROVIDED, That there shall be no private sale  
2 of real property where the appraised value exceeds the sum of two  
3 thousand five hundred dollars.

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

19 "Sec. 22. RCW 57.08.050 and 1989 c 105 s 2 are each amended to  
20 read as follows:

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

24 (2) All materials purchased and work ordered, the estimated cost of  
25 which is in excess of five thousand dollars shall be let by contract.  
26 All contract projects, the estimated cost of which is less than fifty  
27 thousand dollars, may be awarded to a contractor (~~on the~~) using a  
28 small works roster(~~. The small works roster shall be comprised of all~~  
29 ~~responsible contractors who have requested to be on the list~~) process

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

26 (3) Each bid shall be accompanied by a certified or cashier's check  
27 or postal money order payable to the order of the county treasurer for  
28 a sum not less than five percent of the amount of the bid, or  
29 accompanied by a bid bond in an amount not less than five percent of  
30 the bid with a corporate surety licensed to do business in the state,

1 conditioned that the bidder will pay the district as liquidated damages  
2 the amount specified in the bond, unless ((he)) the bidder enters into  
3 a contract in accordance with his or her bid, and no bid shall be  
4 considered unless accompanied by such check, cash or bid bond. At the  
5 time and place named such bids shall be publicly opened and read and  
6 the board of water commissioners shall proceed to canvass the bids and  
7 may let such contract to the lowest responsible bidder upon plans and  
8 specifications on file or to the best bidder submitting his or her own  
9 plans and specifications: PROVIDED, That no contract shall be let in  
10 excess of the cost of ((said)) the materials or work, or if in the  
11 opinion of the board of water commissioners all bids are unsatisfactory  
12 they may reject all of them and readvertise and in such case all  
13 checks, cash or bid bonds shall be returned to the bidders. If such  
14 contract be let, then all checks, cash or bid bonds shall be returned  
15 to the bidders, except that of the successful bidder, which shall be  
16 retained until a contract shall be entered into for the purchase of  
17 such materials or doing such work, and a bond to perform such work  
18 furnished with sureties satisfactory to the board of water  
19 commissioners in the full amount of the contract price between the  
20 bidder and the commission in accordance with the bid. If ((said)) the  
21 bidder fails to enter into ((said)) the contract in accordance with  
22 ((said)) the bid and furnish such bond within ten days from the date at  
23 which ((he)) the bidder is notified that he or she is the successful  
24 bidder, the ((said)) check, cash or bid bonds and the amount thereof  
25 shall be forfeited to the water district: PROVIDED, That if the bidder  
26 fails to enter into a contract in accordance with his or her bid, and  
27 the board of water commissioners deems it necessary to take legal  
28 action to collect on any bid bond required herein, then the water  
29 district shall be entitled to collect from ((said)) the bidder any

1 legal expenses, including reasonable attorneys' fees occasioned  
2 thereby.

3 (4) In the event of an emergency when the public interest or  
4 property of the water district would suffer material injury or damage  
5 by delay, upon resolution of the board of water commissioners, or  
6 proclamation of an official designated by the board to act for the  
7 board during such emergencies, declaring the existence of such  
8 emergency and reciting the facts constituting the same, the board, or  
9 official acting for the board, may waive the requirements of this  
10 chapter with reference to any purchase or contract. In addition, these  
11 requirements may be waived for purchases which are clearly and  
12 legitimately limited to a single source of supply and purchases  
13 involving special facilities, services, or market conditions, in which  
14 instances the purchase price may be best established by direct  
15 negotiation."

16 "Sec. 23. RCW 70.44.140 and 1965 c 83 s 1 are each amended to read  
17 as follows:

18 (1) All materials purchased and work ordered, the estimated cost of  
19 which is in excess of five thousand dollars, shall be by contract.  
20 Before awarding any such contract, the commission shall ~~((cause to be  
21 published))~~ publish a notice at least ~~((thirty))~~ thirteen days before  
22 the ~~((letting of said contract))~~ last date upon which bids will be  
23 received, inviting sealed proposals for such work~~((7))~~. The plans and  
24 specifications ~~((which))~~ must at the time of the publication of such  
25 notice be on file at the office of the public hospital district,  
26 subject to public inspection: PROVIDED, HOWEVER, That the commission  
27 may at the same time, and as part of the same notice, invite tenders  
28 for ~~((said))~~ the work or materials upon plans and specifications to be  
29 submitted by bidders. ~~((Such))~~ The notice shall state generally the

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

1       (2) In lieu of the procedures of subsection (1) of this section, a  
2 public hospital district may use a small works roster process and award  
3 public works contracts for projects in excess of five thousand dollars  
4 up to fifty thousand dollars as provided in RCW 39.04.155.

5       (3) For advertisement and formal sealed bidding to be dispensed  
6 with as to purchases between five thousand and fifteen thousand  
7 dollars, the commission must authorize by resolution a procedure as  
8 provided in RCW 39.04.190."

9       **SHB 2505** - S COMM AMD  
10       By Committee on Governmental Operations

11  
12       On page 1, line 1 of the title, after "municipalities;" strike the  
13 remainder of the title and insert "and amending RCW 39.04.155,  
14 39.04.190, 39.04.200, 39.30.045, 36.32.040, 36.32.253, 36.32.245,  
15 36.32.250, 35.22.620, 35.22.650, 35.23.352, 52.14.110, 52.14.120,  
16 53.08.120, 54.04.070, 54.04.082, 56.08.070, 56.08.080, 56.08.090,  
17 57.08.015, 57.08.016, 57.08.050, and 70.44.140."