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**SUBSTITUTE HOUSE BILL 1681**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson, Haugen, Horn and R. Meyers).

Read first time March 6, 1991.

1            AN ACT Relating to bidding practices of municipalities; amending  
2 RCW 35.22.620, 35.23.352, 36.16.140, 36.32.240, 36.32.250, 36.34.020,  
3 36.34.050, 36.34.080, 36.34.090, 36.34.100, 36.81.130, 36.82.020,  
4 36.82.160, 52.14.110, 53.08.120, 54.04.082, 56.08.070, 56.08.080,  
5 56.08.090, 57.08.015, 57.08.016, 57.08.050, and 70.44.140; reenacting  
6 and amending RCW 36.32.250; adding new sections to chapter 39.04 RCW;  
7 adding a new section to chapter 39.30 RCW; adding new sections to  
8 chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a  
9 new section to chapter 36.62 RCW; and repealing RCW 36.32.271,  
10 36.32.273, 36.32.275, 36.32.277, 36.82.030, 36.82.130, and 36.82.150.

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

12            NEW SECTION.    **Sec. 1.** A new section is added to chapter 39.04 RCW  
13 to read as follows:

14            (1) This section provides a uniform process to award contracts for  
15 public works projects by those municipalities that are authorized to

1 use a small works roster in lieu of the requirements for formal sealed  
2 bidding. The state statutes governing a specific type of municipality  
3 shall establish the maximum dollar thresholds of the contracts that can  
4 be awarded under this process, and may include other matters concerning  
5 the small works roster process, for that type of municipality.

6 (2) Such municipalities may create a single general small works  
7 roster, or may create a small works roster for different categories of  
8 anticipated work. The small works roster or rosters shall consist of  
9 all responsible contractors who have requested to be on the list, and  
10 where required by law are properly licensed or registered to perform  
11 such work in this state. At least once a year, the municipality shall  
12 publish in a newspaper of general circulation within the jurisdiction  
13 a notice of the existence of the roster or rosters and solicit the  
14 names of contractors for such roster or rosters.

15 The governing body of the municipality shall establish a procedure  
16 for securing telephone or written quotations from the contractors on  
17 the general small works roster, or a specific small works roster for  
18 the appropriate category of work, to assure that a competitive price is  
19 established and to award contracts to the lowest responsible bidder, as  
20 defined in RCW 43.19.1911. Such invitations for quotations shall  
21 include an estimate of the scope and nature of the work to be performed  
22 as well as materials and equipment to be furnished. Whenever possible  
23 at least five contractors shall be invited to submit bids. Once a  
24 contractor has been afforded an opportunity to submit a proposal, that  
25 contractor shall not be offered another opportunity until all other  
26 appropriate contractors on the small works roster have been afforded an  
27 opportunity to submit a proposal on a contract.

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

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

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.04 RCW  
5 to read as follows:

6 (1) This section provides a uniform process to award contracts for  
7 the purchase of any materials, equipment, supplies, or services by  
8 those municipalities that are authorized to use this process in lieu of  
9 the requirements for formal sealed bidding. The state statutes  
10 governing a specific type of municipality shall establish the maximum  
11 dollar thresholds of the contracts that can be awarded under this  
12 process, and may include other matters concerning the awarding of  
13 contracts for purchases, for that type of municipality.

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

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04 RCW  
27 to read as follows:

1 Any municipality that utilizes the small works roster process  
2 established in section 1 of this act to award contracts for public  
3 works projects, or the uniform process established in section 2 of this  
4 act to award contracts for purchases, must post a list of the contracts  
5 awarded under sections 1 and 2 of this act 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 NEW SECTION. **Sec. 4.** A new section is added to chapter 39.30 RCW  
13 to read as follows:

14 A municipality, as defined in RCW 39.04.010, may purchase any  
15 supplies, equipment, or materials at auctions conducted by the  
16 government of the United States or any agency thereof, any agency of  
17 the state of Washington, any municipality or other government agency,  
18 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 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

1 works construction budget, including any amount in a supplemental  
2 public works construction budget, over the budget period. The amount  
3 of public works that a first class city has a county perform for it  
4 under RCW 35.77.020 shall be included within this ten percent  
5 limitation.

6 If a first class city has public works performed by public  
7 employees in any budget period that are in excess of this ten percent  
8 limitation, the amount in excess of the permitted amount shall be  
9 reduced from the otherwise permitted amount of public works that may be  
10 performed by public employees for that city in its next budget period.  
11 Twenty percent of the motor vehicle fuel tax distributions to that city  
12 shall be withheld if two years after the year in which the excess  
13 amount of work occurred, the city has failed to so reduce the amount of  
14 public works that it has performed by public employees. The amount so  
15 withheld shall be distributed to the city when it has demonstrated in  
16 its reports to the state auditor that the amount of public works it has  
17 performed by public employees has been so reduced.

18 Whenever a first class city has had public works performed in any  
19 budget period up to the maximum permitted amount for that budget  
20 period, all remaining public works within that budget period shall be  
21 done by contract pursuant to public notice and call for competitive  
22 bids.

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

27 (3) In addition to the percentage limitation provided in subsection  
28 (2) of this section, a first class city with a population in excess of  
29 one hundred fifty thousand shall not have public employees perform a  
30 public works project in excess of fifty thousand dollars if more than

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

17 (4) In addition to the accounting and record-keeping requirements  
18 contained in RCW 39.04.070, every first class city annually shall  
19 prepare a report for the state auditor indicating the total public  
20 works construction budget and supplemental public works construction  
21 budget for that year, the total construction costs of public works  
22 performed by public employees for that year, and the amount of public  
23 works that is performed by public employees above or below ten percent  
24 of the total construction budget. However, if a city budgets on a  
25 biennial basis, this annual report shall indicate the amount of public  
26 works that is performed by public employees within the current biennial  
27 period that is above or below ten percent of the total biennial  
28 construction budget.

29 After September 1, 1987, each first class city with a population of  
30 one hundred fifty thousand or less shall use the form required by RCW

1 43.09.205 to account and record costs of public works in excess of five  
2 thousand dollars that are not let by contract.

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

7 (6) When any emergency shall require the immediate execution of  
8 such public work, upon the finding of the existence of such emergency  
9 by the authority having power to direct such public work to be done and  
10 duly entered of record, publication of description and estimate may be  
11 made within seven days after the commencement of the work. Within two  
12 weeks of the finding that such an emergency existed, the city council  
13 shall adopt a resolution certifying the existence of this emergency  
14 situation.

15 (7) In lieu of the procedures of subsections (2) and (6) of this  
16 section, a first class city may use a small works roster process and  
17 award contracts ~~((under this subsection for contracts))~~ for public  
18 works projects with an estimated value of one hundred thousand dollars  
19 or less as provided in section 1 of this act.

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

24 ~~(b) Whenever work is done by contract, the estimated cost of which~~  
25 ~~is one hundred thousand dollars or less, and the city uses the small~~  
26 ~~works roster, the city shall invite proposals from all appropriate~~  
27 ~~contractors on the small works roster: PROVIDED, That not less than~~  
28 ~~five separate appropriate contractors, if available, shall be invited~~  
29 ~~to submit bids on any one contract: PROVIDED FURTHER, That))~~ Whenever  
30 possible, the city shall invite at least one proposal from a minority

1 or woman contractor who shall otherwise qualify under this section.  
2 (~~Once a bidder on the small works roster has been offered an~~  
3 ~~opportunity to bid, that bidder shall not be offered another~~  
4 ~~opportunity until all other appropriate contractors on the small works~~  
5 ~~roster have been afforded an opportunity to submit a bid. Invitations~~  
6 ~~shall include an estimate of the scope and nature of the work to be~~  
7 ~~performed, and materials and equipment to be furnished.~~

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

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

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

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

19 **Sec. 6.** RCW 35.23.352 and 1989 c 431 s 56 are each amended to read  
20 as follows:

21 (1) Any second or third class city or any town may construct any  
22 public works, as defined in RCW 39.04.010, by contract or day labor  
23 without calling for bids therefor whenever the estimated cost of the  
24 work or improvement, including cost of materials, supplies and  
25 equipment will not exceed the sum of thirty thousand dollars if more  
26 than one craft or trade is involved with the public works, or twenty  
27 thousand dollars if a single craft or trade is involved with the public  
28 works or the public works project is street signalization or street  
29 lighting. A public works project means a complete project. The

1 restrictions in this subsection do not permit the division of the  
2 project into units of work or classes of work to avoid the restriction  
3 on work that may be performed by day labor on a single project.

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

25 When the contract is let then all bid proposal deposits shall be  
26 returned to the bidders except that of the successful bidder which  
27 shall be retained until a contract is entered into and a bond to  
28 perform the work furnished, with surety satisfactory to the council or  
29 commission, in ~~((the full amount of the contract price))~~ accordance  
30 with RCW 39.08.030. If the bidder fails to enter into the contract in

1 accordance with his or her bid and furnish a bond within ten days from  
2 the date at which he or she is notified that he or she is the  
3 successful bidder, the check or postal money order and the amount  
4 thereof shall be forfeited to the council or commission or the council  
5 or commission shall recover the amount of the surety bond.

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

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

13 (3) In lieu of the procedures of subsection (1) of this section, a  
14 second or third class city or a town may use a small works roster  
15 process and award public works contracts (~~((under this subsection for~~  
16 ~~contracts))~~ with an estimated value of one hundred thousand dollars or  
17 less as provided in section 1 of this act.

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

22 (~~(b) Whenever work is done by contract, the estimated cost of which~~  
23 ~~is one hundred thousand dollars or less, and the city uses the small~~  
24 ~~works roster, the city or town shall invite proposals from all~~  
25 ~~appropriate contractors on the small works roster: PROVIDED, That))~~  
26 Whenever possible, the city or town shall invite at least one proposal  
27 from a minority or woman contractor who shall otherwise qualify under  
28 this section. ((The invitation shall include an estimate of the scope  
29 and nature of the work to be performed, and materials and equipment to  
30 be furnished.

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

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

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

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

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

24       (8) For advertisement and (~~(competitive))~~ formal sealed bidding to  
25 be dispensed with as to purchases between seven thousand five hundred  
26 and fifteen thousand dollars, the city legislative authority must  
27 authorize by resolution ((a)), use of the uniform procedure ((~~for~~  
28 ~~securing telephone and/or written quotations from enough vendors to~~  
29 ~~assure establishment of a competitive price and for awarding the~~  
30 ~~contracts for purchase of materials, equipment, or services to the~~

1 lowest responsible bidder. Immediately after the award is made, the  
2 bid quotations obtained shall be recorded and open to public inspection  
3 and shall be available by telephone inquiry)) provided in section 2 of  
4 this act.

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

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

14 (11) Nothing in this section shall prohibit any second or third  
15 class city or any town from allowing for preferential purchase of  
16 products made from recycled materials or products that may be recycled  
17 or reused.

18 **Sec. 7.** RCW 36.16.140 and 1965 ex.s. c 23 s 6 are each amended to  
19 read as follows:

20 Public auction sales of property conducted by or for the county or  
21 an officer thereof shall be held at such places ((~~on county property as~~  
22 ~~the board of county commissioners~~)) as the county legislative authority  
23 may direct.

24 **Sec. 8.** RCW 36.32.240 and 1985 c 169 s 8 are each amended to read  
25 as follows:

26 In any county the ((~~board of~~)) county ((~~commissioners~~)) legislative  
27 authority may by resolution establish a county purchasing department  
28 ((~~and thereafter such~~)). The purchasing department shall contract on

1 a competitive basis for all public works, enter into leases on a  
2 competitive basis, and purchase ((~~or lease on a competitive basis~~)) all  
3 supplies, materials, and equipment, on a competitive basis, for all  
4 departments of the county((~~, exclusive of the county hospital, pursuant~~  
5 ~~to the provisions hereof and under such rules as the board shall by~~  
6 ~~resolution adopt, except for such contracts and purchases as shall be~~  
7 ~~made pursuant to RCW 36.77.065, 36.77.070 and 36.82.130, and except for~~  
8 ~~such contracts and purchases for the printing of election ballots,~~  
9 ~~voting machine labels and all other election material containing the~~  
10 ~~names of candidates and ballot titles, and performance based contracts~~  
11 ~~as defined in RCW 39.35A.020(3), that are negotiated under chapter~~  
12 ~~39.35A RCW: PROVIDED, That in all class AA or class A counties or in~~  
13 ~~any county of the first class it shall be mandatory that a purchasing~~  
14 ~~department be established~~)), except that the county purchasing  
15 department is not required to make purchases for the county hospital,  
16 or make purchases that are paid from the county road fund or equipment  
17 rental and revolving fund.

18 **Sec. 9.** RCW 36.32.250 and 1989 c 431 s 57 and 1989 c 244 s 6 are  
19 each reenacted and amended to read as follows:

20 No contract((~~, lease, or purchase~~)) for public works may be entered  
21 into by the county legislative authority or by any elected or appointed  
22 officer of ((~~such~~)) the county until after bids have been submitted to  
23 the county upon specifications therefor. Such specifications shall be  
24 in writing and shall be filed with the clerk of the county legislative  
25 authority for public inspection((~~, and~~)). An advertisement ((~~thereof~~))  
26 shall be published in the county official newspaper stating the time  
27 and place where bids will be opened, the time after which bids will not  
28 be received, the character of the work to be done, ((~~or~~)) the  
29 materials((~~, and~~)) and equipment((~~, or service~~)) to be ((~~purchased~~))

1 furnished, and that specifications therefor may be seen at the office  
2 of the clerk of the county legislative authority(~~(, shall be published~~  
3 ~~in the county official newspaper: PROVIDED, That advertisements for~~  
4 ~~public works contracts for construction, alteration, repair, or~~  
5 ~~improvement of public facilities)~~). An advertisement shall also be  
6 ~~((additionally))~~ published in a legal newspaper of general circulation  
7 in or as near as possible to that part of the county in which such work  
8 is to be done(~~(: AND PROVIDED FURTHER, That)~~). If the county official  
9 newspaper is a newspaper of general circulation covering at least forty  
10 percent of the residences in that part of the county in which such  
11 public works are to be done, then the publication of an advertisement  
12 of the applicable specifications in the county official newspaper  
13 ~~((only))~~ shall be sufficient. Such advertisements shall be published  
14 at least once ~~((in each week for two consecutive weeks))~~ at least ten  
15 days prior to the last date upon which bids will be received ~~((and as~~  
16 ~~many additional publications as shall be determined by the county~~  
17 ~~legislative authority))~~. The bids shall be in writing, shall be filed  
18 with the clerk, shall be opened and read in public at the time and  
19 place named therefor in ~~((said))~~ the advertisements, and after being  
20 opened, shall be filed for public inspection. No bid may be considered  
21 for public work unless it is accompanied by a bid deposit in the form  
22 of a surety bond, postal money order, cash, cashier's check, or  
23 certified check in an amount equal to five percent of the amount of the  
24 bid proposed. The contract for the public work(~~(, lease, or purchase)~~)  
25 shall be awarded to the lowest responsible bidder(~~(, taking into~~  
26 ~~consideration the quality of the articles or equipment to be purchased~~  
27 ~~or leased)~~). Any or all bids may be rejected for good cause. The  
28 county legislative authority shall require from the successful bidder  
29 for such public work a contractor's bond in the amount and with the  
30 conditions imposed by law. If the bidder to whom the contract is

1 awarded fails to enter into the contract and furnish the contractor's  
2 bond as required within ten days after notice of the award, exclusive  
3 of the day of notice, the amount of the bid deposit shall be forfeited  
4 to the county and the contract awarded to the next lowest and best  
5 bidder. The bid deposit of all unsuccessful bidders shall be returned  
6 after the contract is awarded and the required contractor's bond given  
7 by the successful bidder is accepted by the county legislative  
8 authority. In the letting of any contract(~~(, lease, or purchase)~~)  
9 involving less than ten thousand dollars, advertisement and competitive  
10 bidding may be dispensed with on order of the county legislative  
11 authority. (~~(Notice of intention to let contracts or to enter into~~  
12 ~~lease agreements involving amounts exceeding one thousand dollars but~~  
13 ~~less than ten thousand dollars, shall be posted by the county~~  
14 ~~legislative authority on a bulletin board in its office not less than~~  
15 ~~three days prior to making such lease or contract. For advertisement~~  
16 ~~and competitive bidding to be dispensed with as to purchases between~~  
17 ~~one thousand and ten thousand dollars, the county legislative authority~~  
18 ~~must authorize by resolution a county procedure for securing telephone~~  
19 ~~or written quotations, or both, from enough vendors to assure~~  
20 ~~establishment of a competitive price and for awarding such contracts~~  
21 ~~for purchase of materials, equipment, or services to the lowest~~  
22 ~~responsible bidder. The procedure shall include the annual~~  
23 ~~establishment of an array of general categories in which such~~  
24 ~~contracts, leases, or purchases are anticipated. A roster shall be~~  
25 ~~developed for each category, consisting of all potential bidders who~~  
26 ~~have requested to be included on the roster. The county shall invite~~  
27 ~~proposals from all vendors listed on the appropriate roster for each~~  
28 ~~purchase between one thousand and ten thousand dollars.)) Immediately~~  
29 after the award is made, the bid quotations obtained shall be recorded  
30 and open to public inspection and shall be available by telephone

1 inquiry. ((Wherever possible, supplies shall be purchased in  
2 quantities for a period of at least three months, and not to exceed one  
3 year. Supplies generally used throughout the various departments shall  
4 be standardized insofar as possible, and may be purchased and stored  
5 for general use by all of the various departments which shall be  
6 charged for the supplies when withdrawn from the purchasing  
7 department.))

8 For advertisement and competitive bidding to be dispensed with as  
9 to public works projects with an estimated value of one hundred  
10 thousand dollars or less, a county must use a small works roster  
11 process as provided in section 1 of this act.

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

15 ((Nothing in this section shall prohibit the legislative authority  
16 of any county from allowing for preferential purchase of products made  
17 from recycled materials or products that may be recycled or reused.))

18 NEW SECTION. Sec. 10. A new section is added to chapter 36.32 RCW  
19 to read as follows:

20 (1) No contract for the purchase of materials, equipment, supplies,  
21 or services may be entered into by the county legislative authority or  
22 by any elected or appointed officer of the county until after bids have  
23 been submitted to the county. Bid specifications shall be in writing  
24 and shall be filed with the clerk of the county legislative authority  
25 for public inspection. An advertisement shall be published in the  
26 official newspaper of the county stating the time and place where bids  
27 will be opened, the time after which bids will not be received, the  
28 materials, equipment, supplies, or services to be purchased, and that  
29 the specifications may be seen at the office of the clerk of the county

1 legislative authority. The advertisement shall be published at least  
2 once at least ten days prior to the last date upon which bids will be  
3 received.

4 (2) The bids shall be in writing and filed with the clerk. The  
5 bids shall be opened and read in public at the time and place named in  
6 the advertisement. Immediately after the award is made, the bid  
7 quotations shall be recorded and open to public inspection and shall be  
8 available by telephone inquiry. Any or all bids may be rejected for  
9 good cause.

10 (3) For advertisement and formal sealed bidding to be dispensed  
11 with as to purchases between two thousand five hundred and twenty-five  
12 thousand dollars, the county legislative authority must use the uniform  
13 process to award contracts as provided in section 2 of this act.

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

19 (5) Nothing in this section shall prohibit the legislative  
20 authority of any county from allowing for preferential purchase of  
21 products made from recycled materials or products that may be recycled  
22 or reused.

23 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.32 RCW  
24 to read as follows:

25 No lease may be entered into by the county legislative authority or  
26 by any elected or appointed officer of the county until after bids have  
27 been submitted to the county. The county shall use the same procedures  
28 specified in sections 2 and 10 of this act for awarding contracts for  
29 purchases when it leases property from the lowest responsible bidder.

1       **Sec. 12.** RCW 36.34.020 and 1985 c 469 s 45 are each amended to  
2 read as follows:

3       Whenever the county legislative authority desires to dispose of any  
4 county property except:

5       (1) When selling to a governmental agency;

6       (2) When personal property to be disposed of is to be traded in  
7 upon the purchase of a like article;

8       (3) When the value of the property to be sold is less than two  
9 thousand five hundred dollars;

10       (4) When the county legislative authority by a resolution setting  
11 forth the facts has declared an emergency to exist; it shall publish  
12 notice of its intention so to do once each week during two successive  
13 weeks in a legal newspaper of general circulation in the county.

14       **Sec. 13.** RCW 36.34.050 and 1963 c 4 s 36.34.050 are each amended  
15 to read as follows:

16       Within three days after the hearing upon a proposal to dispose of  
17 county property, the ~~((board of county commissioners))~~ county  
18 legislative authority shall make its findings and determination thereon  
19 and cause them to be spread upon its minutes and made a matter of  
20 record. The county legislative authority may set a minimum sale price  
21 on property that is proposed for sale.

22       **Sec. 14.** RCW 36.34.080 and 1965 ex.s. c 23 s 1 are each amended to  
23 read as follows:

24       All sales of county property ordered after a public hearing upon  
25 the proposal to dispose thereof must be ~~((made by the county treasurer~~  
26 ~~at such place on county property as the board of county commissioners~~  
27 ~~may direct to the highest and best bidder at public auction))~~  
28 supervised by the county treasurer and may be sold at a county or other

1 government agency's public auction, at a privately operated consignment  
2 auction that is open to the public, or by sealed bid to the highest and  
3 best bidder over minimum sale price as directed by the county  
4 legislative authority.

5       **Sec. 15.** RCW 36.34.090 and 1985 c 469 s 46 are each amended to  
6 read as follows:

7       Whenever county property is to be sold at public auction,  
8 consignment auction, or sealed bid, the county auditor shall publish  
9 notice thereof once during each of two successive calendar weeks in a  
10 newspaper of general circulation in the county. Notice thereof must  
11 also be posted in a conspicuous place in the courthouse. The posting  
12 and date of first publication must be at least ten days before the day  
13 fixed for the sale.

14       **Sec. 16.** RCW 36.34.100 and 1963 c 4 s 36.34.100 are each amended  
15 to read as follows:

16       The notice of sale of county property by auction sale must  
17 particularly describe the property to be sold and designate the day and  
18 hour and the ~~((place of sale. If real property is to be sold on terms,~~  
19 ~~the terms must be stated in the notice))~~ location of the auction sale.  
20 The notice of sale of county property by sealed bid must describe the  
21 property to be sold, designate the date and time after which the bids  
22 are not received, the location to turn in the sealed bid, and the date,  
23 time, and location of the public meeting of the county legislative  
24 authority when the bids are opened and read in public.

25       NEW SECTION. **Sec. 17.** A new section is added to chapter 36.77 RCW  
26 to read as follows:

1 In lieu of the procedure for awarding contracts that is provided in  
2 RCW 36.77.020 through 36.77.040, a county may award contracts for  
3 public works projects on county roads with an estimated value of one  
4 hundred thousand dollars or less using a small works roster process as  
5 provided in section 1 of this act.

6 NEW SECTION. **Sec. 18.** A new section is added to chapter 36.62 RCW  
7 to read as follows:

8 All work ordered and materials purchased by a hospital shall be  
9 subject to the requirements established in RCW 70.44.140 for public  
10 hospital districts.

11 **Sec. 19.** RCW 36.81.130 and 1975 1st ex.s. c 21 s 4 are each  
12 amended to read as follows:

13 The laying out, construction, and maintenance of all county roads  
14 shall hereafter be in accordance with the following procedure:

15 On or before the first Monday in (~~July~~) October of each year each  
16 county road engineer shall file with the county legislative authority  
17 a recommended plan for the laying out, construction, maintenance, and  
18 special maintenance of county roads for the ensuing fiscal year. Such  
19 recommended plan need not be limited to but shall include the following  
20 items: Recommended projects, including capital expenditures for  
21 ferries, docks, and related facilities, and their priority; the  
22 estimated cost of all work, including labor and materials for each  
23 project recommended; a statement as to whether such work is to be done  
24 by the county forces or by publicly advertised contract; a list of all  
25 recommended repairs to and purchases of road equipment, together with  
26 the estimated costs thereof. Amounts to be expended for maintenance  
27 and special maintenance shall be recommended, but details of these  
28 proposed expenditures shall not be made. The recommended plan shall

1 conform as nearly as practicable to the county's long range road  
2 program.

3 ~~((Within two weeks after the))~~ After filing of the road engineer's  
4 recommended plan, the county legislative authority shall consider the  
5 same. Revisions and changes may be made until a plan which is  
6 agreeable to a majority of the members of the county legislative  
7 authority has been adopted: PROVIDED, That such revisions shall  
8 conform as nearly as practicable to the county's long range road  
9 program. Any appropriations contained in the county road budget shall  
10 be void unless the county's road plan was adopted prior to such  
11 appropriation.

12 The final road plan for the fiscal year shall not thereafter be  
13 changed except by unanimous vote of the county legislative authority.

14 **Sec. 20.** RCW 36.82.020 and 1963 c 4 s 36.82.020 are each amended  
15 to read as follows:

16 Any funds accruing to and to be deposited in the county road fund  
17 arising from any levy in any road district shall be expended for proper  
18 county road purposes ~~((entirely within the limits of the road district  
19 from which the same was or is collected: PROVIDED, That nothing in  
20 this section shall prevent the loan or rental of equipment by one road  
21 district to another road district in the county))~~.

22 **Sec. 21.** RCW 36.82.160 and 1969 ex.s. c 182 s 14 are each amended  
23 to read as follows:

24 Each ~~((board of county commissioners))~~ county legislative  
25 authority, with the assistance of the county road engineer, shall  
26 prepare and file with the county auditor on or before the second Monday  
27 in August in each year, detailed and itemized estimates of all  
28 expenditures required in the county for the ensuing fiscal year. In

1 the preparation and adoption of the county road budget the (~~board~~)  
2 legislative authority shall determine and budget (~~the respective~~  
3 ~~percentages of the~~) sums to become available for the following county  
4 road purposes: (1) Administration; (2) bond and warrant retirement;  
5 (3) maintenance; (4) construction; (5) operation of equipment rental  
6 and revolving fund; and (6) such other items relating to the county  
7 road budget as may be required by the county road administration board;  
8 and the respective amounts as adopted for these several items in the  
9 final budget for the ensuing calendar year shall not be  
10 altered or exceeded except as by law provided.

11 **Sec. 22.** RCW 52.14.110 and 1984 c 238 s 3 are each amended to read  
12 as follows:

13 Insofar as practicable, purchases and any public works by the  
14 district shall be based on competitive bids. A formal sealed bid  
15 procedure shall be used as standard procedure for purchases and  
16 contracts for purchases executed by the board of commissioners. Formal  
17 sealed bidding shall not be required for:

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

22 (2) The purchase of any materials, supplies, or equipment if the  
23 cost will not exceed the sum of (~~ten~~) four thousand five hundred  
24 dollars(~~(: PROVIDED, That)~~). However, whenever the estimated cost is  
25 from (~~forty five hundred~~) four thousand five hundred dollars up to  
26 ten thousand dollars, the commissioners (~~shall require quotations from~~  
27 ~~at least three different sources to be obtained in writing or by~~  
28 ~~telephone, and recorded for public perusal to assure establishment of~~

1 ~~a competitive price for such purchase))~~ may by resolution use the  
2 process provided in section 2 of this act to award contracts;

3 (3) Contracting for work to be done involving the construction or  
4 improvement of a fire station or other buildings where the estimated  
5 cost will not exceed the sum of two thousand five hundred dollars,  
6 which includes the costs of labor, material, and equipment. However,  
7 whenever the estimated cost is from two thousand five hundred dollars  
8 up to ten thousand dollars, the commissioner may by resolution use the  
9 small works roster process provided in section 1 of this act;

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

15 (5) Purchases of insurance and bonds.

16 **Sec. 23.** RCW 53.08.120 and 1988 c 235 s 1 are each amended to read  
17 as follows:

18 All material required by a port district may be procured in the  
19 open market or by contract and all work ordered may be done by contract  
20 or day labor. All such contracts for work, the estimated cost of which  
21 exceeds one hundred thousand dollars, shall be let at public bidding  
22 upon notice published in a newspaper of general circulation in the  
23 district at least ten days before the letting, calling for sealed bids  
24 upon the work, plans and specifications for which shall then be on file  
25 in the office of the commission for public inspection. The same notice  
26 may call for bids on such work or material based upon plans and  
27 specifications submitted by the bidder.

28 Each port district shall maintain a small works roster (~~which~~  
29 ~~shall be comprised of all contractors who have requested to be on the~~

1 ~~roster and are, where required by law, properly licensed or registered~~  
2 ~~to perform such work in the state of Washington.)), as provided in~~  
3 ~~section 1 of this act, and use the small works roster process to award~~  
4 ~~contracts whenever work is done by contract, the estimated cost of~~  
5 ~~which is one hundred thousand dollars or less((, the managing official~~  
6 ~~of the port district may invite proposals from all appropriate~~  
7 ~~contractors on the small works roster: PROVIDED, That not less than~~  
8 ~~five separate appropriate contractors shall be invited to submit~~  
9 ~~proposals on any individual contract: PROVIDED FURTHER, That)).~~  
10 Whenever possible, the managing official shall invite at least one  
11 proposal from a minority contractor who shall otherwise qualify under  
12 this section. ((Such invitation shall include an estimate of the scope  
13 and nature of the work to be performed, and materials and equipment to  
14 be furnished.))

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

21 **Sec. 24.** RCW 54.04.082 and 1977 ex.s. c 116 s 1 are each amended  
22 to read as follows:

23 For the awarding of a contract to purchase any item, or items of  
24 the same kind of materials, equipment, or supplies in an amount  
25 exceeding five thousand dollars, but less than fifteen thousand  
26 dollars, exclusive of sales tax, the commission may, in lieu of the  
27 procedure described in RCW 54.04.070 and 54.04.080 requiring public  
28 notice to invite sealed proposals for such materials, equipment, or  
29 supplies, ((authorize by)) pursuant to commission resolution ((a staff

1 ~~procedure for securing telephone and/or written quotations from enough~~  
2 ~~vendors to assure establishment of a competitive price and for awarding~~  
3 ~~such contracts for purchase of materials, equipment, or supplies to the~~  
4 ~~lowest responsible bidder. Immediately after the award is made, the bid~~  
5 ~~quotations obtained shall be recorded and shall be posted or otherwise~~  
6 ~~made available at the office of the commission or any other officially~~  
7 ~~designated location)) use the process provided in section 2 of this~~  
8 act. Waiver of the deposit or bid bond required under RCW 54.04.080  
9 may be authorized by the commission in securing such bid quotations.

10 **Sec. 25.** RCW 56.08.070 and 1989 c 105 s 1 are each amended to read  
11 as follows:

12 (1) All materials purchased and work ordered, the estimated cost of  
13 which is in excess of five thousand dollars shall be let by contract.  
14 All contract projects, the estimated cost of which is less than fifty  
15 thousand dollars, may be awarded to a contractor ((~~on~~)) using the small  
16 works roster((~~.— The small works roster shall be comprised of all~~  
17 ~~responsible contractors who have requested to be on the list~~)) process  
18 provided in section 1 of this act or the process provided in section 2  
19 of this act for purchases. The board of sewer commissioners may set up  
20 uniform procedures to prequalify contractors for inclusion on the small  
21 works roster. ((~~The board of sewer commissioners shall authorize by~~  
22 ~~resolution a procedure for securing telephone and/or written quotations~~  
23 ~~from the contractors on the small works roster to assure establishment~~  
24 ~~of a competitive price and for awarding contracts to the lowest~~  
25 ~~responsible bidder. Such procedure shall require that a good faith~~  
26 ~~effort be made to request quotations from all contractors on the small~~  
27 ~~works roster.— Immediately after an award is made, the bid quotations~~  
28 ~~obtained shall be recorded, open to public inspection, and available by~~  
29 ~~telephone inquiry.— The small works roster shall be revised once a~~

1 year-)) All contract projects equal to or in excess of fifty thousand  
2 dollars shall be let by competitive bidding. Before awarding any  
3 competitive contract the board of sewer commissioners shall ((cause))  
4 publish a notice ((to be published)) in a newspaper ((in)) of general  
5 circulation where the district is located at least once, ten days  
6 before the letting of such contract, inviting sealed proposals for such  
7 work, plans and specifications which must at the time of publication of  
8 such notice be on file in the office of the board of sewer  
9 commissioners subject to public inspection. Such notice shall state  
10 generally the work to be done and shall call for proposals for doing  
11 the same to be sealed and filed with the board of sewer commissioners  
12 on or before the day and hour named therein.

13 (2) Each bid shall be accompanied by a bid proposal deposit in the  
14 form of a certified check, cashier's check, postal money order, or  
15 surety bond payable to the order of the county treasurer for a sum not  
16 less than five percent of the amount of the bid and no bid shall be  
17 considered unless accompanied by such bid proposal deposit. At the  
18 time and place named such bids shall be publicly opened and read and  
19 the board of sewer commissioners shall proceed to canvass the bids and  
20 may let such contract to the lowest responsible bidder upon plans and  
21 specifications: PROVIDED, That no contract shall be let in excess of  
22 the cost of ((said)) the materials or work, or if in the opinion of the  
23 board of sewer commissioners all bids are unsatisfactory they may  
24 reject all of them and readvertise and in such case all checks, cash or  
25 bid bonds shall be returned to the bidders. If such contract be let,  
26 then all checks, cash or bid bonds shall be returned to the bidders,  
27 except that of the successful bidder, which shall be retained until a  
28 contract shall be entered into for the purchase of such materials or  
29 doing such work, and a bond to perform such work furnished with  
30 sureties satisfactory to the board of sewer commissioners in the full

1 amount of the contract price between the bidder and the commission in  
2 accordance with bid. If (~~said~~) the bidder fails to enter into  
3 (~~said~~) the contract in accordance with (~~said~~) the bid and furnish  
4 such bond within ten days from the date at which (~~he~~) the bidder is  
5 notified that he or she is the successful bidder, the (~~said~~) check,  
6 cash, or bid bonds and the amount thereof shall be forfeited to the  
7 sewer district.

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

21 **Sec. 26.** RCW 56.08.080 and 1989 c 308 s 5 are each amended to read  
22 as follows:

23 The board of commissioners of a sewer district may sell, at public  
24 or private sale, property belonging to the district if the board  
25 determines that the property is not and will not be needed for district  
26 purposes and if the board gives notice of intention to sell as in this  
27 section provided: PROVIDED, That no notice of intention is required to  
28 sell personal property of less than two thousand five hundred dollars  
29 in value.

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

10       **Sec. 27.** RCW 56.08.090 and 1989 c 308 s 6 are each amended to read  
11       as follows:

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

26       (2) If no purchasers can be obtained for the property at ninety  
27       percent or more of its appraised value after one hundred eighty days of  
28       offering the property for sale, the board of commissioners of the sewer  
29       district may adopt a resolution stating that the district has been

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

11 **Sec. 28.** RCW 57.08.015 and 1989 c 308 s 7 are each amended to read  
12 as follows:

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

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

1       **Sec. 29.** RCW 57.08.016 and 1989 c 308 s 8 are each amended to read  
2 as follows:

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

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

1       **Sec. 30.** RCW 57.08.050 and 1989 c 105 s 2 are each amended to read  
2 as follows:

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

6       (2) All materials purchased and work ordered, the estimated cost of  
7 which is in excess of five thousand dollars shall be let by contract.  
8 All contract projects, the estimated cost of which is less than fifty  
9 thousand dollars, may be awarded to a contractor ~~((on the))~~ using a  
10 small works roster~~((The small works roster shall be comprised of all~~  
11 ~~responsible contractors who have requested to be on the list))~~ process  
12 provided in section 1 of this act or the process provided in section 2  
13 of this act for purchases. The board of water commissioners may set up  
14 uniform procedures to prequalify contractors for inclusion on the small  
15 works roster. ~~((The board of water commissioners shall authorize by~~  
16 ~~resolution a procedure for securing telephone and/or written quotations~~  
17 ~~from the contractors on the small works roster to assure establishment~~  
18 ~~of a competitive price and for awarding contracts to the lowest~~  
19 ~~responsible bidder. Such procedure shall require that a good faith~~  
20 ~~effort be made to request quotations from all contractors on the small~~  
21 ~~works roster. Immediately after an award is made, the bid quotations~~  
22 ~~obtained shall be recorded, open to public inspection, and available by~~  
23 ~~telephone inquiry. The small works roster shall be revised once a~~  
24 ~~year.))~~ All contract projects equal to or in excess of fifty thousand  
25 dollars shall be let by competitive bidding. Before awarding any such  
26 contract the board of water commissioners shall ~~((cause))~~ publish a  
27 notice ~~((to be published))~~ in a newspaper ~~((in))~~ of general circulation  
28 where the district is located at least once ten days before the letting  
29 of such contract, inviting sealed proposals for such work, plans and  
30 specifications which must at the time of publication of such notice be

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

6 (3) Each bid shall be accompanied by a certified or cashier's check  
7 or postal money order payable to the order of the county treasurer for  
8 a sum not less than five percent of the amount of the bid, or  
9 accompanied by a bid bond in an amount not less than five percent of  
10 the bid with a corporate surety licensed to do business in the state,  
11 conditioned that the bidder will pay the district as liquidated damages  
12 the amount specified in the bond, unless ((he)) the bidder enters into  
13 a contract in accordance with his or her bid, and no bid shall be  
14 considered unless accompanied by such check, cash or bid bond. At the  
15 time and place named such bids shall be publicly opened and read and  
16 the board of water commissioners shall proceed to canvass the bids and  
17 may let such contract to the lowest responsible bidder upon plans and  
18 specifications on file or to the best bidder submitting his or her own  
19 plans and specifications: PROVIDED, That no contract shall be let in  
20 excess of the cost of ((said)) the materials or work, or if in the  
21 opinion of the board of water commissioners all bids are unsatisfactory  
22 they may reject all of them and readvertise and in such case all  
23 checks, cash or bid bonds shall be returned to the bidders. If such  
24 contract be let, then all checks, cash or bid bonds shall be returned  
25 to 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 or doing such work, and a bond to perform such work  
28 furnished with sureties satisfactory to the board of water  
29 commissioners in the full amount of the contract price between the  
30 bidder and the commission in accordance with the bid. If ((said)) the

1 bidder fails to enter into (~~said~~) the contract in accordance with  
2 (~~said~~) the bid and furnish such bond within ten days from the date at  
3 which (~~he~~) the bidder is notified that he or she is the successful  
4 bidder, the (~~said~~) check, cash or bid bonds and the amount thereof  
5 shall be forfeited to the water district: PROVIDED, That if the bidder  
6 fails to enter into a contract in accordance with his or her bid, and  
7 the board of water commissioners deems it necessary to take legal  
8 action to collect on any bid bond required herein, then the water  
9 district shall be entitled to collect from (~~said~~) the bidder any  
10 legal expenses, including reasonable attorneys' fees occasioned  
11 thereby.

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

25 **Sec. 31.** RCW 70.44.140 and 1965 c 83 s 1 are each amended to read  
26 as follows:

27 (1) All materials purchased and work ordered, the estimated cost of  
28 which is in excess of five thousand dollars, shall be by contract.  
29 Before awarding any such contract, the commission shall (~~cause to be~~

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

1 than twenty-five percent of contract price in any case, between the  
2 bidder and commission, in accordance with the bid. If such bidder  
3 fails to enter into ~~((said))~~ the contract in accordance with ~~((said))~~  
4 the bid and furnish such bond within ten days from the date at which  
5 ~~((he))~~ the bidder is notified that he or she is the successful bidder,  
6 the ~~((said))~~ bid proposal security and the amount thereof shall be  
7 forfeited to the public hospital district.

8 (2) In lieu of the procedures of subsection (1) of this section, a  
9 public hospital district may use a small works roster process and award  
10 public works contracts for projects in excess of five thousand dollars  
11 up to fifteen thousand dollars as provided in section 1 of this act.

12 (3) For advertisement and formal sealed bidding to be dispensed  
13 with as to purchases between five thousand and fifteen thousand  
14 dollars, the commission must authorize by resolution a procedure as  
15 provided in section 2 of this act.

16 NEW SECTION. Sec. 32. The following acts or parts of acts are  
17 each repealed:

18 (1) RCW 36.32.271 and 1989 c 244 s 1;

19 (2) RCW 36.32.273 and 1989 c 244 s 2;

20 (3) RCW 36.32.275 and 1989 c 244 s 3;

21 (4) RCW 36.32.277 and 1989 c 244 s 4;

22 (5) RCW 36.82.030 and 1963 c 4 s 36.82.030;

23 (6) RCW 36.82.130 and 1982 c 145 s 1, 1969 ex.s. c 182 s 13, & 1963  
24 c 4 s 36.82.130; and

25 (7) RCW 36.82.150 and 1984 c 7 s 35 & 1963 c 4 s 36.82.150.