

CERTIFICATION OF ENROLLMENT

SENATE BILL 6030

Chapter 31, Laws of 1994

53rd Legislature
1994 Regular Session

SEWER AND WATER DISTRICTS--PUBLIC WORKS PROVISIONS REVISED

EFFECTIVE DATE: 6/9/94

Passed by the Senate February 1, 1994
YEAS 48 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 2, 1994
YEAS 96 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved March 21, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6030** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 21, 1994 - 11:33 a.m.

**Secretary of State
State of Washington**

SENATE BILL 6030

Passed Legislature - 1994 Regular Session

State of Washington

53rd Legislature

1994 Regular Session

By Senator Haugen

Read first time 01/10/94. Referred to Committee on Government Operations.

1 AN ACT Relating to water and sewer districts; and reenacting RCW
2 56.08.070 and 57.08.050.

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

4 **Sec. 1.** RCW 56.08.070 and 1993 c 198 s 16 and 1993 c 45 s 4 are
5 each reenacted to read as follows:

6 (1) 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 using the small works
10 roster process provided in RCW 39.04.155 or the process provided in RCW
11 39.04.190 for purchases. The board of sewer commissioners may set up
12 uniform procedures to prequalify contractors for inclusion on the small
13 works roster. All contract projects equal to or in excess of fifty
14 thousand dollars shall be let by competitive bidding. Before awarding
15 any competitive contract the board of sewer commissioners shall publish
16 a notice in a newspaper of general circulation where the district is
17 located at least once, thirteen days before the last date upon which
18 bids will be received, inviting sealed proposals for such work, plans
19 and specifications which must at the time of publication of such notice

1 be on file in the office of the board of sewer 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 sewer commissioners on or before the day and
5 hour named therein.

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

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

1 instances the purchase price may be best established by direct
2 negotiation.

3 **Sec. 2.** RCW 57.08.050 and 1993 c 198 s 21 and 1993 c 45 s 8 are
4 each reenacted to read as follows:

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

8 (2) All materials purchased and work ordered, the estimated cost of
9 which is in excess of five thousand dollars shall be let by contract.
10 All contract projects, the estimated cost of which is less than fifty
11 thousand dollars, may be awarded to a contractor using a small works
12 roster process provided in RCW 39.04.155 or the process provided in RCW
13 39.04.190 for purchases. The board of water commissioners may set up
14 uniform procedures to prequalify contractors for inclusion on the small
15 works roster. All contract projects equal to or in excess of fifty
16 thousand dollars shall be let by competitive bidding. Before awarding
17 any such contract the board of water commissioners shall publish a
18 notice in a newspaper of general circulation where the district is
19 located at least once thirteen days before the last date upon which
20 bids will be received, inviting sealed proposals for such work, plans
21 and specifications which must at the time of publication of such notice
22 be on file in the office of the board of water commissioners subject to
23 public inspection. Such notice shall state generally the work to be
24 done and shall call for proposals for doing the same to be sealed and
25 filed with the board of water commissioners on or before the day and
26 hour named therein.

27 (3) Each bid shall be accompanied by a certified or cashier's check
28 or postal money order payable to the order of the county treasurer for
29 a sum not less than five percent of the amount of the bid, or
30 accompanied by a bid bond in an amount not less than five percent of
31 the bid with a corporate surety licensed to do business in the state,
32 conditioned that the bidder will pay the district as liquidated damages
33 the amount specified in the bond, unless the bidder enters into a
34 contract in accordance with his or her bid, and no bid shall be
35 considered unless accompanied by such check, cash or bid bond. At the
36 time and place named such bids shall be publicly opened and read and
37 the board of water commissioners shall proceed to canvass the bids and
38 may let such contract to the lowest responsible bidder upon plans and

1 specifications on file or to the best bidder submitting his or her own
2 plans and specifications: PROVIDED, That no contract shall be let in
3 excess of the cost of the materials or work. The board of water
4 commissioners may reject all bids for good cause and readvertise and in
5 such case all checks, cash or bid bonds shall be returned to the
6 bidders. If such contract be let, then all checks, cash or bid bonds
7 shall be returned to the bidders, except that of the successful bidder,
8 which shall be retained until a contract shall be entered into for the
9 purchase of such materials or doing such work, and a bond to perform
10 such work furnished with sureties satisfactory to the board of water
11 commissioners in the full amount of the contract price between the
12 bidder and the commission in accordance with the bid. If the bidder
13 fails to enter into the contract in accordance with the bid and furnish
14 such bond within ten days from the date at which the bidder is notified
15 that he or she is the successful bidder, the check, cash or bid bonds
16 and the amount thereof shall be forfeited to the water district:
17 PROVIDED, That if the bidder fails to enter into a contract in
18 accordance with his or her bid, and the board of water commissioners
19 deems it necessary to take legal action to collect on any bid bond
20 required herein, then the water district shall be entitled to collect
21 from the bidder any legal expenses, including reasonable attorneys'
22 fees occasioned thereby.

23 (4) In the event of an emergency when the public interest or
24 property of the water district would suffer material injury or damage
25 by delay, upon resolution of the board of water 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 official acting for the board, may waive the requirements of this
30 chapter with reference to any purchase or contract. In addition, these
31 requirements may be waived for purchases which are clearly and
32 legitimately limited to a single source of supply and purchases
33 involving special facilities, services, or market conditions, in which
34 instances the purchase price may be best established by direct
35 negotiation.

Passed the Senate February 1, 1994.

Passed the House March 2, 1994.

Approved by the Governor March 21, 1994.

Filed in Office of Secretary of State March 21, 1994.