

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

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**President of the Senate**

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

BRIAN EBERSOLE

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**Speaker of the  
House of Representatives**

Approved March 21, 1994

MIKE LOWRY

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**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

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**Secretary**

FILED

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

**Secretary of State  
State of Washington**

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**SENATE BILL 6030**

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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.