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**SUBSTITUTE SENATE BILL 5864**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Heavey, McCaslin, Sheldon and Hale)

Read first time 03/01/95.

1 AN ACT Relating to county public works projects; amending RCW  
2 36.32.240 and 36.32.250; and adding a new section to chapter 36.32 RCW.

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

4 **Sec. 1.** RCW 36.32.240 and 1993 c 198 s 5 are each amended to read  
5 as follows:

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

16 **Sec. 2.** RCW 36.32.250 and 1993 c 198 s 8 are each amended to read  
17 as follows:

1        Except as otherwise provided in section 3 of this act, no contract  
2 for public works may be entered into by the county legislative  
3 authority or by any elected or appointed officer of the county until  
4 after bids have been submitted to the county upon specifications  
5 therefor. Such specifications shall be in writing and shall be filed  
6 with the clerk of the county legislative authority for public  
7 inspection. An advertisement shall be published in the county official  
8 newspaper stating the time and place where bids will be opened, the  
9 time after which bids will not be received, the character of the work  
10 to be done, the materials and equipment to be furnished, and that  
11 specifications therefor may be seen at the office of the clerk of the  
12 county legislative authority. An advertisement shall also be published  
13 in a legal newspaper of general circulation in or as near as possible  
14 to that part of the county in which such work is to be done. If the  
15 county official newspaper is a newspaper of general circulation  
16 covering at least forty percent of the residences in that part of the  
17 county in which such public works are to be done, then the publication  
18 of an advertisement of the applicable specifications in the county  
19 official newspaper shall be sufficient. Such advertisements shall be  
20 published at least once at least thirteen days prior to the last date  
21 upon which bids will be received. The bids shall be in writing, shall  
22 be filed with the clerk, shall be opened and read in public at the time  
23 and place named therefor in the advertisements, and after being opened,  
24 shall be filed for public inspection. No bid may be considered for  
25 public work unless it is accompanied by a bid deposit in the form of a  
26 surety bond, postal money order, cash, cashier's check, or certified  
27 check in an amount equal to five percent of the amount of the bid  
28 proposed. The contract for the public work shall be awarded to the  
29 lowest responsible bidder. Any or all bids may be rejected for good  
30 cause. The county legislative authority shall require from the  
31 successful bidder for such public work a contractor's bond in the  
32 amount and with the conditions imposed by law. If the bidder to whom  
33 the contract is awarded fails to enter into the contract and furnish  
34 the contractor's bond as required within ten days after notice of the  
35 award, exclusive of the day of notice, the amount of the bid deposit  
36 shall be forfeited to the county and the contract awarded to the next  
37 lowest and best bidder. The bid deposit of all unsuccessful bidders  
38 shall be returned after the contract is awarded and the required  
39 contractor's bond given by the successful bidder is accepted by the

1 county legislative authority. In the letting of any contract for  
2 public works involving less than ten thousand dollars, advertisement  
3 and competitive bidding may be dispensed with on order of the county  
4 legislative authority. Immediately after the award is made, the bid  
5 quotations obtained shall be recorded and open to public inspection and  
6 shall be available by telephone inquiry.

7 For advertisement and competitive bidding to be dispensed with as  
8 to public works projects with an estimated value of ten thousand  
9 dollars up to one hundred thousand dollars, a county must use a small  
10 works roster process as provided in RCW 39.04.155.

11 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 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32 RCW  
15 to read as follows:

16 (1) Notwithstanding the provisions of RCW 36.32.240, and effective  
17 through July 1, 1996, any county of one million or more population with  
18 a purchasing department shall contract on a competitive basis for all  
19 public works projects in excess of fifty thousand dollars if more than  
20 a single craft or trade is involved with the public works project, or  
21 for public works projects in excess of twenty-five thousand dollars if  
22 only a single craft or trade is involved with the public works project  
23 or the public works project is street signalization or street lighting.

24 (2) The limitations contained in this section restricting the use  
25 of public employees to perform public works projects shall not apply to  
26 any public works project that was commenced prior to the effective date  
27 of this section.

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