
HOUSE BILL 1661

State of Washington 55th Legislature 1997 Regular Session

By Representatives Koster and Smith

Read first time 02/04/97. Referred to Committee on Capital Budget.

1 AN ACT Relating to public works contracts; amending RCW 28B.10.350,
2 28B.10.355, 28B.50.330, 39.04.020, and 28A.335.190; and reenacting and
3 amending RCW 39.04.150.

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

5 **Sec. 1.** RCW 28B.10.350 and 1993 c 379 s 109 are each amended to
6 read as follows:

7 (1) When the cost to The Evergreen State College, any regional
8 university, or state university, of any building, construction,
9 renovation, remodeling, or demolition other than maintenance or repairs
10 will equal or exceed the sum of (~~twenty-five~~) one hundred thousand
11 dollars, complete plans and specifications for such work shall be
12 prepared and such work shall be put out for public bids and the
13 contract shall be awarded to the lowest responsible bidder if in
14 accordance with the bid specifications: PROVIDED, That when the
15 estimated cost of such building, construction, renovation, remodeling,
16 or demolition equals or exceeds the sum of (~~twenty-five~~) one hundred
17 thousand dollars, such project shall be deemed a public works and "the
18 prevailing rate of wage," under chapter 39.12 RCW shall be applicable
19 thereto(~~(: PROVIDED FURTHER, That when such building, construction,~~

1 renovation, remodeling, or demolition involves one trade or craft area
2 and the estimated cost exceeds ten thousand dollars, complete plans and
3 specifications for such work shall be prepared and such work shall be
4 put out for public bids, and the contract shall be awarded to the
5 lowest responsible bidder if in accordance with the bid
6 specifications)). This subsection shall not apply when a contract is
7 awarded by the small works procedure authorized in RCW 28B.10.355.

8 (2) The Evergreen State College, any regional university, or state
9 university may require a project to be put to public bid even when it
10 is not required to do so under subsection (1) of this section.

11 (3) Where the estimated cost to The Evergreen State College, any
12 regional university, or state university of any building,
13 construction, renovation, remodeling, or demolition is less than
14 (~~twenty-five~~) one hundred thousand dollars or the contract is awarded
15 by the small works procedure authorized in RCW 28B.10.355, the
16 publication requirements of RCW 39.04.020 shall be inapplicable.

17 (4) In the event of any emergency when the public interest or
18 property of The Evergreen State College, regional university, or state
19 university would suffer material injury or damage by delay, the
20 president of such college or university may declare the existence of
21 such an emergency and reciting the facts constituting the same may
22 waive the requirements of this section with reference to any contract
23 in order to correct the condition causing the emergency: PROVIDED,
24 That an "emergency," for the purposes of this section, means a
25 condition likely to result in immediate physical injury to persons or
26 to property of such college or university in the absence of prompt
27 remedial action or a condition which immediately impairs the
28 institution's ability to perform its educational obligations.

29 **Sec. 2.** RCW 28B.10.355 and 1993 c 379 s 110 are each amended to
30 read as follows:

31 Each board of regents of the state universities and each board of
32 trustees of the regional universities and The Evergreen State College
33 may establish a small works roster. The small works roster authorized
34 by this section may be used for any public works project for which the
35 estimated cost is less than (~~one~~) two hundred thousand dollars. Each
36 board shall adopt rules to implement this section.

37 The roster shall be composed of all responsible contractors who
38 have requested to be on the list. Each board shall establish a

1 procedure for securing telephone or written quotations from the
2 contractors on the small works roster to assure establishment of a
3 competitive price and for awarding contracts to the lowest responsible
4 bidder. This procedure shall require either that a good faith effort
5 be made to request quotations from all contractors on the small works
6 roster who have indicated the capability of performing the kind of
7 public works being contracted or that the board shall solicit
8 quotations from at least five contractors in a manner that will
9 equitably distribute the opportunity among contractors on the roster.
10 Immediately after an award is made, the bid quotations obtained shall
11 be recorded, open to public inspection and available by telephone
12 inquiry. Each board may adopt a procedure to prequalify contractors
13 for inclusion on the small works roster. No board may be required to
14 make available for public inspection or copying under chapter 42.17 RCW
15 financial information required to be provided by the prequalification
16 procedure.

17 The small works roster shall be revised at least once each year by
18 publishing notice of such opportunity in at least one newspaper of
19 general circulation in the state. Responsible contractors shall be
20 added to the list at any time they submit a written request.

21 **Sec. 3.** RCW 28B.50.330 and 1993 c 379 s 108 are each amended to
22 read as follows:

23 The boards of trustees of college districts are empowered in
24 accordance with the provisions of this chapter to provide for the
25 construction, reconstruction, erection, equipping, demolition, and
26 major alterations of buildings and other capital assets, and the
27 acquisition of sites, rights-of-way, easements, improvements, or
28 appurtenances for the use of the aforementioned colleges as authorized
29 by the college board in accordance with RCW 28B.50.140; to be financed
30 by bonds payable out of special funds from revenues hereafter derived
31 from income received from such facilities, gifts, bequests, or grants,
32 and such additional funds as the legislature may provide, and payable
33 out of a bond retirement fund to be established by the respective
34 district boards in accordance with rules and regulations of the state
35 board. With respect to building, improvements, or repairs, or other
36 work, where the estimated cost exceeds (~~twenty-five~~) one hundred
37 thousand dollars, complete plans and specifications for such work shall
38 be prepared and such work shall be put out for public bids and the

1 contract shall be awarded to the lowest responsible bidder if in
2 accordance with the bid specifications(~~(: PROVIDED, That when such~~
3 ~~building, construction, renovation, remodeling, or demolition involves~~
4 ~~one trade or craft area and the estimated cost exceeds ten thousand~~
5 ~~dollars, complete plans and specifications for such work shall be~~
6 ~~prepared and such work shall be put out for public bids, and the~~
7 ~~contract shall be awarded to the lowest responsible bidder if in~~
8 ~~accordance with the bid specifications)). This subsection shall not~~
9 apply when a contract is awarded by the small works procedure
10 authorized in RCW 39.04.150: PROVIDED FURTHER, That any project
11 regardless of dollar amount may be put to public bid.

12 Where the estimated cost to any college of any building,
13 improvements, or repairs, or other work, is less than (~~twenty-five~~)
14 one hundred thousand dollars, the publication requirements of RCW
15 39.04.020 shall be inapplicable.

16 **Sec. 4.** RCW 39.04.020 and 1994 c 243 s 1 are each amended to read
17 as follows:

18 Whenever the state or any municipality shall determine that any
19 public work is necessary to be done, it shall cause plans,
20 specifications, or both thereof and an estimate of the cost of such
21 work to be made and filed in the office of the director, supervisor,
22 commissioner, trustee, board, or agency having by law the authority to
23 require such work to be done. The plans, specifications, and estimates
24 of cost shall be approved by the director, supervisor, commissioner,
25 trustee, board, or agency and the original draft or a certified copy
26 filed in such office before further action is taken.

27 If the state or such municipality shall determine that it is
28 necessary or advisable that such work shall be executed by any means or
29 method other than by contract or by a small works roster process, and
30 it shall appear by such estimate that the probable cost of executing
31 such work will exceed the sum of (~~twenty-five~~) one hundred thousand
32 dollars, then the state or such municipality shall at least fifteen
33 days before beginning work cause such estimate, together with a
34 description of the work, to be published at least once in a legal
35 newspaper of general circulation published in or as near as possible to
36 that part of the county in which such work is to be done. When any
37 emergency shall require the immediate execution of such public work,
38 upon a finding of the existence of such emergency by the authority

1 having power to direct such public work to be done and duly entered of
2 record, publication of description and estimate may be made within
3 seven days after the commencement of the work.

4 **Sec. 5.** RCW 39.04.150 and 1994 c 264 s 12 and 1994 c 243 s 2 are
5 each reenacted and amended to read as follows:

6 (1) As used in this section, "agency" means the department of
7 general administration, the department of fish and wildlife, the
8 department of natural resources, and the state parks and recreation
9 commission.

10 (2) In addition to any other power or authority that an agency may
11 have, each agency, alone or in concert, may establish a small works
12 roster consisting of all qualified contractors who have requested to be
13 included on the roster.

14 (3) The small works roster may make distinctions between
15 contractors based on the geographic areas served and the nature of the
16 work the contractor is qualified to perform. At least once every year,
17 the agency shall advertise in a newspaper of general circulation the
18 existence of the small works roster and shall add to the roster those
19 contractors who request to be included on the roster.

20 (4) Construction, repair, or alteration projects estimated to cost
21 less than (~~one~~) two hundred thousand dollars are exempt from the
22 requirement that the contracts be awarded after advertisement and
23 competitive bid as defined by RCW 39.04.010. In lieu of advertisement
24 and competitive bid, the agency shall solicit at least five quotations,
25 confirmed in writing, from contractors chosen from the small works
26 roster for the category of job type involved and shall award the work
27 to the party with the lowest quotation or reject all quotations. If
28 the agency does not receive at least two responsive quotations for a
29 particular project, then the project shall be advertised and
30 competitively bid. The agency shall solicit quotations from
31 contractors selected randomly from the small works roster in a manner
32 which will equitably distribute the opportunity for these contracts
33 among contractors on the roster. The agency shall invite at least one
34 proposal each from a certified minority and a certified women-owned
35 contractor who shall otherwise qualify to perform such work.
36 Immediately after an award is made, the bid quotations obtained shall
37 be recorded, open to public inspection, and available by telephone
38 request. If the work is executed by competitive bid, the agency shall

1 invite at least one proposal each from a certified minority and a
2 certified women-owned contractor who shall otherwise qualify to perform
3 such work.

4 (5) The breaking down of any public work or improvement into units
5 or accomplishing any public work or improvement by phases for the
6 purpose of avoiding the minimum dollar amount for bidding is contrary
7 to public policy and is prohibited.

8 (6) The director of general administration shall adopt by rule a
9 procedure to prequalify contractors for inclusion on the small works
10 roster. Each agency shall follow the procedure adopted by the director
11 of general administration. No agency shall be required to make
12 available for public inspection or copying under chapter 42.17 RCW
13 financial information required to be provided by the prequalification
14 procedure.

15 (7) An agency may adopt by rule procedures to implement this
16 section which shall not be inconsistent with the procedures adopted by
17 the director of the department of general administration pursuant to
18 subsection (6) of this section.

19 **Sec. 6.** RCW 28A.335.190 and 1995 1st sp.s. c 10 s 3 are each
20 amended to read as follows:

21 (1) When, in the opinion of the board of directors of any school
22 district, the cost of any furniture, supplies, equipment, building,
23 improvements, or repairs, or other work or purchases, except books,
24 will equal or exceed the sum of fifty thousand dollars, complete plans
25 and specifications for such work or purchases shall be prepared and
26 notice by publication given in at least one newspaper of general
27 circulation within the district, once each week for two consecutive
28 weeks, of the intention to receive bids therefor and that
29 specifications and other information may be examined at the office of
30 the board or any other officially designated location: PROVIDED, That
31 the board without giving such notice may make improvements or repairs
32 to the property of the district through the shop and repair department
33 of such district when the total of such improvements or repair does not
34 exceed the sum of (a) (~~fifteen~~) fifty thousand dollars, for districts
35 with fifteen thousand five hundred or more full-time equivalent
36 students; or (b) for districts with fewer than fifteen thousand five
37 hundred full-time equivalent students, (~~fifteen~~) fifty thousand
38 dollars if more than one craft or trade is involved with the school

1 district improvement or repair, or (~~ten~~) twenty-five thousand dollars
2 if a single craft or trade is involved with the school district
3 improvement or repair. The cost of any public work, improvement or
4 repair for the purposes of this section shall be the aggregate of all
5 amounts to be paid for labor, material, and equipment on one continuous
6 or interrelated project where work is to be performed simultaneously or
7 in close sequence. The bids shall be in writing and shall be opened
8 and read in public on the date and in the place named in the notice and
9 after being opened shall be filed for public inspection.

10 (2) Every purchase of furniture, equipment or supplies, except
11 books, the cost of which is estimated to be in excess of fifteen
12 thousand dollars, shall be on a competitive basis. The board of
13 directors shall establish a procedure for securing telephone and/or
14 written quotations for such purchases. Whenever the estimated cost is
15 from fifteen thousand dollars up to fifty thousand dollars, the
16 procedure shall require quotations from at least three different
17 sources to be obtained in writing or by telephone, and recorded for
18 public perusal. Whenever the estimated cost is in excess of fifty
19 thousand dollars, the public bidding process provided in subsection (1)
20 of this section shall be followed.

21 (3) Every building, improvement, repair or other public works
22 project, the cost of which is estimated to be in excess of (a)
23 (~~fifteen~~) fifty thousand dollars, for districts with fifteen thousand
24 five hundred or more full-time equivalent students; or (b) for
25 districts with fewer than fifteen thousand five hundred full-time
26 equivalent students, (~~fifteen~~) fifty thousand dollars if more than
27 one craft or trade is involved with the school district improvement or
28 repair, or (~~ten~~) twenty-five thousand dollars if a single craft or
29 trade is involved with the school district improvement or repair, shall
30 be on a competitive bid process. All such projects estimated to be
31 less than (~~fifty~~) one hundred thousand dollars may be awarded to a
32 contractor on the small works roster. The small works roster shall be
33 comprised of all responsible contractors who have requested to be on
34 the list. The board of directors shall establish a procedure for
35 securing telephone and/or written quotations from the contractors on
36 the small works roster to assure establishment of a competitive price
37 and for awarding contracts to the lowest responsible bidder. Such
38 procedure shall require that a good faith effort be made to request
39 quotations from all contractors on the small works roster who have

1 indicated the capability of performing the kind of public works being
2 contracted. Immediately after an award is made, the bid quotations
3 obtained shall be recorded, open to public inspection, and available by
4 telephone inquiry. The small works roster shall be revised at least
5 once each year by publishing notice of such opportunity in at least one
6 newspaper of general circulation in the district. Responsible
7 contractors shall be added to the list at any time they submit a
8 written request. Whenever the estimated cost of a public works project
9 is (~~fifty~~) one hundred thousand dollars or more, the public bidding
10 process provided in subsection (1) of this section shall be followed.

11 (4) The contract for the work or purchase shall be awarded to the
12 lowest responsible bidder as defined in RCW 43.19.1911 but the board
13 may by resolution reject any and all bids and make further calls for
14 bids in the same manner as the original call. On any work or purchase
15 the board shall provide bidding information to any qualified bidder or
16 the bidder's agent, requesting it in person.

17 (5) In the event of any emergency when the public interest or
18 property of the district would suffer material injury or damage by
19 delay, upon resolution of the board declaring the existence of such an
20 emergency and reciting the facts constituting the same, the board may
21 waive the requirements of this section with reference to any purchase
22 or contract: PROVIDED, That an "emergency", for the purposes of this
23 section, means a condition likely to result in immediate physical
24 injury to persons or to property of the school district in the absence
25 of prompt remedial action.

26 (6) This section does not apply to the direct purchase of school
27 buses by school districts and educational services in accordance with
28 RCW 28A.160.195.

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