

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6347

56th Legislature
2000 Regular Session

Passed by the Senate February 15, 2000
YEAS 48 NAYS 0

President of the Senate

Passed by the House February 29, 2000
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6347** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6347

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Winsley and Gardner)

Read first time 02/04/2000.

1 AN ACT Relating to small works rosters; amending RCW 39.04.155,
2 39.04.010, 39.04.200, 28A.335.190, 28B.10.350, 35.22.620, 35.23.352,
3 36.32.235, 36.32.250, 36.77.075, 52.14.110, 53.08.120, 54.04.070,
4 57.08.050, and 70.44.140; adding new sections to chapter 39.04 RCW;
5 adding a new section to chapter 35.82 RCW; creating new sections; and
6 repealing RCW 28B.10.355, 35.82.075, and 39.04.150.

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

8 NEW SECTION. **Sec. 1.** The purpose of this act is to establish a
9 common small works roster procedure that state agencies and local
10 governments may use to award contracts for construction, building,
11 renovation, remodeling, alteration, repair, or improvement of real
12 property.

13 **PART I - COMMON SMALL WORKS ROSTER PROCEDURE**

14 **Sec. 101.** RCW 39.04.155 and 1998 c 278 s 12 are each amended to
15 read as follows:

16 (1) This section provides ((a)) uniform ((process)) small works
17 roster provisions to award contracts for ((public works projects by

1 ~~those municipalities that are authorized to use a small works roster in~~
2 ~~lieu of the requirements for formal sealed bidding. The state statutes~~
3 ~~governing a specific type of municipality shall establish the maximum~~
4 ~~dollar thresholds of the contracts that can be awarded under this~~
5 ~~process, and may include other matters concerning the small works~~
6 ~~roster process, for the municipality)) construction, building,~~
7 renovation, remodeling, alteration, repair, or improvement of real
8 property that may be used by state agencies and by any local government
9 that is expressly authorized to use these provisions. These provisions
10 may be used in lieu of other procedures to award contracts for such
11 work with an estimated cost of two hundred thousand dollars or less.

12 (2) (~~Such municipalities)) A state agency or authorized local~~
13 government may create a single general small works roster, or may
14 create a small works roster for different specialties or categories of
15 anticipated work. Where applicable, small works rosters may make
16 distinctions between contractors based upon different geographic areas
17 served by the contractor. The small works roster or rosters shall
18 consist of all responsible contractors who have requested to be on the
19 list, and where required by law are properly licensed or registered to
20 perform such work in this state. A state agency or local government
21 establishing a small works roster or rosters may require eligible
22 contractors desiring to be placed on a roster or rosters to keep
23 current records of any applicable licenses, certifications,
24 registrations, bonding, insurance, or other appropriate matters on file
25 with the state agency or local government as a condition of being
26 placed on a roster or rosters. At least (~~twice)) once~~ a year, the
27 (~~municipality)) state agency or local government shall publish in a~~
28 newspaper of general circulation within the jurisdiction a notice of
29 the existence of the roster or rosters and solicit the names of
30 contractors for such roster or rosters. In addition, responsible
31 contractors shall be added to an appropriate roster or rosters at any
32 time they submit a written request and necessary records. Master
33 contracts may be required to be signed that become effective when a
34 specific award is made using a small works roster.

35 (~~The governing body of the municipality shall establish a)) (3) A~~
36 state agency establishing a small works roster or rosters shall adopt
37 rules implementing this section. A local government establishing a
38 small works roster or rosters shall adopt an ordinance or resolution
39 implementing this section. Procedures included in rules adopted by the

1 department of general administration in implementing this section must
2 be included in any rules providing for a small works roster or rosters
3 that is adopted by another state agency, if the authority for that
4 state agency to engage in these activities has been delegated to it by
5 the department of general administration under chapter 43.19 RCW. An
6 interlocal contract or agreement between two or more state agencies or
7 local governments establishing a small works roster or rosters to be
8 used by the parties to the agreement or contract must clearly identify
9 the lead entity that is responsible for implementing the provisions of
10 this section.

11 (4) Procedures shall be established for securing telephone ((or)),
12 written, or electronic quotations from ((the)) contractors on the
13 ((general)) appropriate small works roster((, or a specific small works
14 roster for the appropriate category of work,)) to assure that a
15 competitive price is established and to award contracts to the lowest
16 responsible bidder, as defined in RCW 43.19.1911. ((Such)) Invitations
17 for quotations shall include an estimate of the scope and nature of the
18 work to be performed as well as materials and equipment to be
19 furnished. However, detailed plans and specifications need not be
20 included in the invitation. This section does not eliminate other
21 requirements for architectural or engineering approvals as to quality
22 and compliance with building codes. ((Whenever possible at least five
23 contractors shall be invited to submit bids. Once a contractor has
24 been afforded an opportunity to submit a proposal, that contractor
25 shall not be offered another opportunity until all other appropriate
26 contractors on the small works roster have been afforded an opportunity
27 to submit a proposal on a contract. Proposals)) Quotations may be
28 invited from all appropriate contractors on the appropriate small works
29 roster. As an alternative, quotations may be invited from at least
30 five contractors on the appropriate small works roster who have
31 indicated the capability of performing the kind of work being
32 contracted, in a manner that will equitably distribute the opportunity
33 among the contractors on the appropriate roster. However, if the
34 estimated cost of the work is from one hundred thousand dollars to two
35 hundred thousand dollars, a state agency or local government, other
36 than a port district, that chooses to solicit bids from less than all
37 the appropriate contractors on the appropriate small works roster must
38 also notify the remaining contractors on the appropriate small works
39 roster that quotations on the work are being sought. The government

1 has the sole option of determining whether this notice to the remaining
2 contractors is made by: (a) Publishing notice in a legal newspaper in
3 general circulation in the area where the work is to be done; (b)
4 mailing a notice to these contractors; or (c) sending a notice to these
5 contractors by facsimile or other electronic means. For purposes of
6 this subsection, "equitably distribute" means that a state agency or
7 local government soliciting bids may not favor certain contractors on
8 the appropriate small works roster over other contractors on the
9 appropriate small works roster who perform similar services.

10 (5) A contract awarded from a small works roster under this section
11 need not be advertised.

12 (6) Immediately after an award is made, the bid quotations obtained
13 shall be recorded, open to public inspection, and available by
14 telephone inquiry.

15 (7) The breaking of any project into units or accomplishing any
16 projects by phases is prohibited if it is done for the purpose of
17 avoiding the maximum dollar amount of a contract that may be let using
18 the small works roster process.

19 (8) As used in this section, "state agency" means the department of
20 general administration, the state parks and recreation commission, the
21 department of natural resources, the department of fish and wildlife,
22 the department of transportation, any institution of higher education
23 as defined under RCW 28B.10.016, and any other state agency delegated
24 authority by the department of general administration to engage in
25 construction, building, renovation, remodeling, alteration,
26 improvement, or repair activities.

27 **Sec. 102.** RCW 39.04.010 and 1997 c 220 s 402 are each amended to
28 read as follows:

29 The term state shall include the state of Washington and all
30 departments, supervisors, commissioners and agencies thereof.

31 The term municipality shall include every city, county, town,
32 district or other public agency thereof which is authorized by law to
33 require the execution of public work, except drainage districts, diking
34 districts, diking and drainage improvement districts, drainage
35 improvement districts, diking improvement districts, consolidated
36 diking and drainage improvement districts, consolidated drainage
37 improvement districts, consolidated diking improvement districts,
38 irrigation districts or any such other districts as shall from time to

1 time be authorized by law for the reclamation or development of waste
2 or undeveloped lands.

3 The term public work shall include all work, construction,
4 alteration, repair, or improvement other than ordinary maintenance,
5 executed at the cost of the state or of any municipality, or which is
6 by law a lien or charge on any property therein. All public works,
7 including maintenance when performed by contract shall comply with the
8 provisions of RCW 39.12.020. The term does not include work,
9 construction, alteration, repair, or improvement performed under
10 contracts entered into under RCW 36.102.060(4) or under development
11 agreements entered into under RCW 36.102.060(7) or leases entered into
12 under RCW 36.102.060(8).

13 The term contract shall mean a contract in writing for the
14 execution of public work for a fixed or determinable amount duly
15 awarded after advertisement and competitive bid. However, a contract
16 which is awarded from a small works roster (~~((under the authority of RCW
17 39.04.150, 35.22.620, 28B.10.355, 35.82.075, and 57.08.050))~~) need not
18 be advertised.

19 **Sec. 103.** RCW 39.04.200 and 1993 c 198 s 3 are each amended to
20 read as follows:

21 Any (~~((municipality that utilizes the small works roster process
22 established in RCW 39.04.155 to award contracts for public works
23 projects, or))~~) local government using the uniform process established
24 in RCW 39.04.190 to award contracts for purchases((~~7~~)) must post a list
25 of the contracts awarded under ((RCW 39.04.155 and 39.04.190)) that
26 process at least once every two months. Any state agency or local
27 government using the small works roster process established in RCW
28 39.04.155 to award contracts for construction, building, renovation,
29 remodeling, alteration, repair, or improvement of real property must
30 make available a list of the contracts awarded under that process at
31 least once every year. The list shall contain the name of the
32 contractor or vendor awarded the contract, the amount of the contract,
33 a brief description of the type of work performed or items purchased
34 under the contract, and the date it was awarded. The list shall also
35 state the location where the bid quotations for these contracts are
36 available for public inspection.

1 NEW SECTION. **Sec. 104.** A new section is added to chapter 39.04
2 RCW to read as follows:

3 The department of community, trade, and economic development, in
4 cooperation with the municipal research and services center, shall
5 prepare a small works roster manual and periodically notify the
6 different types of local government authorized to use a small works
7 roster process about this authority.

8 NEW SECTION. **Sec. 105.** A new section is added to chapter 39.04
9 RCW to read as follows:

10 The department of community development, in cooperation with the
11 municipal research and services center, shall prepare a small works
12 roster manual and periodically notify the different types of local
13 government authorized to use a small works roster process about this
14 authority.

15 NEW SECTION. **Sec. 106.** A report on the use of the small works
16 roster shall be made to the independent oversight committee established
17 under RCW 39.10.110 prior to the 2003 legislative session.

18 **PART II - REFERENCES TO SMALL WORKS ROSTER PROCEDURE**

19 **Sec. 201.** 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 thousand dollars, for districts with
35 fifteen thousand five hundred or more full-time equivalent students; or

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

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

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

1 bidder. — Such procedure shall require that a good faith effort be made
2 to request quotations from all contractors on the small works roster
3 who have indicated the capability of performing the kind of public
4 works being contracted. — Immediately after an award is made, the bid
5 quotations obtained shall be recorded, open to public inspection, and
6 available by telephone inquiry. — The small works roster shall be
7 revised at least once each year by publishing notice of such
8 opportunity in at least one newspaper of general circulation in the
9 district. — Responsible contractors shall be added to the list at any
10 time they submit a written request.) Whenever the estimated cost of
11 a public works project is fifty thousand dollars or more, the public
12 bidding process provided in subsection (1) of this section shall be
13 followed unless the contract is let using the small works roster
14 process in RCW 39.04.155 or under any other procedure authorized for
15 school districts. One or more school districts may authorize an
16 educational service district to establish and operate a small works
17 roster for the school district under the provisions of RCW 39.04.155.

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

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

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

36 **Sec. 202.** RCW 28B.10.350 and 1993 c 379 s 109 are each amended to
37 read as follows:

1 (1) When the cost to The Evergreen State College, any regional
2 university, or state university, of any building, construction,
3 renovation, remodeling, or demolition other than maintenance or repairs
4 will equal or exceed the sum of twenty-five thousand dollars, complete
5 plans and specifications for such work shall be prepared and such work
6 shall be put out for public bids and the contract shall be awarded to
7 the lowest responsible bidder if in accordance with the bid
8 specifications: PROVIDED, That when the estimated cost of such
9 building, construction, renovation, remodeling, or demolition equals or
10 exceeds the sum of twenty-five thousand dollars, such project shall be
11 deemed a public works and "the prevailing rate of wage," under chapter
12 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when
13 such building, construction, renovation, remodeling, or demolition
14 involves one trade or craft area and the estimated cost exceeds ten
15 thousand dollars, complete plans and specifications for such work shall
16 be prepared and such work shall be put out for public bids, and the
17 contract shall be awarded to the lowest responsible bidder if in
18 accordance with the bid specifications. This subsection shall not
19 apply when a contract is awarded by the small works roster procedure
20 authorized in RCW ((28B.10.355)) 39.04.155 or under any other procedure
21 authorized for an institution of higher education.

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

25 (3) Where the estimated cost to The Evergreen State College, any
26 regional university, or state university of any building,
27 construction, renovation, remodeling, or demolition is less than
28 twenty-five thousand dollars or the contract is awarded by the small
29 works roster procedure authorized in RCW ((28B.10.355)) 39.04.155, the
30 publication requirements of RCW 39.04.020 shall be inapplicable.

31 (4) In the event of any emergency when the public interest or
32 property of The Evergreen State College, regional university, or state
33 university would suffer material injury or damage by delay, the
34 president of such college or university may declare the existence of
35 such an emergency and reciting the facts constituting the same may
36 waive the requirements of this section with reference to any contract
37 in order to correct the condition causing the emergency: PROVIDED,
38 That an "emergency," for the purposes of this section, means a
39 condition likely to result in immediate physical injury to persons or

1 to property of such college or university in the absence of prompt
2 remedial action or a condition which immediately impairs the
3 institution's ability to perform its educational obligations.

4 **Sec. 203.** RCW 35.22.620 and 1998 c 278 s 2 are each amended to
5 read as follows:

6 (1) As used in this section, the term "public works" means as
7 defined in RCW 39.04.010.

8 (2) A first class city may have public works performed by contract
9 pursuant to public notice and call for competitive bids. As limited by
10 subsection (3) of this section, a first class city may have public
11 works performed by city employees in any annual or biennial budget
12 period equal to a dollar value not exceeding ten percent of the public
13 works construction budget, including any amount in a supplemental
14 public works construction budget, over the budget period. The amount
15 of public works that a first class city has a county perform for it
16 under RCW 35.77.020 shall be included within this ten percent
17 limitation.

18 If a first class city has public works performed by public
19 employees in any budget period that are in excess of this ten percent
20 limitation, the amount in excess of the permitted amount shall be
21 reduced from the otherwise permitted amount of public works that may be
22 performed by public employees for that city in its next budget period.
23 Twenty percent of the motor vehicle fuel tax distributions to that city
24 shall be withheld if two years after the year in which the excess
25 amount of work occurred, the city has failed to so reduce the amount of
26 public works that it has performed by public employees. The amount so
27 withheld shall be distributed to the city when it has demonstrated in
28 its reports to the state auditor that the amount of public works it has
29 performed by public employees has been so reduced.

30 Whenever a first class city has had public works performed in any
31 budget period up to the maximum permitted amount for that budget
32 period, all remaining public works within that budget period shall be
33 done by contract pursuant to public notice and call for competitive
34 bids.

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

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

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

33 (~~After September 1, 1987,~~) Each first class city with a
34 population of one hundred fifty thousand or less shall use the form
35 required by RCW 43.09.205 to account and record costs of public works
36 in excess of five thousand dollars that are not let by contract.

37 (5) The cost of a separate public works project shall be the costs
38 of materials, supplies, equipment, and labor on the construction of

1 that project. The value of the public works budget shall be the value
2 of all the separate public works projects within the budget.

3 (6) The competitive bidding requirements of this section may be
4 waived by the city legislative authority pursuant to RCW 39.04.280 if
5 an exemption contained within that section applies to the work or
6 contract.

7 (7) In lieu of the procedures of subsections (2) and (6) of this
8 section, a first class city may ~~((use))~~ let contracts using the small
9 works roster process in RCW 39.04.155 ~~((to award contracts for public
10 works projects with an estimated value of one hundred thousand dollars
11 or less))~~.

12 Whenever possible, the city shall invite at least one proposal from
13 a minority or woman contractor who shall otherwise qualify under this
14 section.

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

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

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

23 **Sec. 204.** RCW 35.23.352 and 1998 c 278 s 3 are each amended to
24 read as follows:

25 (1) Any second class city or any town may construct any public
26 works, as defined in RCW 39.04.010, by contract or day labor without
27 calling for bids therefor whenever the estimated cost of the work or
28 improvement, including cost of materials, supplies and equipment will
29 not exceed the sum of thirty thousand dollars if more than one craft or
30 trade is involved with the public works, or twenty thousand dollars if
31 a single craft or trade is involved with the public works or the public
32 works project is street signalization or street lighting. A public
33 works project means a complete project. The restrictions in this
34 subsection do not permit the division of the project into units of work
35 or classes of work to avoid the restriction on work that may be
36 performed by day labor on a single project.

37 Whenever the cost of the public work or improvement, including
38 materials, supplies and equipment, will exceed these figures, the same

1 shall be done by contract. All such contracts shall be let at public
2 bidding upon publication of notice calling for sealed bids upon the
3 work. The notice shall be published in the official newspaper, or a
4 newspaper of general circulation most likely to bring responsive bids,
5 at least thirteen days prior to the last date upon which bids will be
6 received. The notice shall generally state the nature of the work to
7 be done that plans and specifications therefor shall then be on file in
8 the city or town hall for public inspections, and require that bids be
9 sealed and filed with the council or commission within the time
10 specified therein. Each bid shall be accompanied by a bid proposal
11 deposit in the form of a cashier's check, postal money order, or surety
12 bond to the council or commission for a sum of not less than five
13 percent of the amount of the bid, and no bid shall be considered unless
14 accompanied by such bid proposal deposit. The council or commission of
15 the city or town shall let the contract to the lowest responsible
16 bidder or shall have power by resolution to reject any or all bids and
17 to make further calls for bids in the same manner as the original call.

18 When the contract is let then all bid proposal deposits shall be
19 returned to the bidders except that of the successful bidder which
20 shall be retained until a contract is entered into and a bond to
21 perform the work furnished, with surety satisfactory to the council or
22 commission, in accordance with RCW 39.08.030. If the bidder fails to
23 enter into the contract in accordance with his or her bid and furnish
24 a bond within ten days from the date at which he or she is notified
25 that he or she is the successful bidder, the check or postal money
26 order and the amount thereof shall be forfeited to the council or
27 commission or the council or commission shall recover the amount of the
28 surety bond. A low bidder who claims error and fails to enter into a
29 contract is prohibited from bidding on the same project if a second or
30 subsequent call for bids is made for the project.

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

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

38 (3) In lieu of the procedures of subsection (1) of this section, a
39 second class city or a town may ~~((use))~~ let contracts using the small

1 works roster process provided in RCW 39.04.155 (~~to award public works~~
2 ~~contracts with an estimated value of one hundred thousand dollars or~~
3 ~~less~~)).

4 Whenever possible, the city or town shall invite at least one
5 proposal from a minority or woman contractor who shall otherwise
6 qualify under this section.

7 (4) The form required by RCW 43.09.205 shall be to account and
8 record costs of public works in excess of five thousand dollars that
9 are not let by contract.

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

13 (6) Any purchase of supplies, material, or equipment, except for
14 public work or improvement, where the cost thereof exceeds seven
15 thousand five hundred dollars shall be made upon call for bids.

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

21 (8) For advertisement and formal sealed bidding to be dispensed
22 with as to purchases with an estimated value of fifteen thousand
23 dollars or less, the council or commission must authorize by
24 resolution, use of the uniform procedure provided in RCW 39.04.190.

25 (9) The city or town legislative authority may waive the
26 competitive bidding requirements of this section pursuant to RCW
27 39.04.280 if an exemption contained within that section applies to the
28 purchase or public work.

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

32 (11) Nothing in this section shall prohibit any second class city
33 or any town from allowing for preferential purchase of products made
34 from recycled materials or products that may be recycled or reused.

35 NEW SECTION. **Sec. 205.** A new section is added to chapter 35.82
36 RCW to read as follows:

37 A housing authority may establish and use a small works roster for
38 awarding contracts under RCW 39.04.155.

1 **Sec. 206.** RCW 36.32.235 and 1997 c 220 s 401 are each amended to
2 read as follows:

3 (1) In each county with a population of one million or more which
4 by resolution establishes a county purchasing department, the
5 purchasing department shall enter into leases of personal property on
6 a competitive basis and purchase all supplies, materials, and equipment
7 on a competitive basis, for all departments of the county, as provided
8 in this chapter and chapter 39.04 RCW, except that the county
9 purchasing department is not required to make purchases that are paid
10 from the county road fund or equipment rental and revolving fund.

11 (2) As used in this section, "public works" has the same definition
12 as in RCW 39.04.010.

13 (3) Except as otherwise specified in this chapter or in chapter
14 36.77 RCW, all counties subject to these provisions shall contract on
15 a competitive basis for all public works after bids have been submitted
16 to the county upon specifications therefor. Such specifications shall
17 be in writing and shall be filed with the clerk of the county
18 legislative authority for public inspection.

19 (4) An advertisement shall be published in the county official
20 newspaper stating the time and place where bids will be opened, the
21 time after which bids will not be received, the character of the work
22 to be done, the materials and equipment to be furnished, and that
23 specifications therefor may be seen at the office of the clerk of the
24 county legislative authority. An advertisement shall also be published
25 in a legal newspaper of general circulation in or as near as possible
26 to that part of the county in which such work is to be done. If the
27 county official newspaper is a newspaper of general circulation
28 covering at least forty percent of the residences in that part of the
29 county in which such public works are to be done, then the publication
30 of an advertisement of the applicable specifications in the county
31 official newspaper is sufficient. Such advertisements shall be
32 published at least once at least thirteen days prior to the last date
33 upon which bids will be received.

34 (5) The bids shall be in writing, shall be filed with the clerk,
35 shall be opened and read in public at the time and place named therefor
36 in the advertisements, and after being opened, shall be filed for
37 public inspection. No bid may be considered for public work unless it
38 is accompanied by a bid deposit in the form of a surety bond, postal

1 money order, cash, cashier's check, or certified check in an amount
2 equal to five percent of the amount of the bid proposed.

3 (6) The contract for the public work shall be awarded to the lowest
4 responsible bidder. Any or all bids may be rejected for good cause.
5 The county legislative authority shall require from the successful
6 bidder for such public work a contractor's bond in the amount and with
7 the conditions imposed by law.

8 (7) If the bidder to whom the contract is awarded fails to enter
9 into the contract and furnish the contractor's bond as required within
10 ten days after notice of the award, exclusive of the day of notice, the
11 amount of the bid deposit shall be forfeited to the county and the
12 contract awarded to the next lowest and best bidder. The bid deposit
13 of all unsuccessful bidders shall be returned after the contract is
14 awarded and the required contractor's bond given by the successful
15 bidder is accepted by the county legislative authority. Immediately
16 after the award is made, the bid quotations obtained shall be recorded
17 and open to public inspection and shall be available by telephone
18 inquiry.

19 (8) As limited by subsection (10) of this section, a county subject
20 to these provisions may have public works performed by county employees
21 in any annual or biennial budget period equal to a dollar value not
22 exceeding ten percent of the public works construction budget,
23 including any amount in a supplemental public works construction
24 budget, over the budget period.

25 Whenever a county subject to these provisions has had public works
26 performed in any budget period up to the maximum permitted amount for
27 that budget period, all remaining public works except emergency work
28 under subsection (12) of this section within that budget period shall
29 be done by contract pursuant to public notice and call for competitive
30 bids as specified in subsection (3) of this section. The state auditor
31 shall report to the state treasurer any county subject to these
32 provisions that exceeds this amount and the extent to which the county
33 has or has not reduced the amount of public works it has performed by
34 public employees in subsequent years.

35 (9) If a county subject to these provisions has public works
36 performed by public employees in any budget period that are in excess
37 of this ten percent limitation, the amount in excess of the permitted
38 amount shall be reduced from the otherwise permitted amount of public
39 works that may be performed by public employees for that county in its

1 next budget period. Ten percent of the motor vehicle fuel tax
2 distributions to that county shall be withheld if two years after the
3 year in which the excess amount of work occurred, the county has failed
4 to so reduce the amount of public works that it has performed by public
5 employees. The amount withheld shall be distributed to the county when
6 it has demonstrated in its reports to the state auditor that the amount
7 of public works it has performed by public employees has been reduced
8 as required.

9 (10) In addition to the percentage limitation provided in
10 subsection (8) of this section, counties subject to these provisions
11 containing a population of one million or more shall not have public
12 employees perform a public works project in excess of seventy thousand
13 dollars if more than a single craft or trade is involved with the
14 public works project, or a public works project in excess of twenty-
15 five thousand dollars if only a single craft or trade is involved with
16 the public works project. A public works project means a complete
17 project. The restrictions in this subsection do not permit the
18 division of the project into units of work or classes of work to avoid
19 the restriction on work that may be performed by public employees on a
20 single project.

21 The cost of a separate public works project shall be the costs of
22 materials, supplies, equipment, and labor on the construction of that
23 project. The value of the public works budget shall be the value of
24 all the separate public works projects within the budget.

25 (11) In addition to the accounting and recordkeeping requirements
26 contained in chapter 39.04 RCW, any county which uses public employees
27 to perform public works projects under RCW 36.32.240(1) shall prepare
28 a year-end report to be submitted to the state auditor indicating the
29 total dollar amount of the county's public works construction budget
30 and the total dollar amount for public works projects performed by
31 public employees for that year.

32 The year-end report submitted pursuant to this subsection to the
33 state auditor shall be in accordance with the standard form required by
34 RCW 43.09.205.

35 (12) Notwithstanding any other provision in this section, counties
36 may use public employees without any limitation for emergency work
37 performed under an emergency declared pursuant to RCW 36.32.270, and
38 any such emergency work shall not be subject to the limitations of this
39 section. Publication of the description and estimate of costs relating

1 to correcting the emergency may be made within seven days after the
2 commencement of the work. Within two weeks of the finding that such an
3 emergency existed, the county legislative authority shall adopt a
4 resolution certifying the damage to public facilities and costs
5 incurred or anticipated relating to correcting the emergency.
6 Additionally this section shall not apply to architectural and
7 engineering or other technical or professional services performed by
8 public employees in connection with a public works project.

9 (13) In lieu of the procedures of subsections (3) through (11) of
10 this section, a county may ~~((use a))~~ let contracts using the small
11 works roster process ~~((and award contracts for public works projects
12 with an estimated value of ten thousand dollars up to one hundred
13 thousand dollars as))~~ provided in RCW 39.04.155.

14 Whenever possible, the county shall invite at least one proposal
15 from a minority or woman contractor who shall otherwise qualify under
16 this section.

17 (14) The allocation of public works projects to be performed by
18 county employees shall not be subject to a collective bargaining
19 agreement.

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

23 (16) Nothing in this section prohibits any county from allowing for
24 preferential purchase of products made from recycled materials or
25 products that may be recycled or reused.

26 (17) This section does not apply to contracts between the public
27 stadium authority and a team affiliate under RCW 36.102.060(4), or
28 development agreements between the public stadium authority and a team
29 affiliate under RCW 36.102.060(7) or leases entered into under RCW
30 36.102.060(8).

31 **Sec. 207.** RCW 36.32.250 and 1996 c 18 s 3 are each amended to read
32 as follows:

33 No contract for public works may be entered into by the county
34 legislative authority or by any elected or appointed officer of the
35 county until after bids have been submitted to the county upon
36 specifications therefor. Such specifications shall be in writing and
37 shall be filed with the clerk of the county legislative authority for
38 public inspection. An advertisement shall be published in the county

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

1 be recorded and open to public inspection and shall be available by
2 telephone inquiry.

3 ~~((For advertisement and competitive bidding to be dispensed with as
4 to public works projects with an estimated value of ten thousand
5 dollars up to one hundred thousand dollars, a county must use a small
6 works roster process as provided in RCW 39.04.155.))~~

7 As an alternative to requirements under this section, a county may
8 let contracts using the small works roster process under RCW 39.04.155.

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

12 **Sec. 208.** RCW 36.77.075 and 1991 c 363 s 81 are each amended to
13 read as follows:

14 In lieu of the procedure for awarding contracts that is provided in
15 RCW 36.77.020 through 36.77.040, a county may award contracts for
16 public works projects on county roads ~~((with an estimated value of one
17 hundred thousand dollars or less using a small works roster process as
18 provided in))~~ using the small works roster process under RCW 39.04.155.

19 **Sec. 209.** RCW 52.14.110 and 1998 c 278 s 5 are each amended to
20 read as follows:

21 Insofar as practicable, purchases and any public works by the
22 district shall be based on competitive bids. A formal sealed bid
23 procedure shall be used as standard procedure for purchases and
24 contracts for purchases executed by the board of commissioners. Formal
25 sealed bidding shall not be required for:

26 (1) The purchase of any materials, supplies, or equipment if the
27 cost will not exceed the sum of four thousand five hundred dollars.
28 However, whenever the estimated cost does not exceed ten thousand
29 dollars, the commissioners may by resolution use the process provided
30 in RCW 39.04.190 to award contracts;

31 (2) Contracting for work to be done involving the construction or
32 improvement of a fire station or other buildings where the estimated
33 cost will not exceed the sum of two thousand five hundred dollars,
34 which includes the costs of labor, material, and equipment ~~((However,
35 whenever the estimated cost does not exceed ten thousand dollars, the
36 commissioner may by resolution use the small works roster process
37 provided in))~~);

1 (3) Contracts using the small works roster process under RCW
2 39.04.155; and

3 ~~((3))~~ (4) Any contract for purchases or public work pursuant to
4 RCW 39.04.280 if an exemption contained within that section applies to
5 the purchase or public work.

6 **Sec. 210.** RCW 53.08.120 and 1999 c 29 s 1 are each amended to read
7 as follows:

8 All material required by a port district may be procured in the
9 open market or by contract and all work ordered may be done by contract
10 or day labor. All such contracts for work, the estimated cost of which
11 exceeds two hundred thousand dollars, shall be let at public bidding
12 upon notice published in a newspaper of general circulation in the
13 district at least thirteen days before the last date upon which bids
14 will be received, calling for sealed bids upon the work, plans and
15 specifications for which shall then be on file in the office of the
16 commission for public inspection. The same notice may call for bids on
17 such work or material based upon plans and specifications submitted by
18 the bidder. The competitive bidding requirements for purchases or
19 public works may be waived pursuant to RCW 39.04.280 if an exemption
20 contained within that section applies to the purchase or public work.

21 ~~((Each port district shall maintain a small works roster, as~~
22 ~~provided in))~~ However, a port district may let contracts using the
23 small works roster process under RCW 39.04.155~~((, and may use the small~~
24 ~~works roster process to award contracts))~~ in lieu of calling for sealed
25 bids ~~((whenever work is done by contract, the estimated cost of which~~
26 ~~is two hundred thousand dollars or less))~~. Whenever possible, the
27 managing official shall invite at least one proposal from a minority
28 contractor who shall otherwise qualify under this section.

29 When awarding such a contract for work, when utilizing proposals
30 from the small works roster, the managing official shall give weight to
31 the contractor submitting the lowest and best proposal, and whenever it
32 would not violate the public interest, such contracts shall be
33 distributed equally among contractors, including minority contractors,
34 on the small works roster.

35 ~~((A report on the effectiveness of the change in the bid limit will~~
36 ~~be made to the alternative works construction methods oversight~~
37 ~~committee prior to the 2003 legislative session.))~~

1 **Sec. 211.** RCW 54.04.070 and 1998 c 278 s 7 are each amended to
2 read as follows:

3 Any item, or items of the same kind of materials, equipment, or
4 supplies purchased, the estimated cost of which is in excess of five
5 thousand dollars, exclusive of sales tax shall be by contract:
6 PROVIDED, That a district may make purchases of the same kind of items
7 of materials, equipment and supplies not exceeding five thousand
8 dollars in any calendar month without a contract, purchasing any excess
9 thereof over five thousand dollars by contract. Any work ordered by a
10 district commission, the estimated cost of which is in excess of ten
11 thousand dollars exclusive of sales tax, shall be by contract, except
12 that a district commission may have its own regularly employed
13 personnel perform work which is an accepted industry practice under
14 prudent utility management without a contract. Prudent utility
15 management means performing work with regularly employed personnel
16 utilizing material of a worth not exceeding fifty thousand dollars in
17 value without a contract: PROVIDED, That such limit on the value of
18 material being utilized in work being performed by regularly employed
19 personnel shall not include the value of individual items of equipment
20 purchased or acquired and used as one unit of a project. Before
21 awarding such a contract, the commission shall publish a notice once or
22 more in a newspaper of general circulation in the district at least
23 thirteen days before the last date upon which bids will be received,
24 inviting sealed proposals for the work or materials; plans and
25 specifications of which shall at the time of the publication be on file
26 at the office of the district subject to public inspection. Any
27 published notice ordering work to be performed for the district shall
28 be mailed at the time of publication to any established trade
29 association which files a written request with the district to receive
30 such notices. The commission may at the same time and as part of the
31 same notice, invite tenders for the work or materials upon plans and
32 specifications to be submitted by the bidders.

33 (~~Notwithstanding any other provisions herein, all contract~~
34 ~~projects, the estimated cost of which is less than one hundred thousand~~
35 ~~dollars, may be awarded to a contractor using the small works roster~~
36 ~~process provided in RCW 39.04.155.)) All contract projects equal to or
37 in excess of one hundred thousand dollars shall be let by competitive
38 bidding unless the public utility district lets contracts using the
39 small works roster process under RCW 39.04.155.~~

1 Whenever equipment or materials required by a district are held by
2 a governmental agency and are available for sale but such agency is
3 unwilling to submit a proposal, the commission may ascertain the price
4 of such items and file a statement of such price supported by the sworn
5 affidavit of one member of the commission and may consider such price
6 as a bid without a deposit or bond.

7 The commission may waive the competitive bidding requirements of
8 this section pursuant to RCW 39.04.280 if an exemption contained within
9 that section applies to the purchase or public work.

10 **Sec. 212.** RCW 57.08.050 and 1999 c 153 s 9 are each amended to
11 read as follows:

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

30 Each bid shall be accompanied by a certified or cashier's check or
31 postal money order payable to the order of the county treasurer for a
32 sum not less than five percent of the amount of the bid, or accompanied
33 by a bid bond in an amount not less than five percent of the bid with
34 a corporate surety licensed to do business in the state, conditioned
35 that the bidder will pay the district as liquidated damages the amount
36 specified in the bond, unless the bidder enters into a contract in
37 accordance with the bidder's bid, and no bid shall be considered unless
38 accompanied by such check, cash or bid bond. At the time and place

1 named such bids shall be publicly opened and read and the board of
2 commissioners shall proceed to canvass the bids and may let such
3 contract to the lowest responsible bidder upon plans and specifications
4 on file or to the best bidder submitting the bidder's own plans and
5 specifications. The board of commissioners may reject all bids for
6 good cause and readvertise and in such case all checks, cash or bid
7 bonds shall be returned to the bidders. If the contract is let, then
8 all checks, cash, or bid bonds shall be returned to the bidders, except
9 that of the successful bidder, which shall be retained until a contract
10 shall be entered into for doing the work, and a bond to perform such
11 work furnished with sureties satisfactory to the board of commissioners
12 in the full amount of the contract price between the bidder and the
13 commission in accordance with the bid. If the bidder fails to enter
14 into the contract in accordance with the bid and furnish the bond
15 within ten days from the date at which the bidder is notified that the
16 bidder is the successful bidder, the check, cash, or bid bonds and the
17 amount thereof shall be forfeited to the district. If the bidder fails
18 to enter into a contract in accordance with the bidder's bid, and the
19 board of commissioners deems it necessary to take legal action to
20 collect on any bid bond required by this section, then the district
21 shall be entitled to collect from the bidder any legal expenses,
22 including reasonable attorneys' fees occasioned thereby. A low bidder
23 who claims error and fails to enter into a contract is prohibited from
24 bidding on the same project if a second or subsequent call for bids is
25 made for the project.

26 (2) As an alternative to requirements under subsection (1) of this
27 section, a water-sewer district may let contracts using the small works
28 roster process under RCW 39.04.155.

29 (3) Any purchase of materials, supplies, or equipment, with an
30 estimated cost in excess of ten thousand dollars, shall be by contract.
31 Any purchase of materials, supplies, or equipment, with an estimated
32 cost of less than fifty thousand dollars shall be made using the
33 process provided in RCW 39.04.190. Any purchase of materials,
34 supplies, or equipment with an estimated cost of fifty thousand dollars
35 or more shall be made by competitive bidding following the procedure
36 for letting contracts for projects under subsection (1) of this
37 section.

1 (~~(3)~~) (4) The board may waive the competitive bidding
2 requirements of this section pursuant to RCW 39.04.280 if an exemption
3 contained within that section applies to the purchase or public work.

4 **Sec. 213.** RCW 70.44.140 and 1999 c 99 s 1 are each amended to read
5 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 by contract.
8 Before awarding any such contract, the commission shall publish a
9 notice at least thirteen days before the last date upon which bids will
10 be received, inviting sealed proposals for such work. The plans and
11 specifications must at the time of the publication of such notice be on
12 file at the office of the public hospital district, subject to public
13 inspection: PROVIDED, HOWEVER, That the commission may at the same
14 time, and as part of the same notice, invite tenders for the work or
15 materials upon plans and specifications to be submitted by bidders.
16 The notice shall state generally the work to be done, and shall call
17 for proposals for doing the same, to be sealed and filed with the
18 commission on or before the day and hour named therein. Each bid shall
19 be accompanied by bid proposal security in the form of a certified
20 check, cashier's check, postal money order, or surety bond made payable
21 to the order of the commission, for a sum not less than five percent of
22 the amount of the bid, and no bid shall be considered unless
23 accompanied by such bid proposal security. At the time and place
24 named, such bids shall be publicly opened and read, and the commission
25 shall proceed to canvass the bids, and may let such contract to the
26 lowest responsible bidder upon plans and specifications on file, or to
27 the best bidder submitting his or her own plans and specifications:
28 PROVIDED, HOWEVER, That no contract shall be let in excess of the
29 estimated cost of the materials or work, or if, in the opinion of the
30 commission, all bids are unsatisfactory, they may reject all of them
31 and readvertise, and in such case all bid proposal security shall be
32 returned to the bidders. If the contract is let, then all bid proposal
33 security shall be returned to the bidders, except that of the
34 successful bidder, which is retained until a contract shall be entered
35 into for the purchase of such materials for doing such work, and a bond
36 to perform such work furnished, with sureties satisfactory to the
37 commission, in an amount to be fixed by the commission, not less than
38 twenty-five percent of contract price in any case, between the bidder

1 and commission, in accordance with the bid. If such bidder fails to
2 enter into the contract in accordance with the bid and furnish such
3 bond within ten days from the date at which the bidder is notified that
4 he or she is the successful bidder, the bid proposal security and the
5 amount thereof shall be forfeited to the public hospital district. A
6 low bidder who claims error and fails to enter into a contract is
7 prohibited from bidding on the same project if a second or subsequent
8 call for bids is made for the project.

9 ~~(2) ((In lieu of the procedures of subsection (1) of this section,~~
10 ~~a public hospital district may use the contracting processes provided~~
11 ~~in RCW 39.04.155; however, public hospital districts may only use the~~
12 ~~small works roster process for projects estimated to cost less than~~
13 ~~fifty thousand dollars))~~ As an alternative to the requirements of
14 subsection (1) of this section, a public hospital district may let
15 contracts using the small works roster process under RCW 39.04.155.

16 (3) Any purchases with an estimated cost of up to fifteen thousand
17 dollars may be made using the process provided in RCW 39.04.190.

18 (4) The commission may waive the competitive bidding requirements
19 of this section pursuant to RCW 39.04.280 if an exemption contained
20 within that section applies to the purchase or public work.

21 **PART III - MISCELLANEOUS**

22 NEW SECTION. **Sec. 301.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 28B.10.355 (Public works projects--Small works roster--
25 Rules--Procedures--Revisions) and 1993 c 379 s 110 & 1985 c 152 s 2;

26 (2) RCW 35.82.075 (Small works roster) and 1989 c 363 s 6; and

27 (3) RCW 39.04.150 (State agencies authorized to establish small
28 works roster--Procedure for securing quotations--Rules) and 1998 c 278
29 s 11.

30 NEW SECTION. **Sec. 302.** Part headings used in this act are not any
31 part of the law.

32 NEW SECTION. **Sec. 303.** (1) Section 104 of this act is null and
33 void if Substitute Senate Bill No. 6396 or Substitute House Bill No.
34 2382 is enacted into law by June 30, 2000.

1 (2) Section 105 of this act takes effect only if Substitute Senate
2 Bill No. 6396 or Substitute House Bill No. 2382 is enacted into law by
3 June 30, 2000.

--- END ---