PARK DISTRICTS--COMPETITIVE BIDDING

EFFECTIVE DATE: 7/22/01

Passed by the House March 5, 2001
Yeas 93  Nays 0

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CLYDE BALLARD
Speaker of the House of
Representatives

Passed by the Senate April 4, 2001
Yeas 40  Nays 8

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FRANK CHOPP
Speaker of the House of
Representatives

Certification of Enrollment

House Bill 1548

Chapter 29, Laws of 2001

57th Legislature
2001 Regular Legislative Session

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is House Bill 1548 as passed by the House of Representatives and the Senate on the dates hereon set forth.

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CYNTHIA ZEHNDER
Chief Clerk

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TIMOTHY A. MARTIN
Chief Clerk

Certificate

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is House Bill 1548 as passed by the House of Representatives and the Senate on the dates hereon set forth.

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Yeas 93  Nays 0

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GARY LOCKE
Governor of the State of Washington

Rosa Franklin
President of the Senate

Approved April 16, 2001

FILED
April 16, 2001 - 9:38 a.m.

GARY LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to allowing metropolitan park districts to use a small works roster process; and adding a new section to chapter 35.61 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 35.61 RCW to read as follows:

(1) All work ordered, the estimated cost of which is in excess of five thousand dollars, shall be let by contract and competitive bidding. Before awarding any such contract the board of park commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once thirteen days before the last date upon which bids will be received, inviting sealed proposals for such work, plans, and specifications which must at the time of publication of such notice be on file in the office of the board of park commissioners subject to the public inspection. The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of park commissioners on or before the day and hour named therein.
Each bid shall be accompanied by a certified or cashier’s check or postal money order payable to the order of the metropolitan park district for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the metropolitan park district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with the bidder’s bid, and no bid shall be considered unless accompanied by such check, cash, or bid bond. At the time and place named such bids shall be publicly opened and read and the board of park commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting the bidder’s own plans and specifications. The board of park commissioners may reject all bids for good cause and readvertise and in such case all checks, cash, or bid bonds shall be returned to the bidders. If the contract is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract is entered into for doing the work, and a bond to perform such work furnished with sureties satisfactory to the board of park commissioners in the full amount of the contract price between the bidder and the metropolitan park district in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish the bond within ten days from the date at which the bidder is notified that the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the metropolitan park district. If the bidder fails to enter into a contract in accordance with the bidder’s bid, and the board of park commissioners deems it necessary to take legal action to collect on any bid bond required by this section, then the metropolitan park district is entitled to collect from the bidder any legal expenses, including reasonable attorneys’ fees occasioned thereby. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(2) As an alternative to requirements under subsection (1) of this section, a metropolitan park district may let contracts using the small works roster process under RCW 39.04.155.
(3) The park board may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within RCW 39.04.280 applies to the purchase or public work.

Passed the House March 5, 2001.
Passed the Senate April 4, 2001.
Approved by the Governor April 16, 2001.
Filed in Office of Secretary of State April 16, 2001.