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HOUSE BILL 1230

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Armstrong and Hunt

Read first time 01/15/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to construction or improvements for special purpose  
2 districts; amending RCW 52.14.110 and 35.61.135; and reenacting and  
3 amending RCW 57.08.050.

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

5 **Sec. 1.** RCW 52.14.110 and 2001 c 79 s 1 are each amended to read  
6 as follows:

7 Insofar as practicable, purchases and any public works by the  
8 district shall be based on competitive bids. A formal sealed bid  
9 procedure shall be used as standard procedure for purchases and  
10 contracts for purchases executed by the board of commissioners. Formal  
11 sealed bidding shall not be required for:

12 (1) The purchase of any materials, supplies, or equipment if the  
13 cost will not exceed the sum of ten thousand dollars. However,  
14 whenever the estimated cost does not exceed fifty thousand dollars, the  
15 commissioners may by resolution use the process provided in RCW  
16 39.04.190 to award contracts;

17 (2) Contracting for work to be done involving the construction or  
18 improvement of a fire station or other buildings where the estimated

1 cost will not exceed the sum of (~~two thousand five hundred~~) forty  
2 thousand dollars, which includes the costs of labor, material, and  
3 equipment;

4 (3) Contracts using the small works roster process under RCW  
5 39.04.155; and

6 (4) Any contract for purchases or public work pursuant to RCW  
7 39.04.280 if an exemption contained within that section applies to the  
8 purchase or public work.

9 **Sec. 2.** RCW 35.61.135 and 2001 c 29 s 1 are each amended to read  
10 as follows:

11 (1) All work ordered, the estimated cost of which is in excess of  
12 five thousand dollars, shall be let by contract and competitive  
13 bidding. Before awarding any such contract the board of park  
14 commissioners shall publish a notice in a newspaper of general  
15 circulation where the district is located at least once thirteen days  
16 before the last date upon which bids will be received, inviting sealed  
17 proposals for such work, plans, and specifications which must at the  
18 time of publication of such notice be on file in the office of the  
19 board of park commissioners subject to the public inspection. The  
20 notice shall state generally the work to be done and shall call for  
21 proposals for doing the same to be sealed and filed with the board of  
22 park commissioners on or before the day and hour named therein.

23 Each bid shall be accompanied by a certified or cashier's check or  
24 postal money order payable to the order of the metropolitan park  
25 district for a sum not less than five percent of the amount of the bid,  
26 or accompanied by a bid bond in an amount not less than five percent of  
27 the bid with a corporate surety licensed to do business in the state,  
28 conditioned that the bidder will pay the metropolitan park district as  
29 liquidated damages the amount specified in the bond, unless the bidder  
30 enters into a contract in accordance with the bidder's bid, and no bid  
31 shall be considered unless accompanied by such check, cash, or bid  
32 bond. At the time and place named such bids shall be publicly opened  
33 and read and the board of park commissioners shall proceed to canvass  
34 the bids and may let such contract to the lowest responsible bidder  
35 upon plans and specifications on file or to the best bidder submitting  
36 the bidder's own plans and specifications. The board of park  
37 commissioners may reject all bids for good cause and readvertise and in

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

21 (2) As an alternative to requirements under subsection (1) of this  
22 section, a metropolitan park district may let contracts using the small  
23 works roster process under RCW 39.04.155.

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

33 (4) As an alternative to requirements under subsection (3) of this  
34 section, a metropolitan park district may let contracts for purchase of  
35 materials, supplies, or equipment with the suppliers designated on  
36 current state agency, county, city, or town purchasing rosters for the  
37 materials, supplies, or equipment, when the roster has been established

1 in accordance with the competitive bidding law for purchases applicable  
2 to the state agency, county, city, or town. The price and terms for  
3 purchases shall be as described on the applicable roster.

4 (5) The park board may waive the competitive bidding requirements  
5 of this section pursuant to RCW 39.04.280 if an exemption contained  
6 within RCW 39.04.280 applies to the purchase or public work.

7 **Sec. 3.** RCW 57.08.050 and 2003 c 145 s 1 and 2003 c 60 s 1 are  
8 each reenacted and amended to read as follows:

9 (1) All work ordered, the estimated cost of which is in excess of  
10 ten thousand dollars, shall be let by contract and competitive bidding.  
11 Before awarding any such contract the board of commissioners shall  
12 publish a notice in a newspaper of general circulation where the  
13 district is located at least once thirteen days before the last date  
14 upon which bids will be received, inviting sealed proposals for such  
15 work, plans and specifications which must at the time of publication of  
16 such notice be on file in the office of the board of commissioners  
17 subject to the public inspection. The notice shall state generally the  
18 work to be done and shall call for proposals for doing the same to be  
19 sealed and filed with the board of commissioners on or before the day  
20 and hour named therein.

21 Each bid shall be accompanied by a certified or cashier's check or  
22 postal money order payable to the order of the county treasurer for a  
23 sum not less than five percent of the amount of the bid, or accompanied  
24 by a bid bond in an amount not less than five percent of the bid with  
25 a corporate surety licensed to do business in the state, conditioned  
26 that the bidder will pay the district as liquidated damages the amount  
27 specified in the bond, unless the bidder enters into a contract in  
28 accordance with the bidder's bid, and no bid shall be considered unless  
29 accompanied by such check, cash or bid bond. At the time and place  
30 named such bids shall be publicly opened and read and the board of  
31 commissioners shall proceed to canvass the bids and may let such  
32 contract to the lowest responsible bidder upon plans and specifications  
33 on file or to the best bidder submitting the bidder's own plans and  
34 specifications. The board of commissioners may reject all bids for  
35 good cause and readvertise and in such case all checks, cash or bid  
36 bonds shall be returned to the bidders. If the contract is let, then  
37 all checks, cash, or bid bonds shall be returned to the bidders, except

1 that of the successful bidder, which shall be retained until a contract  
2 shall be entered into for doing the work, and a bond to perform such  
3 work furnished with sureties satisfactory to the board of commissioners  
4 in the full amount of the contract price between the bidder and the  
5 commission in accordance with the bid. If the bidder fails to enter  
6 into the contract in accordance with the bid and furnish the bond  
7 within ten days from the date at which the bidder is notified that the  
8 bidder is the successful bidder, the check, cash, or bid bonds and the  
9 amount thereof shall be forfeited to the district. If the bidder fails  
10 to enter into a contract in accordance with the bidder's bid, and the  
11 board of commissioners deems it necessary to take legal action to  
12 collect on any bid bond required by this section, then the district  
13 shall be entitled to collect from the bidder any legal expenses,  
14 including reasonable attorneys' fees occasioned thereby. A low bidder  
15 who claims error and fails to enter into a contract is prohibited from  
16 bidding on the same project if a second or subsequent call for bids is  
17 made for the project.

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

21 (3) Any purchase of materials, supplies, or equipment, with an  
22 estimated cost in excess of (~~ten~~) forty thousand dollars, shall be by  
23 contract. Any purchase of materials, supplies, or equipment, with an  
24 estimated cost of less than fifty thousand dollars shall be made using  
25 the process provided in RCW 39.04.190. Any purchase of materials,  
26 supplies, or equipment with an estimated cost of fifty thousand dollars  
27 or more shall be made by competitive bidding following the procedure  
28 for letting contracts for projects under subsection (1) of this  
29 section.

30 (4) As an alternative to requirements under subsection (3) of this  
31 section, a water-sewer district may let contracts for purchase of  
32 materials, supplies, or equipment with the suppliers designated on  
33 current state agency, county, city, or town purchasing rosters for the  
34 materials, supplies, or equipment, when the roster has been established  
35 in accordance with the competitive bidding law for purchases applicable  
36 to the state agency, county, city, or town. The price and terms for  
37 purchases shall be as described on the applicable roster.

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

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