
SENATE BILL 5735

State of Washington

58th Legislature

2003 Regular Session

By Senators Eide, Winsley, T. Sheldon, Oke, Doumit and McCaslin

Read first time 02/10/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to adjusting the limit applicable to the
2 contracting of public works by a special purpose water-sewer district;
3 and amending RCW 57.08.050.

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

5 **Sec. 1.** RCW 57.08.050 and 2000 c 138 s 212 are each amended to
6 read as follows:

7 (1) Subject to subsection (5) of this section, public work, other
8 than ordinary maintenance, of a value of not more than ten percent of
9 the public works construction budget for the year, as expressed in a
10 capital improvement plan adopted by resolution of the board of
11 commissioners, shall be performed by employees of the district, all
12 work ordered, the estimated cost of which is in excess of ((five))
13 twenty-five thousand dollars, shall be let by contract and competitive
14 bidding. Before awarding any such contract the board of commissioners
15 shall publish a notice in a newspaper of general circulation where the
16 district is located at least once thirteen days before the last date
17 upon which bids will be received, inviting sealed proposals for such
18 work, plans and specifications which must at the time of publication of
19 such notice be on file in the office of the board of commissioners

1 subject to the public inspection. The notice shall state generally the
2 work to be done and shall call for proposals for doing the same to be
3 sealed and filed with the board of commissioners on or before the day
4 and hour named therein.

5 Each bid shall be accompanied by a certified or cashier's check or
6 postal money order payable to the order of the county treasurer for a
7 sum not less than five percent of the amount of the bid, or accompanied
8 by a bid bond in an amount not less than five percent of the bid with
9 a corporate surety licensed to do business in the state, conditioned
10 that the bidder will pay the district as liquidated damages the amount
11 specified in the bond, unless the bidder enters into a contract in
12 accordance with the bidder's bid, and no bid shall be considered unless
13 accompanied by such check, cash or bid bond. At the time and place
14 named such bids shall be publicly opened and read and the board of
15 commissioners shall proceed to canvass the bids and may let such
16 contract to the lowest responsible bidder upon plans and specifications
17 on file or to the best bidder submitting the bidder's own plans and
18 specifications. The board of commissioners may reject all bids for
19 good cause and readvertise and in such case all checks, cash or bid
20 bonds shall be returned to the bidders. If the contract is let, then
21 all checks, cash, or bid bonds shall be returned to the bidders, except
22 that of the successful bidder, which shall be retained until a contract
23 shall be entered into for doing the work, and a bond to perform such
24 work furnished with sureties satisfactory to the board of commissioners
25 in the full amount of the contract price between the bidder and the
26 commission in accordance with the bid. If the bidder fails to enter
27 into the contract in accordance with the bid and furnish the bond
28 within ten days from the date at which the bidder is notified that the
29 bidder is the successful bidder, the check, cash, or bid bonds and the
30 amount thereof shall be forfeited to the district. If the bidder fails
31 to enter into a contract in accordance with the bidder's bid, and the
32 board of commissioners deems it necessary to take legal action to
33 collect on any bid bond required by this section, then the district
34 shall be entitled to collect from the bidder any legal expenses,
35 including reasonable attorneys' fees occasioned thereby. A low bidder
36 who claims error and fails to enter into a contract is prohibited from
37 bidding on the same project if a second or subsequent call for bids is
38 made for the project.

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

4 (3) Any purchase of materials, supplies, or equipment, with an
5 estimated cost in excess of ten thousand dollars, shall be by contract.
6 Any purchase of materials, supplies, or equipment, with an estimated
7 cost of less than fifty thousand dollars shall be made using the
8 process provided in RCW 39.04.190. Any purchase of materials,
9 supplies, or equipment with an estimated cost of fifty thousand dollars
10 or more shall be made by competitive bidding following the procedure
11 for letting contracts for projects under subsection (1) of this
12 section.

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

16 (5) Whenever a water-sewer district shall, subject to the
17 limitation expressed in subsection (1) of this section, have public
18 works performed by employees of the water-sewer district during a
19 calendar year exceeding one percent of the public works construction
20 budget, a report shall be prepared and made available to the state
21 auditor.

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