

SENATE BILL REPORT

SB 5595

As of February 8, 2005

Title: An act relating to exempting public work performed by fire district employees from competitive bidding requirements.

Brief Description: Exempting public work performed by fire district employees from competitive bidding requirements.

Sponsors: Senators Schoesler, Hewitt, Morton, Delvin and Mulliken.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/7/05.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Staff: John Dziedzic (786-7784)

Background: A fire protection district is a political subdivision of the state, typically located in an unincorporated area, with responsibility to provide fire prevention and suppression services, and emergency medical response. A fire protection district has all the powers and duties of a municipal corporation, including taxation, eminent domain, and the authority to enter contracts.

When engaging in public works, fire protection districts are required to use a formal, competitive sealed bid procedure, except in the following circumstances:

- 1) the amount of the purchase is,
 - a) \$10,000 or less, or
 - b) \$50,000 or less and the district uses a three-vendor procedure available to certain municipalities;
- 2) the work is for construction or improvement of a fire station, and costs \$2,500 or less, including all labor, materials, etc.;
- 3) the contract is eligible for the small works roster process available to all state agencies; or
- 4) there is an emergency, single source, or other special circumstance within the general exemption applicable to all public works.

Summary of Bill: In addition to the existing exceptions listed, fire protection districts are not required to use a formal sealed bid procedure on public works when the work will be performed by fire district employees or community volunteers.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Small rural fire districts are particularly hard pressed financially. Commissioners must constantly look for new ways to get more bang for their taxpayers' buck. Volunteers in these communities are willing to bring back the old-fashioned barn-raisers to help build needed facilities, but the existing public works bidding procedures won't allow that. Districts are not asking to be exempt from building inspection requirements.

Testimony Against: As written, the bill is not limited to just small rural fire districts and may have unintended consequences. The public sector should not be in competition with the private sector, especially with construction projects of a size and complexity that present dangers to professional trades workers, let alone volunteers who don't have as much training or experience. Current exemptions from public works bidding rules for small jobs are adequate for these purposes.

Who Testified: PRO: Senator Mark Schoesler, prime sponsor; Ryan Spiller, WA Fire Commissioners Association.

CON: Rick Slunaker, Associated General Contractors; Ed Triezenberg, Carpenters Union; Miriam Israel Moses, Rebound; Pete Crow, Plumbers Union; Larry Stevens, Electrical and Mechanical Contractors; Dave Johnson, WA State Building Trades.