

2SHB 3274 - S AMD 264  
By Senator Fairley

ADOPTED AS AMENDED 03/06/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 53.08.120 and 2000 c 138 s 210 are each amended to  
4 read as follows:

5 (1) All material and work required by a port district not meeting  
6 the definition of public work in RCW 39.04.010(4) may be procured in  
7 the open market or by contract and all work ordered may be done by  
8 contract or day labor.

9 (2)(a) All such contracts for work meeting the definition of  
10 "public work" in RCW 39.04.010(4), the estimated cost of which exceeds  
11 two hundred thousand dollars, shall be awarded using a competitive bid  
12 process. The contract must be ((let)) awarded at public bidding upon  
13 notice published in a newspaper of general circulation in the district  
14 at least thirteen days before the last date upon which bids will be  
15 received, calling for ((sealed)) bids upon the work, plans and  
16 specifications for which shall then be on file in the office of the  
17 commission for public inspection. The same notice may call for bids on  
18 such work or material based upon plans and specifications submitted by  
19 the bidder. The competitive bidding requirements for purchases or  
20 public works may be waived pursuant to RCW 39.04.280 if an exemption  
21 contained within that section applies to the purchase or public work.

22 ((However)) (b) For all contracts related to work meeting the  
23 definition of "public work" in RCW 39.04.010(4) that are estimated at  
24 two hundred thousand dollars or less, a port district may let contracts  
25 using the small works roster process under RCW 39.04.155 in lieu of  
26 ((calling)) advertising for ((sealed)) bids. 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

1 the contractor submitting the lowest and best proposal, and whenever it  
2 would not violate the public interest, such contracts shall be  
3 distributed equally among contractors, including minority contractors,  
4 on the small works roster.

5 **Sec. 2.** RCW 39.30.020 and 1974 ex.s. c 74 s 1 are each amended to  
6 read as follows:

7 In addition to any other remedies or penalties contained in any  
8 law, municipal charter, ordinance, resolution or other enactment, any  
9 municipal officer by or through whom or under whose supervision, in  
10 whole or in part, any contract is made in (~~wilful~~) willful and  
11 intentional violation of any law, municipal charter, ordinance,  
12 resolution or other enactment requiring competitive bidding or  
13 procurement procedures for consulting, architectural, engineering, or  
14 other services, upon such contract shall be held liable to a civil  
15 penalty of not less than three hundred dollars and may be held liable,  
16 jointly and severally with any other such municipal officer, for all  
17 consequential damages to the municipal corporation. If, as a result of  
18 a criminal action, the violation is found to have been intentional, the  
19 municipal officer shall immediately forfeit his or her office. For  
20 purposes of this section, "municipal officer" (~~shall~~) means an  
21 "officer" or "municipal officer" as those terms are defined in RCW  
22 42.23.020(2).

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 53.08 RCW  
24 to read as follows:

25 By January 1, 2010, each port with more than ten million dollars in  
26 annual gross revenues, excluding grant and loan funds, shall maintain  
27 a database on a public web site of all contracts, including public  
28 works and personal services. At a minimum, the database shall identify  
29 the contractor, the purpose of the contract, effective dates and  
30 periods of performance, the cost of the contract and funding source,  
31 any modifications to the contract, and whether the contract was  
32 competitively procured or awarded on a sole source basis.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 53.08 RCW  
34 to read as follows:

35 (1) If a port district purchases property for a facility outside

1 the port's jurisdiction, the port district or districts with  
2 responsibility for the future property development and use must prepare  
3 and implement a communication plan within sixty days after contracting  
4 with a site planning consultant. The communication plan must be  
5 reasonably calculated to provide property owners and other affected and  
6 interested individuals information for review and comment. The plan  
7 shall be made available through the planning and predesign phase. The  
8 communication plan shall include information about:

9 (a) The type and scale of proposed uses on the site;

10 (b) The type and scale of business and industrial activities that  
11 the development is likely to later attract to the site and to the  
12 nearby area;

13 (c) The general character and scope of potential impacts on air  
14 and water quality, noise, and local and state transportation  
15 infrastructure, including state highways, local roads, rail, and  
16 shipping.

17 (2) Information included in the communication plan under subsection  
18 (1) of this section may be made available by means of web pages, office  
19 inspection and copying of materials, one or more property tours, and  
20 public meetings that allow interested citizens to comment to port  
21 officials on several occasions over time as the development plans  
22 evolve.

23 (3) Environmental mitigation, habitat restoration, and dredged  
24 material disposal projects are exempt from the requirements of this  
25 section.

26 NEW SECTION. **Sec. 5.** The legislature hereby establishes a policy  
27 of open competition for all personal service contracts entered into by  
28 port districts unless specifically exempted under this chapter. It is  
29 further the intent to provide differentiation between the competitive  
30 procurement procedures for personal and professional services  
31 contracts.

32 NEW SECTION. **Sec. 6.** The definitions in this section apply  
33 throughout this chapter unless the context clearly requires otherwise.

34 (1) "Commission" means the elected oversight body of an individual  
35 port.

1 (2) "Competitive solicitation" means a documented formal process  
2 providing an equal and open opportunity to qualified parties and  
3 culminating in a selection based on criteria, in which criteria other  
4 than price may be the primary basis for consideration. The criteria  
5 may include such factors as the consultant's fees or costs, ability,  
6 capacity, experience, reputation, responsiveness to time limitations,  
7 responsiveness to solicitation requirements, quality of previous  
8 performance, and compliance with statutes and rules relating to  
9 contracts or services.

10 (3) "Consultant" means an independent individual or firm  
11 contracting with a port to perform a service or render an opinion or  
12 recommendation according to the consultant's methods and without being  
13 subject to the control of the port except as to the result of the work.  
14 The port monitors progress under the contract and authorizes payment.

15 (4) "Emergency" means a set of unforeseen circumstances beyond the  
16 control of the port that either:

17 (a) Present a real, immediate threat to the proper performance of  
18 essential functions; or

19 (b) May result in material loss or damage to property, bodily  
20 injury, or loss of life if immediate action is not taken.

21 (5) "Evidence of competition" means documentation demonstrating  
22 that the port has solicited responses from multiple firms in selecting  
23 a consultant.

24 (6) "Personal service" means professional or technical expertise  
25 provided by a consultant to accomplish a specific study, project, task,  
26 or other work statement which may not reasonably be required in  
27 connection with a public works project meeting the definition in RCW  
28 39.04.010(4). "Personal service" does not include purchased services  
29 as defined under subsection (8) of this section or professional  
30 services procured using the competitive selection requirements in  
31 chapter 39.80 RCW.

32 (7) "Personal service contract" means an agreement, or any  
33 amendment thereto, with a consultant for the rendering of personal  
34 services to the port.

35 (8) "Purchased services" means services provided by a vendor to  
36 accomplish routine, continuing, and necessary functions. "Purchased  
37 services" includes, but is not limited to, services for equipment  
38 maintenance and repair; operation of a physical plant; security;

1 computer hardware and software maintenance; data entry; key punch  
2 services; and computer time-sharing, contract programming, and  
3 analysis.

4 (9) "Sole source" means a consultant providing professional or  
5 technical expertise of such a unique nature that the consultant is  
6 clearly and justifiably the only practicable source to provide the  
7 service. The justification shall be based on the uniqueness of the  
8 service, sole availability at the location required, or warranty or  
9 defect correction service obligations of the consultant.

10 NEW SECTION. **Sec. 7.** All personal service contracts shall be  
11 entered into pursuant to competitive solicitation, except for:

12 (1) Emergency contracts;

13 (2) Sole source contracts;

14 (3) Contract amendments;

15 (4) Contracts between a consultant and a port of less than fifty  
16 thousand dollars. However, contracts of fifty thousand dollars or  
17 greater but less than two hundred thousand dollars shall have  
18 documented evidence of competition. Ports shall not structure  
19 contracts to evade these requirements; and

20 (5) Other specific contracts or classes or groups of contracts  
21 exempted from the competitive solicitation process by the commission  
22 when it has been determined that a competitive solicitation process is  
23 not appropriate or cost-effective.

24 NEW SECTION. **Sec. 8.** Emergency contracts shall be filed with the  
25 commission and made available for public inspection within seven  
26 working days following the commencement of work or execution of the  
27 contract, whichever occurs first. Documented justification for  
28 emergency contracts shall be provided to the commission when the  
29 contract is filed.

30 NEW SECTION. **Sec. 9.** (1) Sole source contracts shall be filed  
31 with the commission and made available for public inspection prior to  
32 the proposed starting date of the contract. Documented justification  
33 for sole source contracts shall be provided to the commission when the  
34 contract is filed. For sole source contracts of fifty thousand dollars

1 or more, documented justification shall include evidence that the port  
2 attempted to identify potential consultants.

3 (2) The commission shall ensure that the costs, fees, or rates  
4 negotiated in filed sole source contracts of fifty thousand dollars or  
5 more are reasonable.

6 NEW SECTION. **Sec. 10.** A port commissioner or employee shall not  
7 expend any funds for personal service contracts subject to this chapter  
8 unless the port has complied with the competitive procurement and other  
9 requirements of this chapter. The port commissioner or employee  
10 executing the personal service contracts is responsible for compliance  
11 with the requirements of this chapter. Willful and intentional failure  
12 to comply with the requirements of this chapter subjects the port  
13 commissioner or employee to a civil penalty in the amount of three  
14 hundred dollars. A consultant who knowingly violates this chapter in  
15 seeking or performing work under a personal services contract is  
16 subject to a civil penalty of three hundred dollars or twenty-five  
17 percent of the amount of the contract, whichever is greater. The state  
18 auditor is responsible for auditing violations of this chapter through  
19 its regular financial and accountability audits. The attorney general  
20 is responsible for prosecuting violations of this chapter.

21 NEW SECTION. **Sec. 11.** (1) Substantial changes in the scope of  
22 work specified in the contract or which are substantial additions to  
23 the scope of work specified in the formal solicitation document shall  
24 be submitted to the commission for a determination as to whether the  
25 change warrants the work to be awarded as a new contract.

26 (2) An amendment or amendments to personal service contracts, if  
27 the value of the amendment or amendments, whether singly or  
28 cumulatively, exceeds fifty percent of the value of the original  
29 contract must be filed with the commission and made available for  
30 public inspection prior to the proposed starting date of services under  
31 the amendments.

32 NEW SECTION. **Sec. 12.** This chapter does not apply to:  
33 (1) Contracts specifying a fee of less than fifty thousand dollars;  
34 (2) Contracts awarded to companies that furnish a service where the

1 tariff is established by the utilities and transportation commission or  
2 other public entity;

3 (3) Intergovernmental agreements awarded to any governmental  
4 entity, whether federal, state, or local and any department, division,  
5 or subdivision thereof;

6 (4) Contracts awarded for services to be performed for a standard  
7 fee, when the standard fee is established by the contracting agency or  
8 any other governmental entity and a like contract is available to all  
9 qualified applicants;

10 (5) Contracts for services that are necessary to the conduct of  
11 collaborative research if prior approval is granted by the funding  
12 source;

13 (6) Contracts for professional services which are entered into  
14 under chapter 39.80 RCW; and

15 (7) Contracts for the employment of expert witnesses for the  
16 purposes of litigation or legal services to supplement the expertise of  
17 port staff.

18 NEW SECTION. **Sec. 13.** (1) The municipal research services center,  
19 in cooperation with the Washington public ports association, shall  
20 develop guidelines for the effective and efficient management of  
21 personal service contracts by all ports. The guidelines must, at a  
22 minimum, include:

23 (a) Accounting methods, systems, measures, and principles to be  
24 used by ports and consultants;

25 (b) Precontract procedures for selecting potential consultants  
26 based on their qualifications and ability to perform;

27 (c) Incorporation of performance measures and measurable benchmarks  
28 in contracts, and the use of performance audits;

29 (d) Uniform contract terms to ensure contract performance and  
30 compliance with port, state, and federal standards;

31 (e) Proper payment and reimbursement methods to ensure that the  
32 port receives full value for taxpayer moneys, including cost  
33 settlements and cost allowance;

34 (f) Postcontract procedures, including methods for recovering  
35 improperly spent or overspent moneys for disallowance and adjustment;

36 (g) Adequate contract remedies and sanctions to ensure compliance;

- 1 (h) Monitoring, fund tracking, risk assessment, and auditing
- 2 procedures and requirements;
- 3 (i) Financial reporting, record retention, and record access
- 4 procedures and requirements;
- 5 (j) Procedures and criteria for terminating contracts for cause or
- 6 otherwise; and
- 7 (k) Any other subject related to effective and efficient contract
- 8 management.

9 (2) The municipal research services center shall submit a status  
10 report on the guidelines required by subsection (1) of this section to  
11 the governor and the appropriate standing committees of the legislature  
12 no later than December 1, 2008.

13 (3) The Washington public ports association shall publish a  
14 guidebook for use by ports containing the guidelines developed under  
15 subsection (1) of this section.

16 (4) The municipal research services center and the Washington  
17 public ports association shall each make the guidelines available on  
18 their web sites.

19 NEW SECTION. **Sec. 14.** (1) A port entering into or amending  
20 personal service contracts shall follow the policies adopted by the  
21 commission, which shall be based on guidelines developed pursuant to  
22 section 13 of this act.

23 (2) This section applies to ports entering into or renewing  
24 contracts after January 1, 2010.

25 NEW SECTION. **Sec. 15.** The Washington public ports association  
26 shall provide a training course for port personnel responsible for  
27 executing and managing personal service contracts. The course must  
28 contain training on effective and efficient contract management under  
29 the guidelines established under section 13 of this act. Port  
30 districts shall require port employees responsible for executing or  
31 managing personal service contracts to complete the training course to  
32 the satisfaction of the commission.

33 **Sec. 16.** RCW 39.04.010 and 2007 c 133 s 1 are each amended to read  
34 as follows:



1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Award" means the formal decision by the state or municipality  
4 notifying a responsible bidder with the lowest responsive bid of the  
5 (~~state~~) state's or municipality's acceptance of the bid and intent to  
6 enter into a contract with the bidder.

7 (2) "Contract" means a contract in writing for the execution of  
8 public work for a fixed or determinable amount duly awarded after  
9 advertisement and competitive bid, or a contract awarded under the  
10 small works roster process in RCW 39.04.155.

11 (3) "Municipality" means every city, county, town, port district,  
12 district, or other public agency authorized by law to require the  
13 execution of public work, except drainage districts, diking districts,  
14 diking and drainage improvement districts, drainage improvement  
15 districts, diking improvement districts, consolidated diking and  
16 drainage improvement districts, consolidated drainage improvement  
17 districts, consolidated diking improvement districts, irrigation  
18 districts, or other districts authorized by law for the reclamation or  
19 development of waste or undeveloped lands.

20 (4) "Public work" means all work, construction, alteration, repair,  
21 or improvement other than ordinary maintenance, executed at the cost of  
22 the state or of any municipality, or which is by law a lien or charge  
23 on any property therein. All public works, including maintenance when  
24 performed by contract shall comply with chapter 39.12 RCW. "Public  
25 work" does not include work, construction, alteration, repair, or  
26 improvement performed under contracts entered into under RCW  
27 36.102.060(4) or under development agreements entered into under RCW  
28 36.102.060(7) or leases entered into under RCW 36.102.060(8).

29 (5) "Responsible bidder" means a contractor who meets the criteria  
30 in RCW 39.04.350.

31 (6) "State" means the state of Washington and all departments,  
32 supervisors, commissioners, and agencies of the state.

33 **Sec. 17.** RCW 39.04.155 and 2007 c 218 s 87, 2007 c 210 s 1, and  
34 2007 c 133 s 4 are each reenacted and amended to read as follows:

35 (1) This section provides uniform small works roster provisions to  
36 award contracts for construction, building, renovation, remodeling,  
37 alteration, repair, or improvement of real property that may be used by

1 state agencies and by any local government that is expressly authorized  
2 to use these provisions. These provisions may be used in lieu of other  
3 procedures to award contracts for such work with an estimated cost of  
4 two hundred thousand dollars or less. The small works roster process  
5 includes the limited public works process authorized under subsection  
6 (3) of this section and any local government authorized to award  
7 contracts using the small works roster process under this section may  
8 award contracts using the limited public works process under subsection  
9 (3) of this section.

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

32 (b) A state agency establishing a small works roster or rosters  
33 shall adopt rules implementing this subsection. A local government  
34 establishing a small works roster or rosters shall adopt an ordinance  
35 or resolution implementing this subsection. Procedures included in  
36 rules adopted by the department of general administration in  
37 implementing this subsection must be included in any rules providing  
38 for a small works roster or rosters that is adopted by another state

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

8 (c) Procedures shall be established for securing telephone,  
9 written, or electronic quotations from contractors on the appropriate  
10 small works roster to assure that a competitive price is established  
11 and to award contracts to the lowest responsible bidder, as defined in  
12 RCW 39.04.010. Invitations for quotations shall include an estimate of  
13 the scope and nature of the work to be performed as well as materials  
14 and equipment to be furnished. However, detailed plans and  
15 specifications need not be included in the invitation. This subsection  
16 does not eliminate other requirements for architectural or engineering  
17 approvals as to quality and compliance with building codes. Quotations  
18 may be invited from all appropriate contractors on the appropriate  
19 small works roster. As an alternative, quotations may be invited from  
20 at least five contractors on the appropriate small works roster who  
21 have indicated the capability of performing the kind of work being  
22 contracted, in a manner that will equitably distribute the opportunity  
23 among the contractors on the appropriate roster. However, if the  
24 estimated cost of the work is from one hundred thousand dollars to two  
25 hundred thousand dollars, a state agency or local government(~~(, other~~  
26 ~~than a port district,)~~) that chooses to solicit bids from less than all  
27 the appropriate contractors on the appropriate small works roster must  
28 also notify the remaining contractors on the appropriate small works  
29 roster that quotations on the work are being sought. The government  
30 has the sole option of determining whether this notice to the remaining  
31 contractors is made by: (i) Publishing notice in a legal newspaper in  
32 general circulation in the area where the work is to be done; (ii)  
33 mailing a notice to these contractors; or (iii) sending a notice to  
34 these contractors by facsimile or other electronic means. For purposes  
35 of this subsection (2)(c), "equitably distribute" means that a state  
36 agency or local government soliciting bids may not favor certain  
37 contractors on the appropriate small works roster over other

1 contractors on the appropriate small works roster who perform similar  
2 services.

3 (d) A contract awarded from a small works roster under this section  
4 need not be advertised.

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

8 (3) In lieu of awarding contracts under subsection (2) of this  
9 section, a state agency or authorized local government may award a  
10 contract for work, construction, alteration, repair, or improvement  
11 projects estimated to cost less than thirty-five thousand dollars using  
12 the limited public works process provided under this subsection.  
13 Public works projects awarded under this subsection are exempt from the  
14 other requirements of the small works roster process provided under  
15 subsection (2) of this section and are exempt from the requirement that  
16 contracts be awarded after advertisement as provided under RCW  
17 39.04.010.

18 For limited public works projects, a state agency or authorized  
19 local government shall solicit electronic or written quotations from a  
20 minimum of three contractors from the appropriate small works roster  
21 and shall award the contract to the lowest responsible bidder as  
22 defined under RCW 39.04.010. After an award is made, the quotations  
23 shall be open to public inspection and available by electronic request.  
24 A state agency or authorized local government shall attempt to  
25 distribute opportunities for limited public works projects equitably  
26 among contractors willing to perform in the geographic area of the  
27 work. A state agency or authorized local government shall maintain a  
28 list of the contractors contacted and the contracts awarded during the  
29 previous twenty-four months under the limited public works process,  
30 including the name of the contractor, the contractor's registration  
31 number, the amount of the contract, a brief description of the type of  
32 work performed, and the date the contract was awarded. For limited  
33 public works projects, a state agency or authorized local government  
34 may waive the payment and performance bond requirements of chapter  
35 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby  
36 assuming the liability for the contractor's nonpayment of laborers,  
37 mechanics, subcontractors, materialpersons, suppliers, and taxes  
38 imposed under Title 82 RCW that may be due from the contractor for the

1 limited public works project, however the state agency or authorized  
2 local government shall have the right of recovery against the  
3 contractor for any payments made on the contractor's behalf.

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

8 (5)(a) A state agency or authorized local government may use the  
9 limited public works process of subsection (3) of this section to  
10 solicit and award small works roster contracts to small businesses that  
11 are registered contractors with gross revenues under one million  
12 dollars annually as reported on their federal tax return.

13 (b) A state agency or authorized local government may adopt  
14 additional procedures to encourage small businesses that are registered  
15 contractors with gross revenues under two hundred fifty thousand  
16 dollars annually as reported on their federal tax returns to submit  
17 quotations or bids on small works roster contracts.

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

26 **Sec. 18.** RCW 53.12.270 and 1975 1st ex.s. c 12 s 1 are each  
27 amended to read as follows:

28 (1) The commission may delegate to the managing official of a port  
29 district such administrative powers and duties of the commission as it  
30 may deem proper for the efficient and proper management of port  
31 district operations. Any such delegation shall be authorized by  
32 appropriate resolution of the commission, which resolution must also  
33 establish guidelines and procedures for the managing official to  
34 follow.

35 (2) The commission shall establish, by resolution, policies to  
36 comply with RCW 39.04.280 that set forth the conditions by which

1 competitive bidding requirements for public works contracts may be  
2 waived.

3 NEW SECTION. Sec. 19. Sections 5 through 15 of this act  
4 constitute a new chapter in Title 53 RCW.

5 NEW SECTION. Sec. 20. If specific funding for the purposes of  
6 this act, referencing this act by bill or chapter number, is not  
7 provided by June 30, 2008, in the omnibus appropriations act, this act  
8 is null and void.

9 NEW SECTION. Sec. 21. (1) Beginning July 1, 2009, each port with  
10 more than fifteen million dollars in annual gross revenue, excluding  
11 grant and loan funds, shall report annually to the joint legislative  
12 audit and review committee:

13 (a) A summary of the items identified in section 3 of this act and  
14 the current status of each of the contracts; and

15 (b) The number and status of the personal services contracts  
16 entered into that prior year that were exempted from competitive  
17 solicitation, including emergency contracts, sole source contracts,  
18 contract amendments, and any other specified contracts or classes or  
19 groups of contracts that were exempted from the competitive  
20 solicitation process by the commission, as defined in section 6 of this  
21 act, because it was determined that a competitive solicitation process  
22 was not appropriate or cost-effective.

23 (2) The report shall be presented at one of the joint legislative  
24 audit and review committee's regularly scheduled public hearings, and  
25 the report may be presented at the hearing by teleconference. The  
26 committee may request additional information from a port at its  
27 discretion.

28 (3) This section expires August 1, 2013."

**ADOPTED AS AMENDED 03/06/2008**

1        On page 1, line 2 of the title, after "districts;" strike the  
2 remainder of the title and insert "amending RCW 53.08.120, 39.30.020,  
3 39.04.010, and 53.12.270; reenacting and amending RCW 39.04.155; adding  
4 new sections to chapter 53.08 RCW; adding a new chapter to Title 53  
5 RCW; creating new sections; prescribing penalties; and providing an  
6 expiration date."

**--- END ---**