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**SUBSTITUTE SENATE BILL 6271**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Takko and Short)

READ FIRST TIME 01/25/18.

1 AN ACT Relating to the administration of irrigation districts;  
2 and amending RCW 87.03.082 and 87.03.435.

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

4 **Sec. 1.** RCW 87.03.082 and 2013 c 23 s 488 are each amended to  
5 read as follows:

6 Each director shall take and subscribe an official oath for the  
7 faithful discharge of the duties of his or her office(~~(, and shall~~  
8 ~~execute a bond to the district in the sum of one thousand dollars,~~  
9 ~~conditioned for the faithful discharge of his or her duties, which~~  
10 ~~shall be approved by the judge of the superior court of the county~~  
11 ~~where the district was organized,)) and the oath ((and bond)) shall  
12 be ((recorded in the office of the county clerk of that county and))  
13 filed with the secretary of the board of directors. The secretary  
14 shall take and subscribe a written oath of office ((and execute a  
15 bond in the sum of not less than one thousand dollars to be fixed by  
16 the directors)), which shall be approved and filed as in the case of  
17 ((the bond of)) a director. ((If a district is appointed fiscal agent  
18 of the United States to collect money for it, the secretary and  
19 directors and the district treasurer shall each execute such  
20 additional bonds as the secretary of the interior may require,  
21 conditioned for the faithful discharge of their duties which shall be~~

1 ~~approved, recorded, and filed as other official bonds. All such bonds~~  
2 ~~shall be secured at the cost of the district.))~~

3       **Sec. 2.** RCW 87.03.435 and 1997 c 354 s 3 are each amended to  
4 read as follows:

5       (1) Except as provided in subsections (2) and (3) of this section  
6 and RCW 87.03.436, whenever in the construction of the district canal  
7 or canals, or other works, or the furnishing of materials therefor,  
8 the board of directors shall determine to let a contract or contracts  
9 for the doing of the work or the furnishing of the materials, a  
10 notice calling for sealed proposals shall be published. The notice  
11 shall be published in a newspaper in the county in which the office  
12 of the board is situated, and in any other newspaper which may be  
13 designated by the board, and for such length of time, not less than  
14 once each week for two weeks, as may be fixed by the board. At the  
15 time and place appointed in the notice for the opening of bids, the  
16 sealed proposals shall be opened in public, and as soon as convenient  
17 thereafter, the board shall let the work or the contract for the  
18 purchase of materials, either in portions or as a whole, to the  
19 lowest responsible bidder, or the board may reject any or all bids  
20 and readvertise, or if no bid is received on the first call the board  
21 of directors may readvertise and make a second call, or may enter  
22 into a contract without any further call and may purchase the  
23 supplies, material, or equipment or may proceed to construct the work  
24 under its own superintendence. All work shall be done under the  
25 direction and to the satisfaction of the engineer of the district,  
26 and be approved by the board. The board of directors may require  
27 bidders submitting bids for the construction or maintenance for any  
28 of the works of the district, or for the furnishing of labor or  
29 material, to accompany their bids by a deposit in cash, certified  
30 check, cashier's check, or surety bond in an amount equal to five  
31 percent of the amount of the bid and a bid shall not be considered  
32 unless the deposit is enclosed with it. If the contract is let, then  
33 all the bid deposits shall be returned to the unsuccessful bidders.  
34 The bid deposit of the successful bidder shall be retained until a  
35 contract is entered into for the purchase of the materials or doing  
36 of such work, and a bond given to the district in accordance with  
37 chapter 39.08 RCW for the performance of the contract. The  
38 performance bond shall be conditioned as may be required by law and  
39 as may be required by resolution of the board, with good and

1 sufficient sureties satisfactory to the board, payable to the  
2 district for its use, for at least twenty-five percent of the  
3 contract price. If the successful bidder fails to enter into a  
4 contract and furnish the necessary bond within twenty days from the  
5 award, exclusive of the day of the award, the bid deposit shall be  
6 forfeited to the district and the contract may then be awarded to the  
7 second lowest bidder.

8 (2) The provisions of this section in regard to public bidding  
9 shall not apply in cases where the board is authorized to exchange  
10 bonds of the district in payment for labor and material.

11 (3) The provisions of this section do not apply:

12 (a) In the case of any contract between the district and the  
13 United States;

14 (b) In the case of an emergency when the public interest or  
15 property of the district would suffer material injury or damage by  
16 delay, upon resolution of the board of directors or proclamation of  
17 an official designated by the board to act for the board during such  
18 emergencies. The resolution or proclamation shall declare the  
19 existence of the emergency and recite the facts constituting the  
20 emergency; or

21 (c) To purchases which are clearly and legitimately limited to a  
22 single source of supply or to purchases involving special facilities,  
23 services, or market conditions, in which instances the purchase price  
24 may be best established by direct negotiation.

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