

# HOUSE BILL REPORT

## ESB 5958

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**As Passed House:**  
April 10, 2019

**Title:** An act relating to public works contracts and interlocal agreements by second-class cities and towns.

**Brief Description:** Concerning public works contracts and interlocal agreements.

**Sponsors:** Senators Lovelett and Nguyen.

**Brief History:**

**Committee Activity:**

Local Government: 3/22/19, 3/28/19 [DP].

**Floor Activity:**

Passed House: 4/10/19, 94-1.

**Brief Summary of Engrossed Bill**

- Modifies the bid notice requirements related to purchases made by one public agency using another public agency's purchasing contract.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 6 members: Representatives Pollet, Chair; Peterson, Vice Chair; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

**Minority Report:** Do not pass. Signed by 1 member: Representative Kraft, Ranking Minority Member.

**Staff:** Robbi Kesler (786-7153).

**Background:**

State law allows a public agency to make purchases using another public agency's purchasing contract if certain requirements are met.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

When one or more agency purchases through a bid, proposal, or contract awarded by another agency, any statutory obligation to provide notice for bids or proposals that otherwise apply is satisfied if the agency that awarded the bid complied with its own statutory requirements and either posted the bid or solicitation notice on a website established or maintained for purposes of posting public notice of a bid or proposal or provided an access link on the state's web portal to the notice.

**Summary of Bill:**

The notice language regarding the obligation to provide notice for bids is amended. Notice requirements for the agency utilizing another agency's contract are satisfied if the agency that awarded the bid met all requirements with respect to competitive bids complied with its own statutory requirements and either posted the bid or solicitation notice on a website established or maintained for purposes of posting public notice of a bid or proposal or provided an access link on the state's web portal to the notice.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Interlocal agreements are a good tool to help local governments save money by utilizing the purchase contract of a larger organization. Smaller jurisdictions will benefit by saving staff time and money.

(Opposed) None.

(Other) There is another bill, Senate Bill 5418, that is before the committee that encompasses several Senate bid bills. There have been over 28 procurement bills introduced this legislative session. It is suggested that all bid bills should be included in SB 5418 and that SB 5418 include a study by the Capital Projects Advisory Review Board along with a requirement that the bid bills sunset. This is to see how the bills are utilized, to determine if they are doing the things they were intended to do, and to make certain that as larger and smaller jurisdictions work together that the minimum requirements of putting things out to public bid are met. The wish would be for the Legislature to get their arms around the 28 bid bills and figure out the policy ramifications in aggregate to see how they would work together in all jurisdictions.

**Persons Testifying:** (In support) Senator Lovelett, prime sponsor; Candice Bock, Association of Washington Cities; and Rick Hughes, San Juan County.

(Other) Michael Transue, Mechanical Contractors Association of Western Washington.

**Persons Signed In To Testify But Not Testifying:** None.