

1 **ESB 6407** - H COMM AMD
2 By Committee on Commerce & Labor

3 ADOPTED AS AMENDED 3/5/92

4 Strike everything after the enacting clause and insert the
5 following:

6 "NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW
7 to read as follows:

8 (1) The provisions of RCW 4.84.250 through 4.84.280 shall apply to
9 an action arising out of a public works contract in which the state or
10 a municipality, or other public body that contracts for public works,
11 is a party, except that: (a) The maximum amount of the pleading shall
12 be two hundred fifty thousand dollars; and (b) in applying RCW
13 4.84.280, the time period for serving offers of settlement on the
14 adverse party shall be the period not less than thirty days and not
15 more than one hundred twenty days after completion of the service and
16 filing of the summons and complaint.

17 (2) The rights provided for under this section may not be waived by
18 the parties to a public works contract that is entered into on or after
19 the effective date of this act, and a provision in such a contract that
20 provides for waiver of these rights is void as against public policy.
21 However, this subsection shall not be construed as prohibiting the
22 parties from mutually agreeing to a clause in a public works contract

1 that requires submission of a dispute arising under the contract to
2 arbitration.

3 (3) In awarding contracts subject to this section, the public owner
4 in determining the lowest responsible bidder may give consideration to,
5 in addition to price, the following factors:

6 (a) The ability of the contractor to complete the contract within
7 the prescribed schedule outlined in the contract specifications; and

8 (b) The compliance of the contractor with federal, state, and local
9 laws pertaining to the contract."

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12 On page 1, line 1 of the title, after "contracts;" strike the
13 remainder of the title and insert "and adding a new section to chapter
14 39.04 RCW."