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**SUBSTITUTE HOUSE BILL 2813**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Romero, Voloria, Caver, Wolfe and Bray; by request of Department of General Administration)

Read first time 02/04/94.

1 AN ACT Relating to public contracts; amending RCW 39.04.020 and  
2 39.04.150; and providing an effective date.

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

4 **Sec. 1.** RCW 39.04.020 and 1993 c 379 s 111 are each amended to  
5 read as follows:

6 Whenever the state or any municipality shall determine that any  
7 public work is necessary to be done, it shall cause plans,  
8 specifications, or both thereof and an estimate of the cost of such  
9 work to be made and filed in the office of the director, supervisor,  
10 commissioner, trustee, board, or agency having by law the authority to  
11 require such work to be done. The plans, specifications, and estimates  
12 of cost shall be approved by the director, supervisor, commissioner,  
13 trustee, board, or agency and the original draft or a certified copy  
14 filed in such office before further action is taken.

15 If the state or such municipality shall determine that it is  
16 necessary or advisable that such work shall be executed by any means or  
17 method other than by contract or by a small works roster process, and  
18 it shall appear by such estimate that the probable cost of executing  
19 such work will exceed the sum of ((fifteen)) twenty-five thousand

1 dollars (~~or the amounts specified in RCW 28B.10.350 or 28B.10.355 for~~  
2 ~~colleges and universities, or the amounts specified in RCW 28B.50.330~~  
3 ~~or 39.04.150 for community colleges and technical colleges~~), then the  
4 state or such municipality shall at least fifteen days before beginning  
5 work cause such estimate, together with a description of the work, to  
6 be published at least once in a legal newspaper of general circulation  
7 published in or as near as possible to that part of the county in which  
8 such work is to be done(~~(: PROVIDED, That)~~). When any emergency shall  
9 require the immediate execution of such public work, upon a finding of  
10 the existence of such emergency by the authority having power to direct  
11 such public work to be done and duly entered of record, publication of  
12 description and estimate may be made within seven days after the  
13 commencement of the work.

14 **Sec. 2.** RCW 39.04.150 and 1993 c 379 s 112 are each amended to  
15 read as follows:

16 (1) As used in this section, "agency" means the department of  
17 general administration, the department of (~~fisheries, the department~~  
18 ~~of~~) fish and wildlife, the department of natural resources, and the  
19 state parks and recreation commission.

20 (2) In addition to any other power or authority that an agency may  
21 have, each agency, alone or in concert, may establish a small works  
22 roster consisting of all qualified contractors who have requested to be  
23 included on the roster.

24 (3) The small works roster may make distinctions between  
25 contractors based on the geographic areas served and the nature of the  
26 work the contractor is qualified to perform. At least once every year,  
27 the agency shall advertise in a newspaper of general circulation the  
28 existence of the small works roster and shall add to the roster those  
29 contractors who request to be included on the roster.

30 (4) Construction, repair, or alteration projects estimated to cost  
31 less than (~~fifty~~) one hundred thousand dollars(~~(, or less than one~~  
32 ~~hundred thousand dollars for projects managed by the department of~~  
33 ~~general administration for community colleges and technical colleges,~~  
34 ~~as defined under chapter 28B.50 RCW,~~) are exempt from the requirement  
35 that the contracts be awarded after advertisement and competitive bid  
36 as defined by RCW 39.04.010. In lieu of advertisement and competitive  
37 bid, the agency shall solicit at least five quotations, confirmed in  
38 writing, from contractors chosen (~~by random number generated by~~

1 computer)) from the ((~~contractors on the~~)) small works roster for the  
2 category of job type involved and shall award the work to the party  
3 with the lowest quotation or reject all quotations. If the agency ((~~is~~  
4 ~~unable to solicit~~)) does not receive at least two responsive quotations  
5 ((~~from five qualified contractors on the small works roster~~)) for a  
6 particular project, then the project shall be advertised and  
7 competitively bid. The agency shall solicit quotations ((~~randomly~~))  
8 from contractors ((~~on~~)) selected randomly from the small works roster  
9 in a manner which will equitably distribute the opportunity for these  
10 contracts among contractors on the roster((~~PROVIDED, That whenever~~  
11 ~~possible,~~)). The agency shall invite at least one proposal each from  
12 a certified minority and a certified women-owned contractor who shall  
13 otherwise qualify to perform such work. Immediately after an award is  
14 made, the bid quotations obtained shall be recorded, open to public  
15 inspection, and available by telephone request. If the work is  
16 executed by competitive bid, the agency shall invite at least one  
17 proposal each from a certified minority and a certified women-owned  
18 contractor who shall otherwise qualify to perform such work.

19 (5) The breaking down of any public work or improvement into units  
20 or accomplishing any public work or improvement by phases for the  
21 purpose of avoiding the minimum dollar amount for bidding is contrary  
22 to public policy and is prohibited.

23 (6) The director of general administration shall adopt by rule a  
24 procedure to prequalify contractors for inclusion on the small works  
25 roster. Each agency shall follow the procedure adopted by the director  
26 of general administration. No agency shall be required to make  
27 available for public inspection or copying under chapter 42.17 RCW  
28 financial information required to be provided by the prequalification  
29 procedure.

30 (7) An agency may adopt by rule procedures to implement this  
31 section which shall not be inconsistent with the procedures adopted by  
32 the director of the department of general administration pursuant to  
33 subsection (6) of this section.

34 NEW SECTION. Sec. 3. Section 2 of this act shall take effect July  
35 1, 1994.

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