
SENATE BILL 5224

State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson and Winsley; by request of Alternative Public Works Methods Oversight Committee

Read first time 01/18/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to alternative bid procedures for public hospital
2 districts; and amending RCW 70.44.140.

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

4 **Sec. 1.** RCW 70.44.140 and 1998 c 278 s 9 are each amended to read
5 as follows:

6 (1) All materials purchased and work ordered, the estimated cost of
7 which is in excess of five thousand dollars, shall be by contract.
8 Before awarding any such contract, the commission shall publish a
9 notice at least thirteen days before the last date upon which bids will
10 be received, inviting sealed proposals for such work. The plans and
11 specifications must at the time of the publication of such notice be on
12 file at the office of the public hospital district, subject to public
13 inspection: PROVIDED, HOWEVER, That the commission may at the same
14 time, and as part of the same notice, invite tenders for the work or
15 materials upon plans and specifications to be submitted by bidders.
16 The notice shall state generally the work to be done, and shall call
17 for proposals for doing the same, to be sealed and filed with the
18 commission on or before the day and hour named therein. Each bid shall
19 be accompanied by bid proposal security in the form of a certified

1 check, cashier's check, postal money order, or surety bond made payable
2 to the order of the commission, for a sum not less than five percent of
3 the amount of the bid, and no bid shall be considered unless
4 accompanied by such bid proposal security. At the time and place
5 named, such bids shall be publicly opened and read, and the commission
6 shall proceed to canvass the bids, and may let such contract to the
7 lowest responsible bidder upon plans and specifications on file, or to
8 the best bidder submitting his or her own plans and specifications:
9 PROVIDED, HOWEVER, That no contract shall be let in excess of the
10 estimated cost of the materials or work, or if, in the opinion of the
11 commission, all bids are unsatisfactory, they may reject all of them
12 and readvertise, and in such case all bid proposal security shall be
13 returned to the bidders. If the contract is let, then all bid proposal
14 security shall be returned to the bidders, except that of the
15 successful bidder, which is retained until a contract shall be entered
16 into for the purchase of such materials for doing such work, and a bond
17 to perform such work furnished, with sureties satisfactory to the
18 commission, in an amount to be fixed by the commission, not less than
19 twenty-five percent of contract price in any case, between the bidder
20 and commission, in accordance with the bid. If such bidder fails to
21 enter into the contract in accordance with the bid and furnish such
22 bond within ten days from the date at which the bidder is notified that
23 he or she is the successful bidder, the bid proposal security and the
24 amount thereof shall be forfeited to the public hospital district. A
25 low bidder who claims error and fails to enter into a contract is
26 prohibited from bidding on the same project if a second or subsequent
27 call for bids is made for the project.

28 (2) In lieu of the procedures of subsection (1) of this section, a
29 public hospital district may use the ~~((small works roster process))~~
30 contracting processes provided in RCW 39.04.155 ~~((and award public~~
31 ~~works contracts))~~; however, public hospital districts may only use the
32 small works roster process for projects ~~((with an))~~ estimated ~~((value~~
33 ~~in excess of))~~ to cost less than fifty thousand dollars.

34 (3) Any purchases with an estimated cost of up to fifteen thousand
35 dollars may be made using the process provided in RCW 39.04.190.

1 (4) The commission may waive the competitive bidding requirements
2 of this section pursuant to RCW 39.04.280 if an exemption contained
3 within that section applies to the purchase or public work.

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