

CERTIFICATION OF ENROLLMENT

SENATE BILL 5063

Chapter 284, Laws of 2001

57th Legislature
2001 Regular Session

LIMITED PUBLIC WORKS

EFFECTIVE DATE: 7/22/01

Passed by the Senate April 16, 2001
YEAS 32 NAYS 15

BRAD OWEN
President of the Senate

Passed by the House April 5, 2001
YEAS 95 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved May 14, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5063** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 14, 2001 - 3:10 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5063

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson and Winsley

Read first time 01/10/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to limited public works; and amending RCW
2 39.04.155.

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

4 **Sec. 1.** RCW 39.04.155 and 2000 c 138 s 101 are each amended to
5 read as follows:

6 (1) This section provides uniform small works roster provisions to
7 award contracts for construction, building, renovation, remodeling,
8 alteration, repair, or improvement of real property that may be used by
9 state agencies and by any local government that is expressly authorized
10 to use these provisions. These provisions may be used in lieu of other
11 procedures to award contracts for such work with an estimated cost of
12 two hundred thousand dollars or less. The small works roster process
13 includes the limited public works process authorized under subsection
14 (3) of this section and any local government authorized to award
15 contracts using the small works roster process under this section may
16 award contracts using the limited public works process under subsection
17 (3) of this section.

18 (2)(a) A state agency or authorized local government may create a
19 single general small works roster, or may create a small works roster

1 for different specialties or categories of anticipated work. Where
2 applicable, small works rosters may make distinctions between
3 contractors based upon different geographic areas served by the
4 contractor. The small works roster or rosters shall consist of all
5 responsible contractors who have requested to be on the list, and where
6 required by law are properly licensed or registered to perform such
7 work in this state. A state agency or local government establishing a
8 small works roster or rosters may require eligible contractors desiring
9 to be placed on a roster or rosters to keep current records of any
10 applicable licenses, certifications, registrations, bonding, insurance,
11 or other appropriate matters on file with the state agency or local
12 government as a condition of being placed on a roster or rosters. At
13 least once a year, the state agency or local government shall publish
14 in a newspaper of general circulation within the jurisdiction a notice
15 of the existence of the roster or rosters and solicit the names of
16 contractors for such roster or rosters. In addition, responsible
17 contractors shall be added to an appropriate roster or rosters at any
18 time they submit a written request and necessary records. Master
19 contracts may be required to be signed that become effective when a
20 specific award is made using a small works roster.

21 ~~((3))~~ (b) A state agency establishing a small works roster or
22 rosters shall adopt rules implementing this ~~((section))~~ subsection. A
23 local government establishing a small works roster or rosters shall
24 adopt an ordinance or resolution implementing this ~~((section))~~
25 subsection. Procedures included in rules adopted by the department of
26 general administration in implementing this ~~((section))~~ subsection must
27 be included in any rules providing for a small works roster or rosters
28 that is adopted by another state agency, if the authority for that
29 state agency to engage in these activities has been delegated to it by
30 the department of general administration under chapter 43.19 RCW. An
31 interlocal contract or agreement between two or more state agencies or
32 local governments establishing a small works roster or rosters to be
33 used by the parties to the agreement or contract must clearly identify
34 the lead entity that is responsible for implementing the provisions of
35 this ~~((section))~~ subsection.

36 ~~((4))~~ (c) Procedures shall be established for securing telephone,
37 written, or electronic quotations from contractors on the appropriate
38 small works roster to assure that a competitive price is established
39 and to award contracts to the lowest responsible bidder, as defined in

1 RCW 43.19.1911. Invitations for quotations shall include an estimate
2 of the scope and nature of the work to be performed as well as
3 materials and equipment to be furnished. However, detailed plans and
4 specifications need not be included in the invitation. This
5 (~~section~~) subsection does not eliminate other requirements for
6 architectural or engineering approvals as to quality and compliance
7 with building codes. Quotations may be invited from all appropriate
8 contractors on the appropriate small works roster. As an alternative,
9 quotations may be invited from at least five contractors on the
10 appropriate small works roster who have indicated the capability of
11 performing the kind of work being contracted, in a manner that will
12 equitably distribute the opportunity among the contractors on the
13 appropriate roster. However, if the estimated cost of the work is from
14 one hundred thousand dollars to two hundred thousand dollars, a state
15 agency or local government, other than a port district, that chooses to
16 solicit bids from less than all the appropriate contractors on the
17 appropriate small works roster must also notify the remaining
18 contractors on the appropriate small works roster that quotations on
19 the work are being sought. The government has the sole option of
20 determining whether this notice to the remaining contractors is made
21 by: (~~(a)~~) (i) Publishing notice in a legal newspaper in general
22 circulation in the area where the work is to be done; (~~(b)~~) (ii)
23 mailing a notice to these contractors; or (~~(c)~~) (iii) sending a
24 notice to these contractors by facsimile or other electronic means.
25 For purposes of this subsection (2)(c), "equitably distribute" means
26 that a state agency or local government soliciting bids may not favor
27 certain contractors on the appropriate small works roster over other
28 contractors on the appropriate small works roster who perform similar
29 services.

30 (~~(5)~~) (d) A contract awarded from a small works roster under this
31 section need not be advertised.

32 (~~(6)~~) (e) Immediately after an award is made, the bid quotations
33 obtained shall be recorded, open to public inspection, and available by
34 telephone inquiry.

35 (~~(7)~~) (3) In lieu of awarding contracts under subsection (2) of
36 this section, a state agency or authorized local government may award
37 a contract for work, construction, alteration, repair, or improvement
38 project estimated to cost less than thirty-five thousand dollars using
39 the limited public works process provided under this subsection.

1 Public works projects awarded under this subsection are exempt from the
2 other requirements of the small works roster process provided under
3 subsection (2) of this section and are exempt from the requirement that
4 contracts be awarded after advertisement as provided under RCW
5 39.04.010.

6 For limited public works projects, a state agency or authorized
7 local government shall solicit electronic or written quotations from a
8 minimum of three contractors from the appropriate small works roster
9 and shall award the contract to the lowest responsible bidder as
10 defined under RCW 43.19.1911. After an award is made, the quotations
11 shall be open to public inspection and available by electronic request.
12 A state agency or authorized local government shall attempt to
13 distribute opportunities for limited public works projects equitably
14 among contractors willing to perform in the geographic area of the
15 work. A state agency or authorized local government shall maintain a
16 list of the contractors contacted and the contracts awarded during the
17 previous twenty-four months under the limited public works process,
18 including the name of the contractor, the contractor's registration
19 number, the amount of the contract, a brief description of the type of
20 work performed, and the date the contract was awarded. For limited
21 public works projects, a state agency or authorized local government
22 may waive the payment and performance bond requirements of chapter
23 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby
24 assuming the liability for the contractor's nonpayment of laborers,
25 mechanics, subcontractors, materialmen, suppliers, and taxes imposed
26 under Title 82 RCW that may be due from the contractor for the limited
27 public works project, however the state agency or authorized local
28 government shall have the right of recovery against the contractor for
29 any payments made on the contractor's behalf.

30 (4) The breaking of any project into units or accomplishing any
31 projects by phases is prohibited if it is done for the purpose of
32 avoiding the maximum dollar amount of a contract that may be let using
33 the small works roster process or limited public works process.

34 ((+8+)) (5) As used in this section, "state agency" means the
35 department of general administration, the state parks and recreation
36 commission, the department of natural resources, the department of fish
37 and wildlife, the department of transportation, any institution of
38 higher education as defined under RCW 28B.10.016, and any other state
39 agency delegated authority by the department of general administration

1 to engage in construction, building, renovation, remodeling,
2 alteration, improvement, or repair activities.

Passed the Senate April 16, 2001.

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Approved by the Governor May 14, 2001.

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