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**SENATE BILL 5470**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Warnick and Liias

AN ACT Relating to municipal procurement of water services; amending RCW 35.22.625; and adding a new section to chapter 35.22 RCW.

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

**Sec.**  RCW 35.22.625 and 1989 c 399 s 4 are each amended to read as follows:

RCW 35.22.620 does not apply to the selection of persons or entities to construct or develop water pollution control facilities or to provide water pollution control services under RCW 70.150.040,((~~or~~)) the selection of persons or entities to construct or develop solid waste handling facilities or to provide solid waste handling services under RCW 35.21.156, or to the selection of persons or entities to service and maintain water facilities and collection systems under section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 35.22 RCW to read as follows:

(1) Each municipality shall publish in advance its requirements to procure water services. The announcement must concisely state the scope and nature of the equipment and services for which a water system service contract is required and encourage firms to submit proposals to meet these requirements.

(2) The municipality may negotiate a fair and reasonable water system service contract that includes the provision of contract services with the firm that is identified, based on the criteria that is established by the municipality, to be the firm that submits the best proposal.

(3) If the municipality is unable to negotiate a satisfactory service contract with the firm that submits the best proposal, negotiations with that firm must be formally terminated and the municipality may select another firm in accordance with this section and continue negotiation until a water system service contract is reached or the selection process is terminated.

(4) For purposes of this section:

(a) "Water system services" means the financing, designing, construction, improvement, operation, maintenance, administration, asset management, or any combination thereof of a water system.

(b) "Water system" means the plants, structures, distribution systems, or other real or personal property acquired, constructed, or operated, or to be acquired, constructed, or operated, by or on behalf of a public entity for the collection, impoundment, storage, improvement, treatment, filtration, conservation, protection, transmission, or distribution of water.

**--- END ---**