

CERTIFICATION OF ENROLLMENT

SENATE BILL 5385

Chapter 97, Laws of 2023

68th Legislature
2023 Regular Session

PUBLIC WORKS—HIGHER EDUCATION BID LIMITS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 27,
2023

Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 5, 2023

Yeas 98 Nays 0

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved April 14, 2023 10:13 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5385** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 14, 2023

**Secretary of State
State of Washington**

SENATE BILL 5385

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators Lias, Holy, Saldaña, Shewmake, and C. Wilson

Read first time 01/16/23. Referred to Committee on Higher Education & Workforce Development.

1 AN ACT Relating to work performed by institutions of higher
2 education; and amending RCW 28B.10.350 and 28B.50.330.

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

4 **Sec. 1.** RCW 28B.10.350 and 2009 c 229 s 2 are each amended to
5 read as follows:

6 (1) When the cost to The Evergreen State College or any regional
7 or state university of any building, construction, renovation,
8 remodeling, or demolition, other than maintenance or repairs, will
9 equal or exceed the sum of (~~ninety thousand dollars~~) \$110,000, or
10 (~~forty-five thousand dollars~~) \$90,000 if the work involves one
11 trade or craft area, complete plans and specifications for the work
12 shall be prepared, the work shall be put out for public bid, and the
13 contract shall be awarded to the responsible bidder who submits the
14 lowest responsive bid.

15 (2) Any building, construction, renovation, remodeling, or
16 demolition project that exceeds the dollar amounts in subsection (1)
17 of this section is subject to the provisions of chapter 39.12 RCW.

18 (3) The Evergreen State College or any regional or state
19 university may require a project to be put to public bid even when it
20 is not required to do so under subsection (1) of this section. Any

1 project publicly bid under this subsection is subject to the
2 provisions of chapter 39.12 RCW.

3 (4) Where the estimated cost of any building, construction,
4 renovation, remodeling, or demolition is less than (~~ninety thousand~~
5 ~~dollars~~) \$110,000 or the contract is awarded by the small works
6 roster procedure authorized in RCW 39.04.155, the publication
7 requirements of RCW 39.04.020 do not apply.

8 (5) In the event of any emergency when the public interest or
9 property of The Evergreen State College or a regional or state
10 university would suffer material injury or damage by delay, the
11 president of such college or university may declare the existence of
12 an emergency and, reciting the facts constituting the same, may waive
13 the requirements of this section with reference to any contract in
14 order to correct the condition causing the emergency. For the
15 purposes of this section, "emergency" means a condition likely to
16 result in immediate physical injury to persons or to property of the
17 college or university in the absence of prompt remedial action or a
18 condition which immediately impairs the institution's ability to
19 perform its educational obligations.

20 (6) This section does not apply when a contract is awarded by the
21 small works roster procedure authorized in RCW 39.04.155 or under any
22 other procedure authorized for an institution of higher education.

23 **Sec. 2.** RCW 28B.50.330 and 2009 c 229 s 1 are each amended to
24 read as follows:

25 (1) The boards of trustees of college districts are empowered in
26 accordance with the provisions of this chapter to provide for the
27 construction, reconstruction, erection, equipping, demolition, and
28 major alterations of buildings and other capital assets, and the
29 acquisition of sites, rights-of-way, easements, improvements, or
30 appurtenances for the use of the aforementioned colleges as
31 authorized by the college board in accordance with RCW 28B.50.140; to
32 be financed by bonds payable out of special funds from revenues
33 hereafter derived from income received from such facilities, gifts,
34 bequests, or grants, and such additional funds as the legislature may
35 provide, and payable out of a bond retirement fund to be established
36 by the respective district boards in accordance with rules of the
37 state board. With respect to building, improvements, or repairs, or
38 other work, where the estimated cost exceeds (~~ninety thousand~~
39 ~~dollars~~) \$110,000, or (~~forty-five thousand dollars~~) \$90,000 if the

1 work involves one trade or craft area, complete plans and
2 specifications for the work shall be prepared, the work shall be put
3 out for a public bid, and the contract shall be awarded to the
4 responsible bidder who submits the lowest responsive bid. Any project
5 regardless of dollar amount may be put to public bid.

6 (2) This section does not apply when a contract is awarded by the
7 small works roster procedure authorized in RCW 39.04.155.

8 (3) Where the estimated cost to any college of any building,
9 improvements, or repairs, or other work, is less than (~~ninety~~
10 ~~thousand dollars~~) \$110,000, or (~~forty-five thousand dollars~~)
11 \$90,000 if the work involves one trade or craft area, the publication
12 requirements of RCW 39.04.020 do not apply.

Passed by the Senate February 27, 2023.

Passed by the House April 5, 2023.

Approved by the Governor April 14, 2023.

Filed in Office of Secretary of State April 14, 2023.

--- END ---