
HOUSE BILL 2566

State of Washington

69th Legislature

2026 Regular Session

By Representatives Zahn, Griffey, and Pollet

Read first time 01/19/26. Referred to Committee on Local Government.

1 AN ACT Relating to local government procurement; amending RCW
2 36.32.235 and 36.32.245; and repealing RCW 36.32.240.

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

4 **Sec. 1.** RCW 36.32.235 and 2025 c 35 s 1 are each amended to read
5 as follows:

6 (1) In each county which by resolution establishes a county
7 purchasing department, the purchasing department shall enter into
8 leases of personal property on a competitive basis and purchase all
9 supplies, materials, and equipment on a competitive basis, for all
10 departments of the county, as provided in this chapter and chapter
11 39.04 RCW, except that the county purchasing department is not
12 required to make purchases for the county hospital or purchases that
13 are paid from the county road fund or equipment rental and revolving
14 fund. In the letting of any contract for public works involving less
15 than \$40,000, the advertisement and competitive bidding requirements
16 in subsections (3) and (4) of this section may be dispensed with on
17 order of the county legislative authority.

18 (2) As used in this section:

19 (a) "Public works" has the same definition as in RCW 39.04.010.

20 (b) "Riverine project" means a project of construction,
21 alteration, repair, replacement, or improvement other than ordinary

1 maintenance, executed at the cost of the state or of any
2 municipality, or which is by law a lien or charge on any property,
3 carried out on a river or stream and its tributaries and associated
4 floodplains, beds, banks, and waters for the purpose of improving
5 aquatic habitat, improving water quality, restoring floodplain
6 function, or providing flood protection.

7 (c) "Stormwater project" means a project of construction,
8 alteration, repair, replacement, or improvement other than ordinary
9 maintenance, executed at the cost of the state or of any
10 municipality, or which is by law a lien or charge on any property,
11 carried out on a municipal separate storm sewer system, and any
12 connections to the system, that is regulated under a state-issued
13 national pollutant discharge elimination system general municipal
14 stormwater permit for the purpose of improving control of stormwater
15 runoff quantity and quality from developed land, safely conveying
16 stormwater runoff, or reducing erosion or other water quality impacts
17 caused by municipal separate storm sewer system discharges.

18 (3) Except as otherwise specified in this chapter or in chapter
19 36.77 RCW, all counties subject to these provisions shall contract on
20 a competitive basis for all public works after bids have been
21 submitted to the county upon specifications therefor. Such
22 specifications shall be in writing and shall be filed with the clerk
23 of the county legislative authority for public inspection.

24 (4) An advertisement shall be published in the county official
25 newspaper stating the time and place where bids will be opened, the
26 time after which bids will not be received, the character of the work
27 to be done, the materials and equipment to be furnished, and that
28 specifications therefor may be seen at the office of the clerk of the
29 county legislative authority. An advertisement shall also be
30 published in a legal newspaper of general circulation in or as near
31 as possible to that part of the county in which such work is to be
32 done. If the county official newspaper is a newspaper of general
33 circulation covering at least 40 percent of the residences in that
34 part of the county in which such public works are to be done, then
35 the publication of an advertisement of the applicable specifications
36 in the county official newspaper is sufficient. Such advertisements
37 shall be published at least once at least 13 days prior to the last
38 date upon which bids will be received.

39 (5) The bids shall be in writing, may be in either hard copy or
40 electronic form as specified by the county, shall be filed with the

1 clerk, shall be opened and read in public at the time and place named
2 therefor in the advertisements, and, after being opened, shall be
3 filed for public inspection. No bid may be considered for public work
4 unless it is accompanied by a bid deposit in the form of a surety
5 bond, postal money order, cash, cashier's check, or certified check
6 in an amount equal to five percent of the amount of the bid proposed.

7 (6) (a) The contract for the public work shall be awarded to the
8 lowest responsible bidder. Any or all bids may be rejected for good
9 cause. The county legislative authority shall require from the
10 successful bidder for such public work a contractor's bond in the
11 amount and with the conditions imposed by law.

12 (b) If no bid is received on the first call for bids, the county
13 legislative authority may:

14 (i) Readvertise and make a second call for bids;

15 (ii) Enter into a contract without any further call for bids; or

16 (iii) Perform the work or improvement with county employees,
17 subject to the limitations in this section.

18 (7) If the bidder to whom the contract is awarded fails to enter
19 into the contract and furnish the contractor's bond as required
20 within 10 days after notice of the award, exclusive of the day of
21 notice, the amount of the bid deposit shall be forfeited to the
22 county and the contract awarded to the next lowest and best bidder.
23 The bid deposit of all unsuccessful bidders shall be returned after
24 the contract is awarded and the required contractor's bond given by
25 the successful bidder is accepted by the county legislative
26 authority. Immediately after the award is made, the bid quotations
27 obtained shall be recorded and open to public inspection and shall be
28 available by telephone inquiry.

29 (8) As limited by subsection (11) of this section, a county
30 subject to these provisions may have public works performed by county
31 employees in any annual or biennial budget period equal to a dollar
32 value not exceeding 10 percent of the public works construction
33 budget, including any amount in a supplemental public works
34 construction budget, over the budget period.

35 Whenever a county subject to these provisions has had public
36 works performed in any budget period up to the maximum permitted
37 amount for that budget period, all remaining public works except
38 emergency work under subsection (13) of this section within that
39 budget period shall be done by contract pursuant to public notice and
40 call for competitive bids as specified in subsection (3) of this

1 section. The state auditor shall report to the state treasurer any
2 county subject to these provisions that exceeds this amount and the
3 extent to which the county has or has not reduced the amount of
4 public works it has performed by public employees in subsequent
5 years.

6 (9) A county may procure public works with a unit priced contract
7 under this section for the purpose of completing anticipated types of
8 work based on hourly rates or unit pricing for one or more categories
9 of work or trades.

10 (a) For the purposes of this section, "unit priced contract"
11 means a competitively bid contract in which public works are
12 anticipated on a recurring basis to meet the business or operational
13 needs of the county, under which the contractor agrees to a fixed
14 period indefinite quantity delivery of work, at a defined unit price
15 for each category of work.

16 (b) Unit priced contracts must be executed for an initial
17 contract term not to exceed one year, with the county having the
18 option of extending or renewing the unit priced contract for one
19 additional year, except that contracts for the maintenance or repair
20 of a county ferry vessel or county ferry district vessel operated
21 under chapter 36.54 RCW may instead be for a term of up to 10 years.

22 (c) Invitations for unit price bids shall include, for purposes
23 of the bid evaluation, estimated quantities of the anticipated types
24 of work or trades, and specify how the county will issue or release
25 work assignments, work orders, or task authorizations pursuant to a
26 unit priced contract for projects, tasks, or other work based on the
27 hourly rates or unit prices bid by the contractor. The contract must
28 be awarded to the lowest responsible bidder as defined under RCW
29 39.04.010. Whenever possible, the county must invite at least one bid
30 from a certified minority or woman contractor who otherwise qualifies
31 under this section.

32 (d) Unit price contractors shall pay prevailing wages for all
33 work that would otherwise be subject to the requirements of chapter
34 39.12 RCW. Prevailing wages for all work performed pursuant to each
35 work order must be the prevailing wage rates in effect at the
36 beginning date for each contract year. Unit priced contracts must
37 have prevailing wage rates updated annually. Intents and affidavits
38 for prevailing wages paid must be submitted annually for all work
39 completed within the previous 12-month period of the unit priced
40 contract.

1 (10) If a county subject to these provisions has public works
2 performed by public employees in any budget period that are in excess
3 of this 10 percent limitation, the amount in excess of the permitted
4 amount shall be reduced from the otherwise permitted amount of public
5 works that may be performed by public employees for that county in
6 its next budget period. Ten percent of the motor vehicle fuel tax
7 distributions to that county shall be withheld if two years after the
8 year in which the excess amount of work occurred, the county has
9 failed to so reduce the amount of public works that it has performed
10 by public employees. The amount withheld shall be distributed to the
11 county when it has demonstrated in its reports to the state auditor
12 that the amount of public works it has performed by public employees
13 has been reduced as required.

14 (11) In addition to the percentage limitation provided in
15 subsection (8) of this section, counties subject to these provisions
16 containing a population of 400,000 or more shall not have public
17 employees perform: A public works project in excess of \$90,000 if
18 more than a single craft or trade is involved with the public works
19 project, a riverine project or stormwater project in excess of
20 \$250,000 if more than a single craft or trade is involved with the
21 riverine project or stormwater project, a public works project in
22 excess of \$45,000 if only a single craft or trade is involved with
23 the public works project, or a riverine project or stormwater project
24 in excess of \$125,000 if only a single craft or trade is involved
25 with the riverine project or stormwater project. A public works
26 project, a riverine project, and a stormwater project means a
27 complete project. The restrictions in this subsection do not permit
28 the division of the project into units of work or classes of work to
29 avoid the restriction on work that may be performed by public
30 employees on a single project.

31 The cost of a separate public works project shall be the costs of
32 materials, supplies, equipment, and labor on the construction of that
33 project. The value of the public works budget shall be the value of
34 all the separate public works projects within the budget.

35 (12) In addition to the accounting and recordkeeping requirements
36 contained in chapter 39.04 RCW, any county which uses public
37 employees to perform public works projects under RCW 36.32.240(1)
38 shall prepare a year-end report to be submitted to the state auditor
39 indicating the total dollar amount of the county's public works

1 construction budget and the total dollar amount for public works
2 projects performed by public employees for that year.

3 The year-end report submitted pursuant to this subsection to the
4 state auditor shall be in accordance with the standard form required
5 by RCW 43.09.205.

6 (13) Notwithstanding any other provision in this section,
7 counties may use public employees without any limitation for
8 emergency work performed under an emergency declared pursuant to RCW
9 36.32.270, and any such emergency work shall not be subject to the
10 limitations of this section. Publication of the description and
11 estimate of costs relating to correcting the emergency may be made
12 within seven days after the commencement of the work. Within two
13 weeks of the finding that such an emergency existed, the county
14 legislative authority shall adopt a resolution certifying the damage
15 to public facilities and costs incurred or anticipated relating to
16 correcting the emergency. Additionally this section shall not apply
17 to architectural and engineering or other technical or professional
18 services performed by public employees in connection with a public
19 works project.

20 (14) In lieu of the procedures of subsections (3) through (12) of
21 this section, a county may let contracts using the small works roster
22 process provided in RCW 39.04.151 through 39.04.154.

23 Whenever possible, the county shall invite at least one proposal
24 from a certified minority or woman contractor who shall otherwise
25 qualify under this section.

26 (15) The allocation of public works projects to be performed by
27 county employees shall not be subject to a collective bargaining
28 agreement.

29 (16) This section does not apply to performance-based contracts,
30 as defined in RCW 39.35A.020(6), that are negotiated under chapter
31 39.35A RCW.

32 (17) Nothing in this section prohibits any county from allowing
33 for preferential purchase of products made from recycled materials or
34 products that may be recycled or reused.

35 (18) This section does not apply to contracts between the public
36 stadium authority and a team affiliate under RCW 36.102.060(4), or
37 development agreements between the public stadium authority and a
38 team affiliate under RCW 36.102.060(7) or leases entered into under
39 RCW 36.102.060(8).

1 **Sec. 2.** RCW 36.32.245 and 2016 c 95 s 9 are each amended to read
2 as follows:

3 (1) No contract for the purchase of materials, equipment, or
4 supplies may be entered into by the county legislative authority or
5 by any elected or appointed officer of the county until after bids
6 have been submitted to the county. Bid specifications shall be in
7 writing and shall be filed with the clerk of the county legislative
8 authority for public inspection. An advertisement shall be published
9 in the official newspaper of the county stating the time and place
10 where bids will be opened, the time after which bids will not be
11 received, the materials, equipment, supplies, or services to be
12 purchased, and that the specifications may be seen at the office of
13 the clerk of the county legislative authority. The advertisement
14 shall be published at least once at least thirteen days prior to the
15 last date upon which bids will be received.

16 (2) (a) The bids shall be in writing, may be in either hard copy
17 or electronic form as specified by the county, and shall be filed
18 with the clerk. The bids shall be opened and read in public at the
19 time and place named in the advertisement. Contracts requiring
20 competitive bidding under this section may be awarded only to the
21 lowest responsible bidder. Immediately after the award is made, the
22 bid quotations shall be recorded and open to public inspection and
23 shall be available by telephone inquiry. Any or all bids may be
24 rejected for good cause.

25 (b) If no bid is received on the first call for bids, the county
26 legislative authority may:

27 (i) Readvertise and make a second call for bids;

28 (ii) Enter into a contract without any further call for bids; or

29 (iii) Purchase the supplies, materials, or equipment.

30 (3) For advertisement and formal sealed bidding to be dispensed
31 with as to purchases between (~~ten thousand~~) \$20,000 and (~~fifty~~
32 ~~thousand dollars~~) \$100,000, the county legislative authority must
33 use the uniform process to award contracts as provided in RCW
34 39.04.190. Advertisement and formal sealed bidding may be dispensed
35 with as to purchases of less than (~~ten thousand dollars~~) \$20,000
36 upon the order of the county legislative authority.

37 (4) This section does not apply to performance-based contracts,
38 as defined in RCW 39.35A.020(~~(+4)~~), that are negotiated under
39 chapter 39.35A RCW; or contracts and purchases for the printing of

1 election ballots, voting machine labels, and all other election
2 material containing the names of candidates and ballot titles.

3 (5) Nothing in this section shall prohibit the legislative
4 authority of any county from allowing for preferential purchase of
5 products made from recycled materials or products that may be
6 recycled or reused.

7 (6) This section does not apply to contracting for public
8 defender services by a county.

9 NEW SECTION. **Sec. 3.** RCW 36.32.240 (Competitive bids—Purchasing
10 department—Counties with a population of less than four hundred
11 thousand) and 2009 c 229 s 7, 1996 c 219 s 1, 1993 c 198 s 5, 1991 c
12 363 s 57, 1985 c 169 s 8, 1983 c 3 s 77, 1974 ex.s. c 52 s 1, 1967
13 ex.s. c 144 s 15, & 1963 c 4 s 36.32.240 are each repealed.

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