

RCW 52.14.110 Purchases and public works—Competitive bids required—Exceptions. (Effective until June 30, 2024.) Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of forty thousand dollars. However, whenever the estimated cost does not exceed seventy-five thousand dollars, the commissioners may by resolution use the process provided in RCW 39.04.190 to award contracts;

(2) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of thirty thousand dollars, which includes the costs of labor, material, and equipment;

(3) Contracts using the small works roster process under RCW 39.04.155; and

(4) Any contract for purchases or public work pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work. [2019 c 434 § 12; 2009 c 229 § 9; 2001 c 79 § 1; 2000 c 138 § 209; 1998 c 278 § 5; 1993 c 198 § 11; 1984 c 238 § 3.]

Finding—Intent—2019 c 434: See note following RCW 35.23.352.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

RCW 52.14.110 Purchases and public works—Competitive bids required—Exceptions. (Effective June 30, 2024, until July 1, 2024.)

(1) Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(a) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of \$75,500. However, whenever the estimated cost does not exceed \$150,000, the commissioners may by resolution use the process provided in RCW 39.04.190 to award contracts;

(b) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of \$150,000 if more than a single craft or trade is involved with the public works project, or a public works project in excess of \$75,500 if only a single craft or trade is involved with the public works project;

(c) Contracts using the small works roster process under *RCW 39.04.155; and

(d) Any contract for purchases or public work pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(2) A fire protection district may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of

this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding \$300,000 in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment. For the purposes of this section, the term "equipment" includes but is not limited to conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

(3) For the purposes of this section, "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the district issues a written finding that the lowest bidder has delivered a project to the district within the last three years which was late, over budget, or did not meet specifications, and the district does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the district may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder. [2023 c 255 § 5; 2019 c 434 § 12; 2009 c 229 § 9; 2001 c 79 § 1; 2000 c 138 § 209; 1998 c 278 § 5; 1993 c 198 § 11; 1984 c 238 § 3.]

***Reviser's note:** RCW 39.04.155 was repealed by 2023 c 395 § 37, effective July 1, 2024.

Effective date—2023 c 255 §§ 1-5: See note following RCW 54.04.070.

Finding—Intent—2019 c 434: See note following RCW 35.23.352.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.

RCW 52.14.110 Purchases and public works—Competitive bids required—Exceptions. (Effective July 1, 2024.) (1) Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(a) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of \$75,500. However, whenever the estimated cost does not exceed \$150,000, the commissioners may by resolution use the process provided in RCW 39.04.190 to award contracts;

(b) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of \$150,000 if more than a single craft or trade is involved with the public works project, or a public works project in excess of \$75,500 if only a single craft or trade is involved with the public works project;

(c) Contracts using the small works roster process under RCW 39.04.151 through 39.04.154; and

(d) Any contract for purchases or public work pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(2) A fire protection district may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding \$300,000 in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment. For the purposes of this section, the term "equipment" includes but is not limited to conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

(3) For the purposes of this section, "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the district issues a written finding that the lowest bidder has delivered a project to the district within the last three years which was late, over budget, or did not meet specifications, and the district does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the district may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder. [2023 c 395 § 30; 2023 c 255 § 5; 2019 c 434 § 12; 2009 c 229 § 9; 2001 c 79 § 1; 2000 c 138 § 209; 1998 c 278 § 5; 1993 c 198 § 11; 1984 c 238 § 3.]

Reviser's note: This section was amended by 2023 c 255 § 5 and by 2023 c 395 § 30, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2023 c 395 §§ 1-30, 32-34, 36, and 37: See note following RCW 39.04.010.

Findings—Intent—2023 c 395: See note following RCW 39.04.010.

Effective date—2023 c 255 §§ 1-5: See note following RCW 54.04.070.

Finding—Intent—2019 c 434: See note following RCW 35.23.352.

Purpose—Part headings not law—2000 c 138: See notes following RCW 39.04.155.