
HOUSE BILL 2682

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Green, Muri, Scott, Kirby, Warnick, Wilcox, Haler, Zeiger, and Hayes

1 AN ACT Relating to modifying provisions governing the competitive
2 bidding process of water-sewer districts; and amending RCW 57.08.050.

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

4 **Sec. 1.** RCW 57.08.050 and 2009 c 229 s 11 are each amended to read
5 as follows:

6 (1) All work ordered, the estimated cost of which is in excess of
7 (~~twenty~~) ninety thousand dollars, shall be let by contract and
8 competitive bidding. Before awarding any such contract the board of
9 commissioners shall publish a notice in a newspaper of general
10 circulation where the district is located at least once thirteen days
11 before the last date upon which bids will be received, inviting sealed
12 proposals for such work, plans and specifications which must at the
13 time of publication of such notice be on file in the office of the
14 board of commissioners subject to the public inspection. The notice
15 shall state generally the work to be done and shall call for proposals
16 for doing the same to be sealed and filed with the board of
17 commissioners on or before the day and hour named therein.

18 Each bid shall be accompanied by a certified or cashier's check or
19 postal money order payable to the order of the county treasurer for a

1 sum not less than five percent of the amount of the bid, or accompanied
2 by a bid bond in an amount not less than five percent of the bid with
3 a corporate surety licensed to do business in the state, conditioned
4 that the bidder will pay the district as liquidated damages the amount
5 specified in the bond, unless the bidder enters into a contract in
6 accordance with the bidder's bid, and no bid shall be considered unless
7 accompanied by such check, cash or bid bond. At the time and place
8 named such bids shall be publicly opened and read and the board of
9 commissioners shall proceed to canvass the bids and may let such
10 contract to the lowest responsible bidder upon plans and specifications
11 on file or to the best bidder submitting the bidder's own plans and
12 specifications. The board of commissioners may reject all bids for
13 good cause and readvertise and in such case all checks, cash or bid
14 bonds shall be returned to the bidders. If the contract is let, then
15 all checks, cash, or bid bonds shall be returned to the bidders, except
16 that of the successful bidder, which shall be retained until a contract
17 shall be entered into for doing the work, and a bond to perform such
18 work furnished with sureties satisfactory to the board of commissioners
19 in the full amount of the contract price between the bidder and the
20 commission in accordance with the bid. If the bidder fails to enter
21 into the contract in accordance with the bid and furnish the bond
22 within ten days from the date at which the bidder is notified that the
23 bidder is the successful bidder, the check, cash, or bid bonds and the
24 amount thereof shall be forfeited to the district. If the bidder fails
25 to enter into a contract in accordance with the bidder's bid, and the
26 board of commissioners deems it necessary to take legal action to
27 collect on any bid bond required by this section, then the district
28 shall be entitled to collect from the bidder any legal expenses,
29 including reasonable attorneys' fees occasioned thereby. A low bidder
30 who claims error and fails to enter into a contract is prohibited from
31 bidding on the same project if a second or subsequent call for bids is
32 made for the project.

33 (2) As an alternative to requirements under subsection (1) of this
34 section, a water-sewer district may let contracts using the small works
35 roster process under RCW 39.04.155.

36 (3) Any purchase of materials, supplies, or equipment, with an
37 estimated cost in excess of forty thousand dollars, shall be by
38 contract. Any purchase of materials, supplies, or equipment, with an

1 estimated cost of less than fifty thousand dollars shall be made using
2 the process provided in RCW 39.04.190. Any purchase of materials,
3 supplies, or equipment with an estimated cost of fifty thousand dollars
4 or more shall be made by competitive bidding following the procedure
5 for letting contracts for projects under subsection (1) of this
6 section.

7 (4) As an alternative to requirements under subsection (3) of this
8 section, a water-sewer district may let contracts for purchase of
9 materials, supplies, or equipment with the suppliers designated on
10 current state agency, county, city, or town purchasing rosters for the
11 materials, supplies, or equipment, when the roster has been established
12 in accordance with the competitive bidding law for purchases applicable
13 to the state agency, county, city, or town. The price and terms for
14 purchases shall be as described on the applicable roster.

15 (5) The board may waive the competitive bidding requirements of
16 this section pursuant to RCW 39.04.280 if an exemption contained within
17 that section applies to the purchase or public work.

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