

by chapter 46.44 RCW, but only while operating within the boundaries of project limits as defined in the public works contract or plans.

Passed the House March 26, 1975.

Passed the Senate May 14, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 64

[Substitute House Bill No. 183]

SEWER DISTRICTS, WATER DISTRICTS—CONTRACTS FOR LABOR AND MATERIALS—SMALL WORKS ROSTER

AN ACT Relating to public contracts; amending section 44, chapter 210, Laws of 1941 as last amended by section 3, chapter 272, Laws of 1971 ex. sess. and RCW 56.08.070; and amending section 21, chapter 114, Laws of 1929 as last amended by section 1, chapter 72, Laws of 1965 and RCW 57.08.050.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 44, chapter 210, Laws of 1941 as last amended by section 3, chapter 272, Laws of 1971 ex. sess. and RCW 56.08.070 are each amended to read as follows:

All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract. All contract projects, the estimated cost of which is less than five thousand dollars, may be awarded without bid to a contractor on the small works roster. The small works roster shall be comprised of at least five responsible contractors who have requested to be on the list. The board of sewer commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. The board of sewer commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster. The small works roster shall be revised every six months. All contract projects in excess of five thousand dollars shall be let by competitive bidding. Before awarding any ((such)) competitive contract the board of sewer commissioners shall cause to be published in ((some)) the newspapers in general circulation where the district is located at least once, ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein. Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or

work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the sewer district. In the event of an emergency when the public interest or property of the sewer district would suffer material injury or damage by delay, upon resolution of the board of sewer commissioners declaring the existence of such emergency and reciting the facts constituting the same, the board may waive the requirements of this chapter with reference to any purchase or contract.

Sec. 2. Section 21, chapter 114, Laws of 1929 as last amended by section 1, chapter 72, Laws of 1965 and RCW 57.08.050 are each amended to read as follows:

The board of water commissioners shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract(~~(; but)~~). All contract projects, the estimated cost of which is less than five thousand dollars, may be awarded without bid to a contractor on the small works roster. The small works roster shall be comprised of at least five responsible contractors who have requested to be on the list. The board of water commissioners may set up uniform procedures to prequalify contractors for inclusion on the small works roster. The board of water commissioners shall distribute the number of project offers as equally as possible among the contractors on the small works roster. The small works roster shall be revised every six months. All contract projects in excess of five thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of water commissioners shall cause to be published in ((some)) the newspapers in general circulation throughout the county where the district is located at least once ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of water commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of water commissioners on or before the day and hour named therein. Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated

damages the amount specified in the bond, unless he enters into a contract in accordance with his bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of water commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting his own plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of water commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders; but if such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of water commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the water district: PROVIDED, That if the bidder fails to enter into a contract in accordance with his bid, and the board of water commissioners deems it necessary to take legal action to collect on any bid bond required herein, then, in such event, the water district shall be entitled to collect from said bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. In the event of an emergency when the public interest or property of the water district would suffer material injury or damage by delay, upon resolution of the board of water commissioners declaring the existence of such emergency and reciting the facts constituting the same, the board may waive the requirements of this chapter with reference to any purchase or contract.

Passed the House March 27, 1975.

Passed the Senate May 14, 1975.

Approved by the Governor May 22, 1975.

Filed in Office of Secretary of State May 22, 1975.

CHAPTER 65

[Substitute House Bill No. 219]

COMMUNITY COLLEGE CAPITAL PROJECTS— GENERAL OBLIGATION BOND FINANCING

AN ACT Relating to community colleges; authorizing the issuance and sale of certain state general obligation bonds, including bond anticipation notes, to fund certain community college capital projects previously approved by the legislature; providing ways and means for the payment of such bonds; creating new sections; adding new sections to Title 28B RCW as a new chapter thereof; making an appropriation and authorizing expenditures for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. The legislature has previously approved by its appropriation of funds from time to time, certain capital projects for the state