

Compiled Statutes; section 6261 of Pierce's Code) be amended to read as follows :

Service upon Attorney General.

Section 2. Service of summons and complaint in such actions shall be served in the manner prescribed by law upon the attorney general, or by leaving the same in his office with an assistant attorney general.

Passed the Senate March 7, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 217.

[S. B. 174.]

PERMANENT HIGHWAY IMPROVEMENT—ENGINEER—BIDS.

AN ACT relating to public highways and amending Sections 6777 and 6781 of Remington's Compiled Statutes, as amended by Chapter 23 of the Laws of 1925 and declaring an emergency.

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

§ 6161, Pierce's Code.

SECTION 1. That section 6777 of Remington's Compiled Statutes be amended to read as follows :

County Engineer may be required to supervise work.

Section 6777. The board of county commissioners may, if there be a county engineer in the county in which the work is contemplated, require the county engineer to perform all engineering in connection with and to supervise any improvement work contemplated or prosecuted under the provisions of this act, or may in its discretion employ a construction engineer for that purpose and fix his compensation, such compensation to be paid by the county; but shall provide for all engineering work in connection with the contemplated improvement to be done by the county engineer or shall employ a construction engineer for that purpose.

May appoint construction engineer.

Compensation.

SEC. 2. That section 6781 of Remington's Com-
piled Statutes as amended by section 2, chapter 23,
Laws of 1925, be amended to read as follows:

§ 6165,
Pierce's
Code.

Section 6781. When the board of county com-
missioners shall have finally adopted the profiles,
maps, plans and specifications for the improvement
of any permanent highway under the provisions of
this act, said board shall advertise for bids for three
successive weeks in a newspaper published at the
county seat of such county, and if it deem advisable,
in such other newspaper as it shall determine, for
the construction and improvement of such permanent
highway, or section thereof, according to such pro-
files, maps, plans and specifications, and shall award
the contract to the lowest responsible bidder, save
that the board shall have the right to reject any and
all bids. All contracts shall be on a form to be
approved by the state highway engineer and shall
be let on the lump sum, or unit price basis. Before
entering into any contract for such construction or
improvement, it shall require a corporate surety bond
in the full amount of the contracts, or, if the contract
is to be awarded upon a unit price basis, in the full
amount of the total cost of said work, as determined
by unit prices bid and the estimated quantities, con-
ditioned that the party thereto will perform the work
upon the terms, within the time, and in accordance
with the contract, profiles, maps, plans and speci-
fications, and that such party will indemnify the county
against any direct or indirect damages that shall
be suffered or claimed for injuries to persons or
property during the construction and improvement
of such highway and until the same is accepted. Each
bid shall be accompanied by a certified check
in a sum equal to five per cent of the amount of such
bid if upon a lump sum basis, and if upon the unit
price basis, five per cent of the total cost as deter-

Call for
bids.

Lump sum
or unit
price basis.

Bond of
contractor.

Certified
check to
accompany
bid.

Payments :
 portion
 reserved.
 Ch. 166, L.
 1921.
 Final
 payment.
 Certificate
 work
 completed.
 Payments
 from
 permanent
 highway
 fund.
 Approval of
 vouchers.

mined by the unit prices and the estimated quantities, payable to the county, which shall be forfeited to the county upon the failure of the party, for a period of twenty days after any contract is awarded to any such party, to enter into a proper contract and furnish satisfactory bonds as required by this act. The contract shall provide for payment and reserve from moneys earned in accordance with the provisions of chapter 166, Laws of 1921. No final payment shall be made until the state highway engineer shall have examined the work or caused the same to be examined and certify to the state auditor that such work has been fully completed in accordance with the contract and the profiles, maps, plans and specifications governing such work. All payments to be made by the state upon contracts, entered into in accordance with the provisions of this act shall be made by the state treasurer from the permanent highway fund hereinafter created, upon the warrant of the state auditor issued upon the presentation of proper vouchers by the person entitled thereto, said vouchers to be approved by the board of county commissioners, and the state highway engineer, and, in case of final payment, to be accompanied by the certificate of the state highway engineer as aforesaid.

County road
 and bridge
 funds may
 be used.

Payments on such contracts may be made from the permanent highway fund in conjunction with money from the county road and bridge fund, or from the road district fund of any road district in which the improvement or any part thereof is located, or any fund created by donation and placed in possession of the county treasurer as a trust fund, for the expenditure in connection with such improvement. Whenever any such funds are to be used in conjunction with the permanent highway fund in paying for such improvement, the county commis-

sioners shall adopt a resolution to that effect, and shall set aside in such funds the amount to be expended from said funds on such contract, and such funds so set aside shall be held and expended for that purpose and shall not be otherwise expended or used until the completion of the work and final payment on such contract. All payments from county funds, or from funds donated and placed in the possession of the county treasurer shall be by the county treasurer upon warrants drawn by the county auditor, upon presentation of proper vouchers, approved by the board of county commissioners, and the state highway engineer.

Payments from county and donated funds.

The state auditor shall issue no warrant for any purpose against the permanent highway fund hereinafter provided for unless there be sufficient money to pay such warrant in such fund to the credit of the county affected. No changes or additions, or payments therefor, shall be made during the progress of the work, unless the same shall have been approved by the board of county commissioners by resolution, and a copy of said resolution shall have been transmitted to and approved by the state highway engineer. The board of county commissioners shall let no contract for the improvement of any permanent highway or section thereof less than one mile in length; *Provided*, That any highway, or any portion thereof, of less than one mile in length may be constructed under the provisions of this act whenever said highway, or portion thereof, will connect two highways, or portions thereof, previously constructed under the provisions of this act, or highways, or portions thereof, of the same type and standard of construction as highways constructed under this act. Whenever any permanent highway shall be improved or constructed pursuant to a petition as provided for in section 6774, the proportion

State warrants not issued without funds.

Changes during progress of work.

Limit to county contracting for permanent highway.

Portion payable by abutting property.

Assessments paid into general road and bridge fund.

Payments from fund.

Approval of vouchers.

Contract upon unit price basis.

Additional amount set aside for extras.

Approval before performance of excess work.

Excess payable from county funds; when.

Emergency.

of the cost of such improvement chargeable to the property within the improvement district shall be paid out of the general road and bridge fund of the county, and all taxes assessed against abutting property under the provisions of the following section, and all moneys payable by any township, shall, when collected, be paid into said general road and bridge fund. All payments made from the general road and bridge fund upon contracts entered into in accordance with the provisions of this act, shall be made by the county treasurer upon warrants of the county auditor, issued upon the presentation of proper vouchers, approved by the board of county commissioners and the state highway engineer. Whenever any contract is awarded upon the unit price basis, an additional sum equal to ten per cent of the amount of the contract as determined by the unit prices bid and estimated quantities shall be set aside in the permanent highway fund to the credit of the county, and shall not be available for use of such county except for the payment of extras and overruns on such contract, until after the completion of the work and final payment on such contract. All extras and overruns in excess of such percentage shall be approved by the board of county commissioners before the performance of such excess work. If the amount of such excess exceeds the moneys available in the Permanent Highway Fund to the credit of the county, such excess shall be paid from county funds as herein provided.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 7, 1927.

Passed the House March 7, 1927.

Approved by the Governor March 19, 1927.