

29.36.075 and 29.36.077, counted separately. The remainder of the absentee ballot shall be grouped and counted without regard as to precinct by legislative districts if the election is a state primary or state election, special or general.

These ballots shall be made a part of the returns and handled accordingly.

Sec. 3. Section 29.36.095, chapter 9, Laws of 1965 as amended by section 39, chapter 202, Laws of 1971 ex. sess. and RCW 29.36.095 are each amended to read as follows:

After the completion of the canvass of the election returns of any primary or election, the canvassing authority shall cause the names of the persons casting absentee ballots to be listed alphabetically and by precincts. Such lists of absentee voters shall be used to enter on the respective voters registration record in the space provided for that purpose, the month, day and year of the primary or election (for example 11/2/54) or otherwise credit the voter with having participated in that election(~~PROVIDED, that no precinct office shall appear upon the absentee ballot~~)).

Passed the Senate January 24, 1974.  
Passed the House February 7, 1974.  
Approved by the Governor February 15, 1974.  
Filed in Office of Secretary of State February 15, 1974.

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CHAPTER 74  
[Reengrossed Senate Bill No. 2408]  
MUNICIPAL COMPETITIVE BIDDING REQUIREMENTS—  
REMEDIES—PENALTIES—  
PROFESSIONAL SERVICES EXCLUSION

AN ACT Relating to municipal competitive bidding requirements; providing remedies; amending section 35.23.352, chapter 7, Laws of 1965 as amended by section 1, chapter 114, Laws of 1965 and RCW 35.23.352; adding a new section to chapter 39.30 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 39.30 RCW a new section to read as follows:

In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in wilfull and intentional violation of any law, municipal charter, ordinance, resolution or other enactment requiring competitive bidding upon such contract shall be held liable to a civil penalty of not less than three

hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his office. For purposes of this section, "municipal officer" shall mean an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2).

Sec. 2. Section 35.23.352, chapter 7, Laws of 1965 as amended by section 1, chapter 114, Laws of 1965 and RCW 35.23.352 are each amended to read as follows:

Any city or town of the second, third or fourth class may construct any public work or improvement by contract or day labor without calling for bids therefor whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment will not exceed the sum of five thousand dollars. Whenever the cost of such public work or improvement, including materials, supplies and equipment, will exceed five thousand dollars, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. Such notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. If there is no official newspaper the notice shall be published in a newspaper published or of general circulation in the city or town. The city council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call, or if in its judgment the improvement or work, including the purchase of supplies, material and equipment, can be done by the city at less cost than the lowest bid submitted it may do so without making a further call for bids or awarding any contract therefor and in such case all such bid proposal deposits shall be returned to the bidder; but if the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered

into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. If no bid is received on the first call the city council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

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CHAPTER 75  
[House Bill No. 437]  
INTERMEDIATE SCHOOL DISTRICTS

AN ACT Relating to intermediate school districts; amending section 3, chapter 176, Laws of 1969 ex. sess. as amended by section 3, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.030; adding new sections to chapter 28A.21 RCW to be codified as RCW 28A.21.0301 through 28A.21.0306; amending section 4, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.035; amending section 15, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.095; amending section 10, chapter 176, Laws of 1969 ex. sess. as amended by section 16, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.100; amending section 19, chapter 34, Laws of 1969 ex. sess. as amended by section 6, chapter 48, Laws of 1971 and RCW 28A.21.105; amending section 20, chapter