

CHAPTER 97

[Senate Bill No. 4619]

**VETERANS—AGENT ORANGE, DELAYED STRESS SYNDROME—SYMPTOM,
TREATMENT INFORMATION DISTRIBUTION**

AN ACT Relating to veterans; creating a new section; and providing an expiration date.

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

NEW SECTION. Section 1. The department of veterans affairs shall prepare and distribute, to all licensed physicians and mental health centers in this state, information on the symptoms and treatment of problems stemming from exposure to "Agent ORANGE" and the condition known as "delayed stress syndrome."

This section shall expire after the action has been completed and for record purposes on December 31, 1982.

Passed the Senate March 10, 1982.

Passed the House March 9, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 98

[Engrossed Substitute Senate Bill No. 4200]

**PUBLIC WORKS—STATE AGENCY SMALL WORKS ROSTERS—
CONSTRUCTION, REPAIR OF STATE FACILITIES—CONTRACT AMOUNT
RETENTION IN LIEU OF BOND**

AN ACT Relating to public works; amending section 1, chapter 183, Laws of 1923 as amended by section 1, chapter 177, Laws of 1977 ex. sess. and RCW 39.04.010; amending section 43.19.450, chapter 8, Laws of 1965 as amended by section 63, chapter 136, Laws of 1981 and RCW 43.19.450; amending section 2, chapter 183, Laws of 1923 as last amended by section 2, chapter 230, Laws of 1975 1st ex. sess. and RCW 39.04.020; amending section 1, chapter 207, Laws of 1909 as last amended by section 23, chapter 278, Laws of 1975 1st ex. sess. and RCW 39.08.010; and adding a new section to chapter 39.04 RCW.

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

Section 1. Section 1, chapter 183, Laws of 1923 as amended by section 1, chapter 177, Laws of 1977 ex. sess. and RCW 39.04.010 are each amended to read as follows:

The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts,

consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster under the authority of section 2 of this 1982 act need not be advertised.

Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof.

NEW SECTION. Sec. 2. There is added to chapter 39.04 RCW a new section to read as follows:

(1) As used in this section, "agency" means the department of general administration, the department of fisheries, the department of game, and the state parks and recreation commission.

(2) In addition to any other power or authority that an agency may have, each agency, alone or in concert, may establish a small works roster consisting of all qualified contractors who have requested to be included on the roster.

(3) The small works roster may make distinctions between contractors based on the geographic areas served and the nature of the work the contractor is qualified to perform. At least once every year, the agency shall advertise in a newspaper of general circulation the existence of the small works roster and shall add to the roster those contractors who request to be included on the roster.

(4) Construction, repair, or alteration projects estimated to cost less than twenty-five thousand dollars are exempt from the requirement that the contracts be awarded after advertisement and competitive bid as defined by RCW 39.04.010. In lieu of advertisement and competitive bid, the agency shall solicit at least five quotations, confirmed in writing, from contractors chosen by random number generated by computer from the contractors on the small works roster for the category of job type involved and shall award

the work to the party with the lowest quotation or reject all quotations. If the agency is unable to solicit quotations from five qualified contractors on the small works roster for a particular project, then the project shall be advertised and competitively bid. The agency shall solicit quotations randomly from contractors on the small works roster in a manner which will equitably distribute the opportunity for these contracts among contractors on the roster: PROVIDED, That whenever possible, the agency shall invite at least one proposal from a minority contractor who shall otherwise qualify to perform such work. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone request.

(5) The breaking down of any public work or improvement into units or accomplishing any public work or improvement by phases for the purpose of avoiding the minimum dollar amount for bidding is contrary to public policy and is prohibited.

(6) The director of general administration shall adopt by rule a procedure to prequalify contractors for inclusion on the small works roster. Each agency shall follow the procedure adopted by the director of general administration. No agency shall be required to make available for public inspection or copying under chapter 42.17 RCW financial information required to be provided by the prequalification procedure.

(7) An agency may adopt by rule procedures to implement this section which shall not be inconsistent with the procedures adopted by the director of the department of general administration pursuant to subsection (6) of this section.

Sec. 3. Section 43.19.450, chapter 8, Laws of 1965 as amended by section 63, chapter 136, Laws of 1981 and RCW 43.19.450 are each amended to read as follows:

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director (~~he~~), the supervisor may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is ~~is~~ licensed to practice the profession of engineering or the profession of architecture in the state of Washington and for the last five years prior to his appointment has been ~~been~~ licensed to practice the profession of engineering or the profession of architecture (~~in the state of Washington~~).

As used in this section, "state facilities" includes all state buildings, related structures, and appurtenances constructed for any elected state officials, institutions, departments, boards, commissions, colleges, community

colleges, except the state universities, The Evergreen State College and regional universities. "State facilities" does not include facilities owned by or used for operational purposes and constructed for the department of transportation, department of fisheries, department of game, department of natural resources, or state parks and recreation commission.

The director of general administration, through the division of engineering and architecture shall:

(1) ~~((Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of social and health services and the department of corrections, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets))~~ Prepare cost estimates and technical information to accompany the capital budget and prepare or contract for plans and specifications for new construction and major repairs and alterations to state facilities.

(2) ~~Contract for professional architectural, engineering, and related services for the design of ((buildings)) new state facilities and major repair or alterations to existing ((building at the state capital, at institutions under the control of the department of social and health services and the department of corrections, and for all state-owned buildings for agencies which have no architectural staff))~~ state facilities.

(3) ~~((Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of social and health services and the department of corrections, and for all other state-owned buildings for agencies which have no architectural staff.~~

(4) ~~Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of social and health services and the department of corrections, and all other state-owned buildings for agencies which have no architectural staff))~~ Provide contract administration for new construction and the repair and alteration of existing state facilities.

~~((5) Negotiate and/or call for bids and execute all contracts))~~ (4) In accordance with the public works laws, contract on behalf of the state for the ((preceding)) new construction and major repair or alteration of state facilities.

The director may delegate any and all of the functions under subsections (1) through (4) of this section to any agency upon such terms and conditions as considered advisable.

The director may delegate the authority granted to the department under section 2 of this 1982 act to any agency upon such terms as considered advisable.

Sec. 4. Section 2, chapter 183, Laws of 1923 as last amended by section 2, chapter 230, Laws of 1975 1st ex. sess. and RCW 39.04.020 are each amended to read as follows:

Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and/or specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, or twenty-five thousand dollars if such work is let from a small works roster created pursuant to section 2 of this 1982 act, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Sec. 5. Section 1, chapter 207, Laws of 1909 as last amended by section 23, chapter 278, Laws of 1975 1st ex. sess. and RCW 39.08.010 are each amended to read as follows:

Whenever any board, council, commission, trustees, or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county, or municipality, or other public body, city, town, or district, such board, council, commission, trustees, or body shall require the person or persons with whom such contract is made to make, execute, and deliver to such board, council, commission, trustees, or body a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and materialmen, and all persons who ~~((shall))~~ supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond ~~((shall be filed with the county auditor of the county where such work is performed or improvement made, except))~~ in cases of cities and towns ~~((in which cases such bond))~~ shall be filed with the clerk or comptroller thereof, and

any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08-.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of ~~((two))~~ twenty-five thousand dollars or less, at the option of the contractor the respective public entity may, in lieu of the bond, retain ~~((one hundred))~~ fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later.

Passed the Senate March 11, 1982.

Passed the House March 11, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 99

[Senate Bill No. 4749]

ELIGIBILITY TO VOTE AND HOLD OFFICE—UNCONSTITUTIONAL PROVISION REPEALED

AN ACT Relating to eligibility to vote and hold office; and repealing section 1, page 64, Laws of 1854, section 3050, Code of 1881 and RCW 42.04.021.

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

NEW SECTION. Section 1. Section 1, page 64, Laws of 1854, section 3050, Code of 1881 and RCW 42.04.021 are each repealed.

Passed the Senate February 18, 1982.

Passed the House March 9, 1982.

Approved by the Governor March 31, 1982.

Filed in Office of Secretary of State March 31, 1982.

CHAPTER 100

[Senate Bill No. 4691]

TORT FEASORS—COMPARATIVE FAULT AND CONTRIBUTION— TECHNICAL CORRECTIONS

AN ACT Relating to technical corrections in the law of comparative fault and contribution among tort feasers; amending section 12, chapter 27, Laws of 1981 and RCW 4.22.040; amending section 15, chapter 27, Laws of 1981 and RCW 4.22.920; creating a new section; and declaring an emergency.

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