

## CHAPTER 38

[House Bill No. 78]

## WATER AND SEWER DISTRICTS—SMALL WORKS ROSTER

AN ACT Relating to water and sewer districts; amending section 44, chapter 210, Laws of 1941 as last amended by section 1, chapter 137, Laws of 1979 ex. sess. and RCW 56.08.070; and amending section 21, chapter 114, Laws of 1929 as last amended by section 2, chapter 137, Laws of 1979 ex. sess. and RCW 57.08.050.

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

Sec. 1. Section 44, chapter 210, Laws of 1941 as last amended by section 1, chapter 137, Laws of 1979 ex. sess. and RCW 56.08.070 are each amended to read as follows:

(1) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than (~~twelve thousand five hundred~~) twenty-five thousand dollars, may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all 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 authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised every six months. All contract projects equal to or in excess of (~~twelve thousand five hundred~~) twenty-five thousand dollars shall be let by competitive bidding. Before awarding any competitive contract the board of sewer commissioners shall cause a notice to be published in a newspaper 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.

(2) 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 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.

(3) 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, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or the official acting for 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 2, chapter 137, Laws of 1979 ex. sess. and RCW 57.08.050 are each amended to read as follows:

(1) 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.

(2) All materials purchased and work ordered, the estimated cost of which is in excess of five thousand dollars shall be let by contract. All contract projects, the estimated cost of which is less than (~~twelve thousand five hundred~~) twenty-five thousand dollars, may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all 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 authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith

effort be made to request quotations from all contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised every six months. All contract projects equal to or in excess of (~~twelve thousand five hundred~~) twenty-five thousand dollars shall be let by competitive bidding. Before awarding any such contract the board of water commissioners shall cause a notice to be published in a newspaper 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 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.

(3) 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. If such contract be let, then 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 the water district shall

be entitled to collect from said bidder any legal expenses, including reasonable attorneys' fees occasioned thereby.

(4) 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, or proclamation of an official designated by the board to act for the board during such emergencies, declaring the existence of such emergency and reciting the facts constituting the same, the board, or official acting for the board, may waive the requirements of this chapter with reference to any purchase or contract.

Passed the House February 4, 1983.

Passed the Senate April 11, 1983.

Approved by the Governor April 19, 1983.

Filed in Office of Secretary of State April 19, 1983.

## CHAPTER 39

[Engrossed House Bill No. 198]

### HEARING AIDS—DISPENSERS—LICENSING—CONSUMER REMEDIES

AN ACT Relating to hearing aids; amending section 1, chapter 106, Laws of 1973 1st ex. sess. as amended by section 38, chapter 158, Laws of 1979 and RCW 18.35.010; amending section 2, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.020; amending section 3, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.030; amending section 4, chapter 106, Laws of 1973 1st ex. sess. as amended by section 36, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.35.040; amending section 5, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.050; amending section 6, chapter 106, Laws of 1973 1st ex. sess. as amended by section 37, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.35.060; amending section 9, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.090; amending section 10, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.100; amending section 11, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.110; amending section 12, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.120; amending section 14, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.140; amending section 15, chapter 106, Laws of 1973 1st ex. sess. as amended by section 35, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.35.150; amending section 19, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.190; adding new sections to chapter 18.35 RCW; repealing section 13, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.130; repealing section 16, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.160; and prescribing penalties.

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

Sec. 1. Section 1, chapter 106, Laws of 1973 1st ex. sess. as amended by section 38, chapter 158, Laws of 1979 and RCW 18.35.010 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Department" means the department of licensing.
- (2) "Council" means the council on hearing aids.

(3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories