

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 70.

[Reengrossed House Bill No. 55.]

PUBLIC WORKS CONTRACTS.

AN ACT relating to public works contracts; amending section 2, chapter 183, Laws of 1923 and RCW 39.04.020; and amending section 1, chapter 207, Laws of 1909 as amended by section 1, chapter 28, Laws of 1915 and RCW 39.08.010; and adding a new section.

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

Section 1. Section 2, chapter 183, Laws of 1923 and RCW 39.04.020 are each amended to read as follows:

RCW 39.04.020 amended.

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.

Public works. Plans and specifications —Estimates— Publication— Emergencies.

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, then the state or such municipality shall at least fifteen days before beginning work cause such estimate.

Public works.  
Plans and  
specifications  
—Estimates—  
Publication—  
Emergencies.

together with a description of the work, to be published at least once in a newspaper of general circulation in the county in which such work is to be done.

*Provided*, That when such work is to be done by the state, publication in a newspaper of general circulation throughout the state shall be equivalent to publication in the county where the work is to be done.

*And provided further*, 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.

RCW 39.08.010  
amended.

Sec. 2. Section 1, chapter 207, Laws of 1909, as amended by section 1, chapter 28, Laws of 1915 and RCW 39.08.010 are each amended to read as follows:

Contractor's  
bond—Re-  
quired—Con-  
ditions.

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 thousand dollars or less, the respective public entity may, in lieu of the bond, retain one hundred 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 tax commission and the department of labor and industries.

Sec. 3. No agency of the state or any of its political subdivisions shall execute a contract with any contractor who is not registered or licensed as may be required by the laws of this state: *Provided,* That this requirement shall not apply to contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the highway department to perform highway construction, reconstruction or maintenance.

Contractors  
must be li-  
censed con-  
tractor—  
Exemptions.

Passed the House February 1, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.