

ANNOTATED SESSION LAW

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 3274

Chapter 130, Laws of 2008

60th Legislature
2008 Regular Session

PORT DISTRICTS--PUBLIC CONTRACTING

EFFECTIVE DATE: 06/12/08

Passed by the House March 8, 2008
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 6, 2008
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 25, 2008, 11:20 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 3274** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 25, 2008

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 3274

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Simpson, Hudgins, Upthegrove, Hunter, Santos, and Kenney)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to improving public contracting for public port
2 districts; amending RCW 53.08.120, 39.30.020, 39.04.010, and 53.12.270;
3 reenacting and amending RCW 39.04.155; adding new sections to chapter
4 53.08 RCW; adding a new chapter to Title 53 RCW; creating a new
5 section; prescribing penalties; and providing an expiration date.

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

53.08.120 **Sec. 1.** RCW 53.08.120 and 2000 c 138 s 210 are each amended to
8 read as follows:

9 (1) All material and work required by a port district not meeting
10 the definition of public work in RCW 39.04.010(4) may be procured in
11 the open market or by contract and all work ordered may be done by
12 contract or day labor.

13 (2)(a) All such contracts for work meeting the definition of
14 "public work" in RCW 39.04.010(4), the estimated cost of which exceeds
15 two hundred thousand dollars, shall be awarded using a competitive bid
16 process. The contract must be ((let)) awarded at public bidding upon
17 notice published in a newspaper of general circulation in the district
18 at least thirteen days before the last date upon which bids will be
19 received, calling for ((sealed)) bids upon the work, plans and

1 specifications for which shall then be on file in the office of the
2 commission for public inspection. The same notice may call for bids on
3 such work or material based upon plans and specifications submitted by
4 the bidder. The competitive bidding requirements for purchases or
5 public works may be waived pursuant to RCW 39.04.280 if an exemption
6 contained within that section applies to the purchase or public work.

7 ~~((However))~~ (b) For all contracts related to work meeting the
8 definition of "public work" in RCW 39.04.010(4) that are estimated at
9 two hundred thousand dollars or less, a port district may let contracts
10 using the small works roster process under RCW 39.04.155 in lieu of
11 ~~((calling))~~ advertising for ~~((sealed))~~ bids. Whenever possible, the
12 managing official shall invite at least one proposal from a minority
13 contractor who shall otherwise qualify under this section.

14 When awarding such a contract for work, when utilizing proposals
15 from the small works roster, the managing official shall give weight to
16 the contractor submitting the lowest and best proposal, and whenever it
17 would not violate the public interest, such contracts shall be
18 distributed equally among contractors, including minority contractors,
19 on the small works roster.

39.30.020 **Sec. 2.** RCW 39.30.020 and 1974 ex.s. c 74 s 1 are each amended to
21 read as follows:

22 In addition to any other remedies or penalties contained in any
23 law, municipal charter, ordinance, resolution or other enactment, any
24 municipal officer by or through whom or under whose supervision, in
25 whole or in part, any contract is made in ~~((wilful))~~ willful and
26 intentional violation of any law, municipal charter, ordinance,
27 resolution or other enactment requiring competitive bidding or
28 procurement procedures for consulting, architectural, engineering, or
29 other services, upon such contract shall be held liable to a civil
30 penalty of not less than three hundred dollars and may be held liable,
31 jointly and severally with any other such municipal officer, for all
32 consequential damages to the municipal corporation. If, as a result of
33 a criminal action, the violation is found to have been intentional, the
34 municipal officer shall immediately forfeit his or her office. For
35 purposes of this section, "municipal officer" ~~((shall))~~ means an
36 "officer" or "municipal officer" as those terms are defined in RCW
37 42.23.020(2).

53.08.440 NEW SECTION. **Sec. 3.** A new section is added to chapter 53.08 RCW

2 to read as follows:

3 By January 1, 2010, each port with more than ten million dollars in
4 annual gross revenues, excluding grant and loan funds, shall maintain
5 a database on a public web site of all contracts, including public
6 works and personal services. At a minimum, the database shall identify
7 the contractor, the purpose of the contract, effective dates and
8 periods of performance, the cost of the contract and funding source,
9 any modifications to the contract, and whether the contract was
10 competitively procured or awarded on a sole source basis.

53.08.450 NEW SECTION. **Sec. 4.** A new section is added to chapter 53.08 RCW

12 to read as follows:

13 (1) If a port district purchases property for a facility outside
14 the port's jurisdiction, the port district or districts with
15 responsibility for the future property development and use must prepare
16 and implement a communication plan within sixty days after contracting
17 with a site planning consultant. The communication plan must be
18 reasonably calculated to provide property owners and other affected and
19 interested individuals information for review and comment. The plan
20 shall be made available through the planning and predesign phase. The
21 communication plan shall include information about:

22 (a) The type and scale of proposed uses on the site;

23 (b) The type and scale of business and industrial activities that
24 the development is likely to later attract to the site and to the
25 nearby area;

26 (c) The general character and scope of potential impacts on air
27 and water quality, noise, and local and state transportation
28 infrastructure, including state highways, local roads, rail, and
29 shipping.

30 (2) Information included in the communication plan under subsection
31 (1) of this section may be made available by means of web pages, office
32 inspection and copying of materials, one or more property tours, and
33 public meetings that allow interested citizens to comment to port
34 officials on several occasions over time as the development plans
35 evolve.

36 (3) Environmental mitigation, habitat restoration, and dredged

1 material disposal projects are exempt from the requirements of this
2 section.

53.19.005 NEW SECTION. **Sec. 5.** The legislature hereby establishes a policy
4 of open competition for all personal service contracts entered into by
5 port districts unless specifically exempted under this chapter. It is
6 further the intent to provide differentiation between the competitive
7 procurement procedures for personal and professional services
8 contracts.

53.19.010 NEW SECTION. **Sec. 6.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.
11 (1) "Commission" means the elected oversight body of an individual
12 port.

13 (2) "Competitive solicitation" means a documented formal process
14 providing an equal and open opportunity to qualified parties and
15 culminating in a selection based on criteria, in which criteria other
16 than price may be the primary basis for consideration. The criteria
17 may include such factors as the consultant's fees or costs, ability,
18 capacity, experience, reputation, responsiveness to time limitations,
19 responsiveness to solicitation requirements, quality of previous
20 performance, and compliance with statutes and rules relating to
21 contracts or services.

22 (3) "Consultant" means an independent individual or firm
23 contracting with a port to perform a service or render an opinion or
24 recommendation according to the consultant's methods and without being
25 subject to the control of the port except as to the result of the work.
26 The port monitors progress under the contract and authorizes payment.

27 (4) "Emergency" means a set of unforeseen circumstances beyond the
28 control of the port that either:

29 (a) Present a real, immediate threat to the proper performance of
30 essential functions; or

31 (b) May result in material loss or damage to property, bodily
32 injury, or loss of life if immediate action is not taken.

33 (5) "Evidence of competition" means documentation demonstrating
34 that the port has solicited responses from multiple firms in selecting
35 a consultant.

1 (6) "Personal service" means professional or technical expertise
2 provided by a consultant to accomplish a specific study, project, task,
3 or other work statement which may not reasonably be required in
4 connection with a public works project meeting the definition in RCW
5 39.04.010(4). "Personal service" does not include purchased services
6 as defined under subsection (8) of this section or professional
7 services procured using the competitive selection requirements in
8 chapter 39.80 RCW.

9 (7) "Personal service contract" means an agreement, or any
10 amendment thereto, with a consultant for the rendering of personal
11 services to the port.

12 (8) "Purchased services" means services provided by a vendor to
13 accomplish routine, continuing, and necessary functions. "Purchased
14 services" includes, but is not limited to, services for equipment
15 maintenance and repair; operation of a physical plant; security;
16 computer hardware and software maintenance; data entry; key punch
17 services; and computer time-sharing, contract programming, and
18 analysis.

19 (9) "Sole source" means a consultant providing professional or
20 technical expertise of such a unique nature that the consultant is
21 clearly and justifiably the only practicable source to provide the
22 service. The justification shall be based on the uniqueness of the
23 service, sole availability at the location required, or warranty or
24 defect correction service obligations of the consultant.

53.19.020 NEW SECTION. **Sec. 7.** All personal service contracts shall be
26 entered into pursuant to competitive solicitation, except for:

27 (1) Emergency contracts;

28 (2) Sole source contracts;

29 (3) Contract amendments;

30 (4) Contracts between a consultant and a port of less than fifty
31 thousand dollars. However, contracts of fifty thousand dollars or
32 greater but less than two hundred thousand dollars shall have
33 documented evidence of competition. Ports shall not structure
34 contracts to evade these requirements; and

35 (5) Other specific contracts or classes or groups of contracts
36 exempted from the competitive solicitation process by the commission

1 when it has been determined that a competitive solicitation process is
2 not appropriate or cost-effective.

53.19.030 NEW SECTION. **Sec. 8.** Emergency contracts shall be filed with the
4 commission and made available for public inspection within seven
5 working days following the commencement of work or execution of the
6 contract, whichever occurs first. Documented justification for
7 emergency contracts shall be provided to the commission when the
8 contract is filed.

53.19.040 NEW SECTION. **Sec. 9.** (1) Sole source contracts shall be filed
10 with the commission and made available for public inspection prior to
11 the proposed starting date of the contract. Documented justification
12 for sole source contracts shall be provided to the commission when the
13 contract is filed. For sole source contracts of fifty thousand dollars
14 or more, documented justification shall include evidence that the port
15 attempted to identify potential consultants.

16 (2) The commission shall ensure that the costs, fees, or rates
17 negotiated in filed sole source contracts of fifty thousand dollars or
18 more are reasonable.

53.19.050 NEW SECTION. **Sec. 10.** A port commissioner or employee shall not
20 expend any funds for personal service contracts subject to this chapter
21 unless the port has complied with the competitive procurement and other
22 requirements of this chapter. The port commissioner or employee
23 executing the personal service contracts is responsible for compliance
24 with the requirements of this chapter. Willful and intentional failure
25 to comply with the requirements of this chapter subjects the port
26 commissioner or employee to a civil penalty in the amount of three
27 hundred dollars. A consultant who knowingly violates this chapter in
28 seeking or performing work under a personal services contract is
29 subject to a civil penalty of three hundred dollars or twenty-five
30 percent of the amount of the contract, whichever is greater. The state
31 auditor is responsible for auditing violations of this chapter through
32 its regular financial and accountability audits. The attorney general
33 is responsible for prosecuting violations of this chapter.

53.19.060 NEW SECTION. **Sec. 11.** (1) Substantial changes in the scope of
2 work specified in the contract or which are substantial additions to
3 the scope of work specified in the formal solicitation document shall
4 be submitted to the commission for a determination as to whether the
5 change warrants the work to be awarded as a new contract.

6 (2) An amendment or amendments to personal service contracts, if
7 the value of the amendment or amendments, whether singly or
8 cumulatively, exceeds fifty percent of the value of the original
9 contract must be filed with the commission and made available for
10 public inspection prior to the proposed starting date of services under
11 the amendments.

53.19.070 NEW SECTION. **Sec. 12.** This chapter does not apply to:

13 (1) Contracts specifying a fee of less than fifty thousand dollars;

14 (2) Contracts awarded to companies that furnish a service where the
15 tariff is established by the utilities and transportation commission or
16 other public entity;

17 (3) Intergovernmental agreements awarded to any governmental
18 entity, whether federal, state, or local and any department, division,
19 or subdivision thereof;

20 (4) Contracts awarded for services to be performed for a standard
21 fee, when the standard fee is established by the contracting agency or
22 any other governmental entity and a like contract is available to all
23 qualified applicants;

24 (5) Contracts for services that are necessary to the conduct of
25 collaborative research if prior approval is granted by the funding
26 source;

27 (6) Contracts for professional services which are entered into
28 under chapter 39.80 RCW; and

29 (7) Contracts for the employment of expert witnesses for the
30 purposes of litigation or legal services to supplement the expertise of
31 port staff.

53.19.080 NEW SECTION. **Sec. 13.** (1) The municipal research services center,
33 in cooperation with the Washington public ports association, shall
34 develop guidelines for the effective and efficient management of
35 personal service contracts by all ports. The guidelines must, at a
36 minimum, include:

- 1 (a) Accounting methods, systems, measures, and principles to be
2 used by ports and consultants;
- 3 (b) Precontract procedures for selecting potential consultants
4 based on their qualifications and ability to perform;
- 5 (c) Incorporation of performance measures and measurable benchmarks
6 in contracts, and the use of performance audits;
- 7 (d) Uniform contract terms to ensure contract performance and
8 compliance with port, state, and federal standards;
- 9 (e) Proper payment and reimbursement methods to ensure that the
10 port receives full value for taxpayer moneys, including cost
11 settlements and cost allowance;
- 12 (f) Postcontract procedures, including methods for recovering
13 improperly spent or overspent moneys for disallowance and adjustment;
- 14 (g) Adequate contract remedies and sanctions to ensure compliance;
- 15 (h) Monitoring, fund tracking, risk assessment, and auditing
16 procedures and requirements;
- 17 (i) Financial reporting, record retention, and record access
18 procedures and requirements;
- 19 (j) Procedures and criteria for terminating contracts for cause or
20 otherwise; and
- 21 (k) Any other subject related to effective and efficient contract
22 management.
- 23 (2) The municipal research services center shall submit a status
24 report on the guidelines required by subsection (1) of this section to
25 the governor and the appropriate standing committees of the legislature
26 no later than December 1, 2008.
- 27 (3) The Washington public ports association shall publish a
28 guidebook for use by ports containing the guidelines developed under
29 subsection (1) of this section.
- 30 (4) The municipal research services center and the Washington
31 public ports association shall each make the guidelines available on
32 their web sites.

53.19.090 NEW SECTION. **Sec. 14.** (1) A port entering into or amending
34 personal service contracts shall follow the policies adopted by the
35 commission, which shall be based on guidelines developed pursuant to
36 section 13 of this act.

1 (2) This section applies to ports entering into or renewing
2 contracts after January 1, 2010.

53.19.100 NEW SECTION. **Sec. 15.** The Washington public ports association
4 shall provide a training course for port personnel responsible for
5 executing and managing personal service contracts. The course must
6 contain training on effective and efficient contract management under
7 the guidelines established under section 13 of this act. Port
8 districts shall require port employees responsible for executing or
9 managing personal service contracts to complete the training course to
10 the satisfaction of the commission.

39.04.010 **Sec. 16.** RCW 39.04.010 and 2007 c 133 s 1 are each amended to read
12 as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Award" means the formal decision by the state or municipality
16 notifying a responsible bidder with the lowest responsive bid of the
17 (~~state~~) state's or municipality's acceptance of the bid and intent to
18 enter into a contract with the bidder.

19 (2) "Contract" means a contract in writing for the execution of
20 public work for a fixed or determinable amount duly awarded after
21 advertisement and competitive bid, or a contract awarded under the
22 small works roster process in RCW 39.04.155.

23 (3) "Municipality" means every city, county, town, port district,
24 district, or other public agency authorized by law to require the
25 execution of public work, except drainage districts, diking districts,
26 diking and drainage improvement districts, drainage improvement
27 districts, diking improvement districts, consolidated diking and
28 drainage improvement districts, consolidated drainage improvement
29 districts, consolidated diking improvement districts, irrigation
30 districts, or other districts authorized by law for the reclamation or
31 development of waste or undeveloped lands.

32 (4) "Public work" means all work, construction, alteration, repair,
33 or improvement other than ordinary maintenance, executed at the cost of
34 the state or of any municipality, or which is by law a lien or charge
35 on any property therein. All public works, including maintenance when
36 performed by contract shall comply with chapter 39.12 RCW. "Public

1 work" does not include work, construction, alteration, repair, or
2 improvement performed under contracts entered into under RCW
3 36.102.060(4) or under development agreements entered into under RCW
4 36.102.060(7) or leases entered into under RCW 36.102.060(8).

5 (5) "Responsible bidder" means a contractor who meets the criteria
6 in RCW 39.04.350.

7 (6) "State" means the state of Washington and all departments,
8 supervisors, commissioners, and agencies of the state.

39.04.155 **Sec. 17.** RCW 39.04.155 and 2007 c 218 s 87, 2007 c 210 s 1, and
10 2007 c 133 s 4 are each reenacted and amended to read as follows:

11 (1) This section provides uniform small works roster provisions to
12 award contracts for construction, building, renovation, remodeling,
13 alteration, repair, or improvement of real property that may be used by
14 state agencies and by any local government that is expressly authorized
15 to use these provisions. These provisions may be used in lieu of other
16 procedures to award contracts for such work with an estimated cost of
17 two hundred thousand dollars or less. The small works roster process
18 includes the limited public works process authorized under subsection
19 (3) of this section and any local government authorized to award
20 contracts using the small works roster process under this section may
21 award contracts using the limited public works process under subsection
22 (3) of this section.

23 (2)(a) A state agency or authorized local government may create a
24 single general small works roster, or may create a small works roster
25 for different specialties or categories of anticipated work. Where
26 applicable, small works rosters may make distinctions between
27 contractors based upon different geographic areas served by the
28 contractor. The small works roster or rosters shall consist of all
29 responsible contractors who have requested to be on the list, and where
30 required by law are properly licensed or registered to perform such
31 work in this state. A state agency or local government establishing a
32 small works roster or rosters may require eligible contractors desiring
33 to be placed on a roster or rosters to keep current records of any
34 applicable licenses, certifications, registrations, bonding, insurance,
35 or other appropriate matters on file with the state agency or local
36 government as a condition of being placed on a roster or rosters. At
37 least once a year, the state agency or local government shall publish

1 in a newspaper of general circulation within the jurisdiction a notice
2 of the existence of the roster or rosters and solicit the names of
3 contractors for such roster or rosters. In addition, responsible
4 contractors shall be added to an appropriate roster or rosters at any
5 time they submit a written request and necessary records. Master
6 contracts may be required to be signed that become effective when a
7 specific award is made using a small works roster.

8 (b) A state agency establishing a small works roster or rosters
9 shall adopt rules implementing this subsection. A local government
10 establishing a small works roster or rosters shall adopt an ordinance
11 or resolution implementing this subsection. Procedures included in
12 rules adopted by the department of general administration in
13 implementing this subsection must be included in any rules providing
14 for a small works roster or rosters that is adopted by another state
15 agency, if the authority for that state agency to engage in these
16 activities has been delegated to it by the department of general
17 administration under chapter 43.19 RCW. An interlocal contract or
18 agreement between two or more state agencies or local governments
19 establishing a small works roster or rosters to be used by the parties
20 to the agreement or contract must clearly identify the lead entity that
21 is responsible for implementing the provisions of this subsection.

22 (c) Procedures shall be established for securing telephone,
23 written, or electronic quotations from contractors on the appropriate
24 small works roster to assure that a competitive price is established
25 and to award contracts to the lowest responsible bidder, as defined in
26 RCW 39.04.010. Invitations for quotations shall include an estimate of
27 the scope and nature of the work to be performed as well as materials
28 and equipment to be furnished. However, detailed plans and
29 specifications need not be included in the invitation. This subsection
30 does not eliminate other requirements for architectural or engineering
31 approvals as to quality and compliance with building codes. Quotations
32 may be invited from all appropriate contractors on the appropriate
33 small works roster. As an alternative, quotations may be invited from
34 at least five contractors on the appropriate small works roster who
35 have indicated the capability of performing the kind of work being
36 contracted, in a manner that will equitably distribute the opportunity
37 among the contractors on the appropriate roster. However, if the
38 estimated cost of the work is from one hundred thousand dollars to two

1 hundred thousand dollars, a state agency or local government (~~(, other~~
2 ~~than a port district,)~~) that chooses to solicit bids from less than all
3 the appropriate contractors on the appropriate small works roster must
4 also notify the remaining contractors on the appropriate small works
5 roster that quotations on the work are being sought. The government
6 has the sole option of determining whether this notice to the remaining
7 contractors is made by: (i) Publishing notice in a legal newspaper in
8 general circulation in the area where the work is to be done; (ii)
9 mailing a notice to these contractors; or (iii) sending a notice to
10 these contractors by facsimile or other electronic means. For purposes
11 of this subsection (2)(c), "equitably distribute" means that a state
12 agency or local government soliciting bids may not favor certain
13 contractors on the appropriate small works roster over other
14 contractors on the appropriate small works roster who perform similar
15 services.

16 (d) A contract awarded from a small works roster under this section
17 need not be advertised.

18 (e) Immediately after an award is made, the bid quotations obtained
19 shall be recorded, open to public inspection, and available by
20 telephone inquiry.

21 (3) In lieu of awarding contracts under subsection (2) of this
22 section, a state agency or authorized local government may award a
23 contract for work, construction, alteration, repair, or improvement
24 projects estimated to cost less than thirty-five thousand dollars using
25 the limited public works process provided under this subsection.
26 Public works projects awarded under this subsection are exempt from the
27 other requirements of the small works roster process provided under
28 subsection (2) of this section and are exempt from the requirement that
29 contracts be awarded after advertisement as provided under RCW
30 39.04.010.

31 For limited public works projects, a state agency or authorized
32 local government shall solicit electronic or written quotations from a
33 minimum of three contractors from the appropriate small works roster
34 and shall award the contract to the lowest responsible bidder as
35 defined under RCW 39.04.010. After an award is made, the quotations
36 shall be open to public inspection and available by electronic request.
37 A state agency or authorized local government shall attempt to
38 distribute opportunities for limited public works projects equitably

1 among contractors willing to perform in the geographic area of the
2 work. A state agency or authorized local government shall maintain a
3 list of the contractors contacted and the contracts awarded during the
4 previous twenty-four months under the limited public works process,
5 including the name of the contractor, the contractor's registration
6 number, the amount of the contract, a brief description of the type of
7 work performed, and the date the contract was awarded. For limited
8 public works projects, a state agency or authorized local government
9 may waive the payment and performance bond requirements of chapter
10 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby
11 assuming the liability for the contractor's nonpayment of laborers,
12 mechanics, subcontractors, materialpersons, suppliers, and taxes
13 imposed under Title 82 RCW that may be due from the contractor for the
14 limited public works project, however the state agency or authorized
15 local government shall have the right of recovery against the
16 contractor for any payments made on the contractor's behalf.

17 (4) The breaking of any project into units or accomplishing any
18 projects by phases is prohibited if it is done for the purpose of
19 avoiding the maximum dollar amount of a contract that may be let using
20 the small works roster process or limited public works process.

21 (5)(a) A state agency or authorized local government may use the
22 limited public works process of subsection (3) of this section to
23 solicit and award small works roster contracts to small businesses that
24 are registered contractors with gross revenues under one million
25 dollars annually as reported on their federal tax return.

26 (b) A state agency or authorized local government may adopt
27 additional procedures to encourage small businesses that are registered
28 contractors with gross revenues under two hundred fifty thousand
29 dollars annually as reported on their federal tax returns to submit
30 quotations or bids on small works roster contracts.

31 (6) As used in this section, "state agency" means the department of
32 general administration, the state parks and recreation commission, the
33 department of natural resources, the department of fish and wildlife,
34 the department of transportation, any institution of higher education
35 as defined under RCW 28B.10.016, and any other state agency delegated
36 authority by the department of general administration to engage in
37 construction, building, renovation, remodeling, alteration,
38 improvement, or repair activities.

53.12.270 **Sec. 18.** RCW 53.12.270 and 1975 1st ex.s. c 12 s 1 are each
2 amended to read as follows:

3 (1) The commission may delegate to the managing official of a port
4 district such administrative powers and duties of the commission as it
5 may deem proper for the efficient and proper management of port
6 district operations. Any such delegation shall be authorized by
7 appropriate resolution of the commission, which resolution must also
8 establish guidelines and procedures for the managing official to
9 follow.

10 (2) The commission shall establish, by resolution, policies to
11 comply with RCW 39.04.280 that set forth the conditions by which
12 competitive bidding requirements for public works contracts may be
13 waived.

14 NEW SECTION. **Sec. 19.** Sections 5 through 15 of this act
15 constitute a new chapter in Title 53 RCW.

16 NEW SECTION. **Sec. 20.** If specific funding for the purposes of
17 this act, referencing this act by bill or chapter number, is not
18 provided by June 30, 2008, in the omnibus appropriations act, this act
19 is null and void.

Passed by the House March 8, 2008.

Passed by the Senate March 6, 2008.

Approved by the Governor March 25, 2008.

Filed in Office of Secretary of State March 25, 2008.