

AN ACT Relating to the fairness of public works bidding; amending and adding a new section to RCW 39.04.105.

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

NEW SUBSECTION. **Sec. 1.** A new subsection is added to RCW 39.04.105 to read as follows:

When a municipality receives from a bidder for a public works project that is the subject of competitive bids a written request for the bids the municipality received for the project, the municipality shall respond by providing all bidders with copies of the bids the municipality received for the project and shall allow at least two full business days after providing bidders with copies of all bids before the municipality executes a contract for the project; provided that the municipality receives a bidder's written request for the bids no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

Sec. 2. RCW 39.04.105 and 2003 c 300 s 1 are each amended to read as follows:

When a municipality receives a written protest from a bidder for a public works project ~~which-that~~ is the subject of competitive bids, the municipality shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than (a) two full business days following bid opening if no bidder requested the bids the municipality received for the project under subsection one, or (b) two full business days following the municipality providing bidders with copies of the bids the municipality received for the project if requested by a bidder under subsection one. Intermediate Saturdays, Sundays, and legal holidays are not counted.

NEW SUBSECTION. Sec. 3. A new subsection is added to RCW 39.04.105 to read as follows:

Notwithstanding any other provisions in this section, a municipality shall allow at least two full business days after bid opening before executing a contract for a public works project that is the subject of competitive bids. Intermediate Saturdays, Sundays, and legal holidays are not counted.

NEW SUBSECTION. Sec. 4. A new subsection is added to RCW 39.04.105 to read as follows:

Except as provided in this section, a bidder's written request under subsection one for the bids the municipality received for the project, and the municipality's response, shall be governed by chapter 42.56 RCW.