

**RCW 47.28.170 Emergency protection and restoration of highways and repair or replacement of structurally deficient state bridges.**

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, or when the department is preparing to conduct the repair or replacement of a state bridge deemed structurally deficient, as defined in RCW 47.04.010, by the department, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding seven hundred thousand dollars awarded under subsection (1) or (2) of this section with the office of financial management within thirty days of the contract award.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

(5) A city, town, or county may use the contracting process available to the department under subsection (1) of this section for the repair or replacement of a bridge deemed structurally deficient, as defined in RCW 43.21C.470.

(6) This section does not prevent the department from notifying contractors, that are not otherwise notified pursuant to subsection (1) of this section, of the availability of work that the department intends to contract for under this section. [2015 3rd sp.s. c 10 s 4; 2015 c 144 s 2; 2006 c 334 s 23; 1990 c 265 s 1; 1984 c 7 s 175; 1971 ex.s. c 89 s 1.]

**Reviser's note:** This section was amended by 2015 c 144 s 2 and by 2015 3rd sp.s. c 10 s 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—Findings—Intent—2015 3rd sp.s. c 10:** See notes following RCW 43.21C.480.

**Effective date—2006 c 334:** See note following RCW 47.01.051.