

Bond Case Briefs

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CONTRACTS - WASHINGTON

Specialty Asphalt & Construction, LLC v. Lincoln County

Supreme Court of Washington - July 26, 2018 - 421 P.3d 925

Licensed contractor that performed paving and maintenance work and its female owner brought action against county, asserting claims for gender discrimination, negligent misrepresentation, and breach of contract arising out of county's bidding and contracting process for paving project that was awarded to contractor.

The Superior Court granted partial summary judgment in favor of county on discrimination and negligent misrepresentation claims and dismissed breach of contract claim as moot. Contractor and owner appealed. The Court of Appeals affirmed. Contractor and owner petitioned for review, which the Supreme Court granted.

The Supreme Court of Washington held that:

- Reasonable but competing inferences of both discrimination and nondiscrimination supported gender discrimination claim, as required to defeat summary judgment motion;
- Contractor showed that it suffered reliance damages as result of county's purported clerical error in project's bid proposal that stated no bond was required, as required for contractor to prevail on negligent misrepresentation claim;
- County and contractor formed special relationship, and thus, public duty doctrine did not bar contractor's negligent misrepresentation claim; and
- Injunctive relief was contractor's exclusive remedy for its breach of contract claim.