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Alexandria Real Estate Equities, Inc. v. University of Washington

Court of Appeals of Washington, Division 2 - December 5, 2023 - P.3d - 2023 WL 8401868

Developer, as taxpayer and disappointed bidder on real estate development contract with public university, brought action against university, contending university lacked statutory authority to enter into transaction with successful bidder and that university failed to use competitive bidding procedures required under public works law.

University moved for summary judgment, and during pendency of motion, developer filed amended complaint adding claim that university's developer selection process was arbitrary and capricious.

The Superior Court granted summary judgment on first two claims, and following bench trial on third claim, entered judgment in favor of university, finding developer lacked standing and university did not act arbitrarily and capriciously. Developer appealed.

The Court of Appeals held that:

- University had statutory authority to enter into ground lease transactions for non-enumerated type of campus building;
- University was not required to competitively bid project under statute that would apply if it incurred at least \$90,000 in costs;
- Developer failed to establish contracts at issue were never executed, for purposes of disappointed-bidder standing; and
- Damages developer allegedly incurred solely as disappointed bidder did not constitute special injury supporting taxpayer standing.