
SUBSTITUTE SENATE BILL 5592

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senators McDonald, Owen, Sellar and Roach).

Read first time March 5, 1991.

1 AN ACT Relating to purchasing services by contract; amending RCW
2 28B.16.040; adding a new section to chapter 43.19 RCW; adding a new
3 section to chapter 28B.16 RCW; and creating new sections.

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

5 **Sec. 1.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
6 read as follows:

7 (1) The following classifications, positions, and employees of
8 institutions of higher education and related boards are hereby exempted
9 from coverage of this chapter:

10 (~~(1)~~) (a) Members of the governing board of each institution and
11 related boards, all presidents, vice presidents and their confidential
12 secretaries, administrative and personal assistants; deans, directors,
13 and chairmen; academic personnel; and executive heads of major
14 administrative or academic divisions employed by institutions of higher
15 education; and any employee of a community college district whose place

1 of work is one which is physically located outside the state of
2 Washington and who is employed pursuant to RCW 28B.50.092 and assigned
3 to an educational program operating outside of the state of Washington.

4 ~~((2))~~ (b) Student, part time, or temporary employees, and part
5 time professional consultants, as defined by the higher education
6 personnel board, employed by institutions of higher education and
7 related boards.

8 ~~((3))~~ (c) The director, his or her confidential secretary,
9 assistant directors, and professional education employees of the state
10 board for community college education.

11 ~~((4))~~ (d) The personnel director of the higher education
12 personnel board and his or her confidential secretary.

13 ~~((5))~~ (e) The governing board of each institution, and related
14 boards, may also exempt from this chapter, subject to the employees
15 right of appeal to the higher education personnel board,
16 classifications involving research activities, counseling of students,
17 extension or continuing education activities, graphic arts or
18 publications activities requiring prescribed academic preparation or
19 special training, and principal assistants to executive heads of major
20 administrative or academic divisions, as determined by the higher
21 education personnel board: PROVIDED, That no nonacademic employee
22 employed directly by the institution of higher education or related
23 boards engaged in office, clerical, maintenance, or food and trade
24 services may be exempted by the higher education personnel board under
25 this provision.

26 (f) Persons employed by an individual or business entity, or any
27 individual that has contracted with an institution for higher education
28 or related board for delivery of services.

29 (2) Any classified employee having civil service status in a
30 classified position who accepts an appointment in an exempt position

1 shall have the right of reversion to the highest class of position
2 previously held, or to a position of similar nature and salary.

3 A person occupying an exempt position who is terminated from the
4 position for gross misconduct or malfeasance does not have the right of
5 reversion to a classified position as provided for in this section.

6 NEW SECTION. **Sec. 2.** In addition to the purchasing authorized
7 under RCW 28B.16.240, an institution of higher education, as defined
8 under RCW 28B.10.016, or related board, may purchase the following
9 services by contract with individuals or business entities: Printing
10 janitorial, including window washing, laundry, building and
11 maintenance, telecommunications, security, groundskeeping,
12 microfilming, computing, and food service.

13 NEW SECTION. **Sec. 3.** In addition to the purchasing authorized
14 under RCW 41.06.380, a department, as defined under RCW 41.06.020, may
15 purchase the following services by contract with individuals or
16 business entities: Printing, janitorial, including window washing,
17 laundry, building and maintenance, telecommunications, security,
18 groundskeeping, microfilming, computing, and food service.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.19 RCW
20 to read as follows:

21 The department of general administration shall adopt rules
22 regulating the purchase of services by state departments under section
23 3 of this act. The rules may include provisions to:

24 (1) Establish contracts for a length of time long enough to attract
25 prospective contractors, but short enough to maintain a competitive
26 environment;

1 (2) Require sufficient specificity in the contract to ensure
2 quality service delivery;

3 (3) Require a performance bond or some other demonstration of
4 financial security from the contractor and include penalty provisions
5 for not meeting contract specifications;

6 (4) Monitor contracts to ensure service quality and build
7 monitoring costs into the evaluation of the cost-effectiveness of
8 contracting; and

9 (5) Bid contracts far enough in advance to allow for a smooth
10 transition between the state and private contractors and to avoid
11 unreasonable dislocation of classified employees.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.16 RCW
13 to read as follows:

14 An institution of higher education, in preparing bid specifications
15 to contract for services under section 2 of this act, shall consider:

16 (1) Establishing contracts for a length of time long enough to
17 attract prospective contractors, but short enough to maintain a
18 competitive environment;

19 (2) Requiring sufficient specificity in the contract to ensure
20 quality service delivery;

21 (3) Requiring a performance bond or some other demonstration of
22 financial security from the contractor and include penalty provisions
23 for not meeting contract specifications;

24 (4) Monitoring contracts to ensure service quality and build
25 monitoring costs into the evaluation of the cost-effectiveness of
26 contracting; and

27 (5) Bidding contracts far enough in advance to allow for a smooth
28 transition between the state and private contractors and to avoid
29 unreasonable dislocation of classified employees.

1 NEW SECTION. **Sec. 6.** The department of general administration
2 is directed to study the impact of this act, and submit a report to the
3 Washington state senate and house of representatives by January 1994.
4 The report shall include a comparison of the use of contracting with
5 private entities to provide public services versus the traditional
6 practice of public employees providing public services. The report
7 shall also analyze the potential for expanding the practice of
8 contracting with private entities to provide public services.