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HOUSE BILL 2750

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Long, Bray, Kessler, Johanson, Chandler, Finkbeiner, Kremen and Caver

Read first time 01/21/94. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to joint operating agencies; and amending RCW  
2 43.52.565.

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

4 **Sec. 1.** RCW 43.52.565 and 1987 c 376 s 2 are each amended to read  
5 as follows:

6 (1) An operating agency may enter into contracts through  
7 competitive negotiation under subsection (2) of this section for  
8 materials, equipment, supplies, or work to be performed during  
9 commercial operation of a nuclear generating project and associated  
10 facilities (a) to replace a defaulted contract or a contract terminated  
11 in whole or in part, or (b) where consideration of factors in addition  
12 to price, such as technical knowledge, experience, management, staff,  
13 or schedule, is necessary to achieve economical operation of the  
14 project, provided that the managing director or a designee determines  
15 in writing and the executive board finds that execution of a contract  
16 under this section will accomplish project completion or operation more  
17 economically than sealed bids.

18 (2) The selection of a contractor shall be made in accordance with  
19 the following procedures:

1 (a) Proposals shall be solicited through a request for proposals,  
2 which shall state the requirements to be met. Responses shall describe  
3 the professional competence of the offeror, the technical merits of the  
4 offer, and the price.

5 (b) The request for proposals shall be given adequate public notice  
6 in the same manner as for sealed bids.

7 (c) As provided in the request for proposals, the operating agency  
8 shall specify at a preproposal conference the contract requirements in  
9 the request for proposal, which may include but are not limited to:  
10 Schedule, managerial, and staffing requirements, productivity and  
11 production levels, technical expertise, approved project quality  
12 assurance procedures, and time and place for submission of proposals.  
13 Any inquiries and responses thereto shall be confirmed in writing and  
14 shall be sent to all potential offerors.

15 (d) Proposals shall be opened so as to avoid disclosure of contents  
16 to competing offerors during the process of negotiation. A register of  
17 proposals shall be open for public inspection after contract award.

18 (e) As provided in the request for proposals, invitations shall be  
19 sent to all responsible offerors who submit proposals to attend  
20 discussions for the purpose of clarification to assure full  
21 understanding of, and responsiveness to, the solicitation requirements.  
22 Any inquiries and responses thereto shall be confirmed in writing and  
23 shall be sent to all offerors. Offerors shall be accorded fair and  
24 equal treatment with respect to any opportunity for discussion and  
25 revision of proposals, and such revisions may be permitted after  
26 submissions and prior to award for the purpose of obtaining best and  
27 final offers. In conducting discussions, there shall be no disclosure  
28 of any information derived from proposals submitted by competing  
29 offerors.

30 (f) The operating agency shall execute a contract with the  
31 responsible offeror whose proposal is determined in writing to be the  
32 most advantageous to the operating agency and the state taking into  
33 consideration the requirements set forth in the request for  
34 proposals(~~(:—PROVIDED, That for any)~~). If a proposed contract  
35 (~~which~~) exceeds ten million dollars, the operating agency shall  
36 notify the committees on energy and utilities of the senate and house  
37 of representatives at least thirty days prior to the date of contract  
38 execution and shall provide a copy of the contract with the  
39 notification. The contract file shall contain the basis on which the

1 successful offeror is selected. The operating agency shall conduct a  
2 briefing conference on the selection if requested by an offeror.

3 (g) The contract may be fixed price or cost-reimbursable, in whole  
4 or in part, but not cost-plus-percentage-of-cost.

5 (h) The operating agency shall retain authority and responsibility  
6 for inspection, testing, and compliance with applicable regulations or  
7 standards of any state or federal governmental agency.

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