

SENATE BILL REPORT

SHB 2399

As Reported By Senate Committee On:
Government Operations, February 26, 1998

Title: An act relating to small public works rosters.

Brief Description: Revising provisions relating to use of small works rosters by state agencies.

Sponsors: House Committee on Government Administration (originally sponsored by Representatives Romero, D. Schmidt and Thompson).

Brief History:

Committee Activity: Government Operations: 2/24/98, 2/26/98 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Haugen, Horn, Patterson and T. Sheldon.

Staff: Diane Smith (786-7410)

Background: 1. State agency small works roster. The Department of General Administration, Department of Fish and Wildlife, the Department of Natural Resources, and the State Parks and Recreation Commission may establish a small works roster to award contracts for construction, repair, or alteration projects with estimated costs of less than \$100,000.

At least once a year the agency must advertise in a newspaper of general circulation for contractors desiring to be included on the roster. The agency must include all qualified contractors requesting to be included. A small works roster may include distinctions between contractors based upon geographic areas served and the nature of the work that the contractor is qualified to perform.

An agency using the small works roster process must solicit quotes from at least five contractors on a small works roster for the category of work involved. Contractors are randomly selected in a manner that equitably distributes the opportunity for these contracts among contractors on the roster, but at least one bid must be solicited from a certified women owned contractor or certified minority owned contractor. The agency must either award the contract to the party with the lowest quotation or reject all quotations. However, the agency must advertise and competitively bid the project if at least two responsive quotations are not received. As a part of this public bidding process, the agency must invite at least one proposal from a certified minority owned contractor or certified women owned contractor that is qualified to perform the work.

The director of the Department of General Administration is required to establish procedural rules for agencies to use for prequalifying contractors on their small works rosters.

2. Local government small works rosters. A uniform process is established in general law for local governments to award contracts for public works using a small works roster. Specific laws for a local government establish the maximum dollar value of a public works project that may be awarded using this process.

A local government using a small works roster solicits telephone or written quotations for bids on a public works project. Whenever possible, at least five contractors are solicited. Once a contractor has been afforded an opportunity to submit a bid on a public works project, that contractor is not solicited by that local government using the small works roster until all other appropriate contractors on the roster have been given an opportunity to bid on a project.

A bid solicitation must include an estimate of the scope and nature of the work to be performed and the materials and equipment to be furnished.

3. Architects and engineers. A public entity that procures architectural or engineering services must contract with the firm that is "most qualified to provide the services required of the project."

4. State building code. A state building code is established consisting of various codes. Counties, cities, and towns must enforce these codes.

Summary of Bill: 1. State agency small works rosters. The Department of Transportation is allowed to use the small works roster process to award contracts for construction, repair, or alteration.

The process is altered for state agencies awarding contracts using a small works roster. An agency must either make a good faith effort to solicit quotations from all contractors on the roster that have indicated capability to perform the kind of work involved in the project quotations or must solicit quotations from at least five contractors willing to perform work in the geographic area. Quotations may be made by telephone, electronically, or in writing. The requirements are eliminated that at least two responsive bids must be obtained before a contract may be awarded using the small works roster and that an agency may only solicit bids once using the small works roster process before it is required to competitively bid the project.

The procedure to prequalify contractors is renamed as a procedure to qualify contractors.

2. Local government small works rosters. A local government need not include detailed plans and specifications when it solicits bids using the small works roster.

The local government small works roster process does not eliminate requirements for architectural and engineering approvals based upon quality or compliance with building codes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is a consensus of the alternative Public Works Oversight Committee. Formal bidding is expensive and time consuming. This bill changes the process to simplify it and make it more workable. It expedites jobs that can be done with canned-plans.

Testimony Against: None.

Testified: PRO: Fred King, GA; Jim Justin, AWC; Duke Schaub, AGC-Wash; Larry Stevens, USA United Subcontractors.