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HOUSE BILL 1580

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State of Washington

56th Legislature

1999 Regular Session

By Representative Miloscia

Read first time 01/29/1999. Referred to Committee on State Government.

1 AN ACT Relating to prequalifying contractors; and adding a new  
2 section to chapter 39.04 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW  
5 to read as follows:

6 (1) Any agency or local government may establish uniform standards  
7 and procedures to prequalify competent and responsible contractors from  
8 which to award contracts for public works, repair, or maintenance. A  
9 prequalification system may be used either to limit the contractors  
10 that are afforded an opportunity to bid on a project or to eliminate  
11 consideration of bids that are submitted from contractors that are not  
12 prequalified. A prequalification system may be used in any procedure  
13 to award contracts, including, but not limited to, contracts let  
14 without bids, contracts let through a formal competitive bidding  
15 procedure with published bid solicitations and sealed bids, contracts  
16 awarded using a design-build system of letting contracts, contracts  
17 awarded through a contractor/construction manager contracting system,  
18 or contracts let through a modified competitive bidding system, such as  
19 a small works roster system.

1 (2) A prequalification system may involve periodically soliciting  
2 contractors to be prequalified and placed on a list or lists of  
3 prequalified contractors for different types of work or prequalifying  
4 contractors for a specific project. Each contractor desiring to be  
5 prequalified must complete a standard questionnaire form and financial  
6 statement that includes questions about financial ability and work  
7 experience, and is sworn to before a notary public or other person  
8 authorized to take acknowledgment of deeds. To be prequalified, a  
9 contractor must have all of the following requirements:

10 (a) Adequate financial resources or the ability to secure such  
11 resources;

12 (b) The necessary experience, organization, and technical  
13 qualifications to perform the proposed contract;

14 (c) The ability to comply with the required performance schedule  
15 taking into consideration all of its existing business commitments;

16 (d) A satisfactory record of performance, integrity, judgment, and  
17 skills; and

18 (e) Be otherwise qualified and eligible to receive an award under  
19 applicable laws and regulations.

20 The refusal of an agency or local government to prequalify a  
21 contractor is conclusive unless the agency or local government is  
22 ordered to give prequalification status to a contractor by the superior  
23 court of Thurston county for agencies, or the superior court of the  
24 county in which the local government is located for a local government,  
25 where the appeal to the superior court is made within five days of the  
26 decision not to prequalify the contractor, which appeal shall be heard  
27 summarily within ten days after it is taken and on five days' notice  
28 thereof to the agency or local government.

29 (3) For purposes of this section, the term "municipality" means as  
30 it is defined under RCW 39.04.010, and the term "agency" means as it is  
31 defined under RCW 39.04.150(1).

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