1 **SHB 2597** - H AMD
2   By Representative ___
3   Strike everything after the enacting clause and insert the
4 following:

5   "NEW SECTION. **Sec. 1.** The purpose of this chapter is to allow
6 all state or local governmental entities that award contracts for
7 publicly funded projects estimated to cost more than two hundred
8 thousand dollars to select contractors by the lowest responsible bidder
9 method. This chapter does not supersede the requirements of chapter
10 3   9   .   1   0   R   C   W   .

11   NEW SECTION. **Sec. 2.** A state or local entity that awards
12 contracts for publicly funded projects must determine whether the
13 lowest responsive bidder is responsible using the criteria in section
14 3 of this act.

15   NEW SECTION. **Sec. 3.** In determining whether the lowest
16 responsive bidder is responsible, the governmental entity awarding
17 the contract may only consider the following elements:
18   (1) The capacity of the bidder to perform the contract or
19 provide the service required;
20   (2) Whether the bidder has demonstrated the ability to perform
21 within the time specified by the contract;
22   (3) The satisfactory completion of previous contracts or
23 services by the bidder; and
24   (4) The previous and current compliance by the bidder with
25 contracting laws.

26   NEW SECTION. **Sec. 4.** Governmental entities shall use, in
27 substantial form, a questionnaire created by the Washington state
28 department of general administration to determine compliance with
29 section 3 of this act. Modifications to the form may be utilized
30 after notice has been given by the governmental entity, prior to
31 requesting bids on a project for which the questionnaire will be
32 used.

1   NEW SECTION. **Sec. 5.** The apparent low bidder must submit the
2   questionnaire required by section 4 of this act within three business
3   days of the bid openning. Failure to submit the information within
4   the time provided will render the bid nonresponsible and the bidder
5   shall forfeit any bid deposit submitted to the contracting agency in
6   support of the bid. If the information that is provided is false on
7   a material point, then the bid will be deemed nonresponsible.
8   Immediately after an award is made, the bids received shall be
9   open to public inspection.
10   The governmental entity must make an affirmative determination
11   that the lowest responsive bidder is not responsible.

12   NEW SECTION. **Sec. 6.** If the governmental entity deems an
13   apparent low bidder to be not responsible, it shall notify the bidder
14   in writing with specificity as to the reasons why the bidder was
15   deemed not responsible. Within three business days of receipt of
16   such notification, the bidder may withdraw its bid or it may present
17   additional information that the bidder believes proves its
18   responsibility. Within three business days of a bidder's submission
19   of additional information, the governmental entity shall reconsider
20   the bid and make a second determination of responsibility, which
21   shall be final.

22   NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act
23   constitute a new chapter in Title 39 RCW."

        EFFECT: Restricts the application of the bill to those public
        works contracts estimated to cost over $200,000. When
        determining whether the lowest responsive bidder is responsible,
        the governmental entity awarding the contract may only consider
        the capacity of the bidder to perform the contract or provide
        the service required, whether the bidder has demonstrated the
        ability to perform within the time specified by the contract,
        the satisfactory completion of previous contracts or services by
        the bidder, and the bidder's previous and current compliance
        with contracting laws. The apparent low bidder must submit
        answers to a questionnaire to prove responsibility, and failure
        to submit the questionnaire will result in forfeiture of any bid
        deposit submitted to the contracting agency. The governmental
        entity must make an affirmative determination that the lowest
        responsive bidder is not responsible. The provision allowing
        the apparent low bidder to submit information from interested

parties in an attempt to prove responsibility is removed.