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**SUBSTITUTE SENATE BILL 6255**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Natural Resources, Parks & Shorelines  
(originally sponsored by Senators Jacobsen, Oke and Rasmussen; by  
request of Department of Natural Resources)

READ FIRST TIME 02/04/2002.

1 AN ACT Relating to the highest responsible bidder for sales of  
2 valuable materials from state-owned aquatic lands; and amending RCW  
3 79.90.215.

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

5 **Sec. 1.** RCW 79.90.215 and 1990 c 163 s 2 are each amended to read  
6 as follows:

7 (1) To determine the "highest responsible bidder" under RCW  
8 79.90.210, the department of natural resources shall be entitled to  
9 consider, in addition to price, the following:

10 (a) The financial and technical ability of the bidder to perform  
11 the contract;

12 (b) Whether the bid contains material defects;

13 (c) Whether the bidder has previously or is currently complying  
14 with terms and conditions of any other contracts with the state or  
15 relevant contracts with entities other than the state;

16 (d) Whether the bidder was the "highest responsible bidder" for a  
17 sale within the previous five years but failed to complete the sale,  
18 such as by not entering into a resulting contract or by not paying the  
19 difference between the deposit and the total amount due. However,

1 sales that were bid prior to January 1, 2002, may not be considered for  
2 the purposes of this subsection (1)(d);

3 (e) Whether the bidder has been convicted of a crime relating to  
4 the public lands or natural resources of the state of Washington, the  
5 United States, or any other state, tribe, or country, where  
6 "conviction" shall include a guilty plea, or unvacated forfeiture of  
7 bail;

8 ~~((e))~~ (f) Whether the bidder is owned, controlled, or managed by  
9 any person, partnership, or corporation that is not responsible under  
10 this statute; and

11 ~~((f))~~ (g) Whether the subcontractors of the bidder, if any, are  
12 responsible under this statute.

13 (2) Whenever the department has reason to believe that the apparent  
14 high bidder is not a responsible bidder, the department may award the  
15 sale to the next responsible bidder or the department may reject all  
16 bids pursuant to RCW 79.90.240.

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