
ENGROSSED SUBSTITUTE SENATE BILL 6528

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Keiser, Eide and Costa)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to the selection of responsible contractors bidding
2 on public works; and adding a new chapter to Title 39 RCW.

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

4 NEW SECTION. **Sec. 1.** The purpose of this chapter is to allow all
5 state or local governmental entities that award contracts for publicly
6 funded projects to select contractors by the lowest responsible bidder
7 method. This chapter does not supersede the requirements of chapter
8 39.10 RCW.

9 NEW SECTION. **Sec. 2.** A state or local governmental entity that
10 awards contracts for publicly funded projects estimated to cost more
11 than two hundred thousand dollars must determine whether the lowest
12 responsive bidder is responsible using the criteria in section 3 of
13 this act.

14 NEW SECTION. **Sec. 3.** In determining whether the lowest responsive
15 bidder is responsible, the governmental entity awarding the contract
16 must consider the following elements:

- 1 (1) The ability, capacity, and skill of the bidder to perform the
- 2 contract or provide the service required;
- 3 (2) The experience of the bidder;
- 4 (3) Whether the bidder has demonstrated the ability to perform
- 5 within the time specified by previous contracts;
- 6 (4) The satisfactory completion of previous contracts or services
- 7 by the bidder; and
- 8 (5) The previous and current compliance by the bidder with
- 9 contracting laws.

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

16 NEW SECTION. **Sec. 5.** The apparent low bidder must submit the
17 questionnaire required by section 4 of this act within three business
18 days of the bid opening. Failure to submit the information within the
19 time provided will render the bid nonresponsible and the bidder shall
20 forfeit any bid deposit submitted to the contracting agency in support
21 of the bid. If the information that is provided is false on a material
22 point, then the bid will be deemed nonresponsible.

23 Immediately after an award is made, the bids received shall be open
24 to public inspection.

25 The governmental entity must make an affirmative determination that
26 the lowest responsive bidder is responsible.

27 NEW SECTION. **Sec. 6.** If the governmental entity deems the
28 apparent low bidder to be not responsible, it shall notify the bidder
29 in writing with specificity as to the reasons why the bidder was deemed
30 not responsible. Within three business days of receipt of such
31 notification, the bidder may withdraw its bid or it may present
32 additional information, including any information from interested
33 parties as defined in RCW 39.12.010, that the bidder believes proves
34 its responsibility. Within three business days of a bidder's
35 submission of additional information, the governmental entity shall

1 reconsider the bid and make a second determination of responsibility,
2 which shall be final.

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

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