
State Government Committee

HB 1987

Brief Description: Ensuring the integrity of the state contracting process.

Sponsors: Representatives Miloscia, Haigh, Veloria, Conway, Flannigan, Blake, Ruderman, McCoy, Eickmeyer and Lovick.

Brief Summary of Bill

- Debars vendors from future consideration on contracts with the state for conviction of certain crimes, nonperformance, and failure to follow procedures for a period of up to eight years.

Hearing Date: 3/4/03

Staff: Marsha Reilly (786-7135).

Background:

The Department of General Administration (GA) may reject the bid of any bidder who has failed to perform satisfactorily on a previous contract with the state. In the "Guide to Personal Service Contracting" agencies are advised on managing and monitoring contracts. The level of monitoring is based on a risk assessment of the contractor's role in delivering the services under the terms of the contract. Contract managers are advised to evaluate consultant performance based on:

- achievement of project goals and objectives;
- timely completion of work;
- quality of work measured against project objectives;
- quantity of work;
- professional manner and conduct;
- working relationship with agency staff; and
- quality of project management.

There are currently no provisions in statute for debarment of contractors that provide goods and services.

Summary of Bill:

A vendor or potential vendor may be debarred from consideration of an award for contract for the provisions of goods or services if, within the past three years, the vendor has:

- been convicted of a criminal offense to the application for or performance of a state contract or subcontract;
- been convicted of an offense including but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or violating state or federal antitrust statutes;
- been convicted of any other offense, or violated any other state or federal law that would indicate the vendor is unable to perform responsibly;
- failed to substantially perform a state contract or subcontract
- violated bid solicitation procedures;
- refused to provide, or failed to respond to requests, for information necessary for monitoring contract performance; or
- failed to perform in a manner consistent with any applicable state or federal law, rule or regulation.

If grounds for debarment are found to exist, the GA will notify the vendor of a the procedure for requesting a hearing. If the vendor does not respond within 20 calendar days, the GA may issue the decision to debar without a hearing. Debarment may be for up to a period of eight years. After the period of debarment expires, the vendor may reapply for inclusion on bidder lists through the normal application process.

Appropriation: None.

Fiscal Note: Requested on February 26, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.