
HOUSE BILL 2522

State of Washington 58th Legislature 2004 Regular Session

By Representatives Armstrong, Haigh, Miloscia, Nixon, Tom, Hunt, Shabro, McDermott and Chase

Read first time 01/15/2004. Referred to Committee on State Government.

1 AN ACT Relating to prohibiting rejection of all bids except for
2 good cause; and adding a new section to chapter 39.30 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 39.30 RCW
5 to read as follows:

6 (1) The legislature recognizes that fair and open competition is a
7 basic tenet of public works procurement. This competition reduces the
8 appearance of and opportunity for favoritism and inspires public
9 confidence that contracts are awarded equitably and economically. The
10 preservation of the integrity of the competitive bid system dictates
11 that after bids for a public work, as defined in RCW 39.04.010, have
12 been opened by the state or municipalities, as defined in RCW
13 39.04.010, and institutions of higher education, as defined in RCW
14 28B.10.016, award must be made to the bidder who submitted the lowest
15 responsive bid, unless there is a cogent and compelling reason to
16 reject all bids and cancel the invitation.

17 (2) Invitations for bids may be canceled after opening the bidding
18 process, but prior to award where this action is consistent with

1 subsection (1) of this section and the public owner determines in
2 writing that cancellation is in the best interest of the government for
3 specified reasons such as the following:

4 (a) The invitation for bids included inadequate, ambiguous, or
5 restrictive specifications.

6 (b) The public work is no longer required.

7 (c) The invitation for bids did not provide for consideration of
8 all needs of the public owner.

9 (d) All otherwise acceptable bids received are at unreasonable
10 prices.

11 (e) The bids were not independently arrived at in open competition,
12 were collusive, or were submitted in bad faith.

13 (f) The bids received did not provide competition which was
14 adequate to ensure reasonable prices.

15 (3) The requirements of this section apply to procurement of
16 subcontract bid package work under RCW 39.10.061, except that both the
17 public owner and the contractor must determine in writing that
18 rejection of all bids and cancellation of the solicitation of bids is
19 in the best interest of the government for specified reasons.

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