
SENATE BILL 5952

State of Washington

58th Legislature

2003 Regular Session

By Senators Prentice, Kastama, Franklin and Rasmussen

Read first time 02/24/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to debarment of contractors; adding new sections to
2 chapter 43.19 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it is important
5 to ensure that state contracting is conducted in an open and honest
6 fashion, that citizens receive the best goods and services at the best
7 price, and to ensure the integrity of the contracting process.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.19 RCW
9 to read as follows:

10 For the purposes of this section and sections 3 and 4 of this act,
11 the following definitions apply, unless the context clearly requires
12 otherwise.

13 (1) "Debar" means to suspend, revoke, or prohibit the privilege of
14 contracting with the state of Washington for the provision of goods or
15 services.

16 (2) "Department" means the department of general administration.

17 (3) "Vendor" means a person or entity that has contracted with or

1 seeks to contract with the state of Washington for the provision of
2 goods or services.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.19 RCW
4 to read as follows:

5 (1) The department may debar a vendor from consideration of an
6 award for contract for the provision of goods or services to the state
7 of Washington or suspend the procurement of goods or services from a
8 vendor if, within the past three years, the vendor, an officer of the
9 vendor, or an owner of a twenty-five percent or greater interest in the
10 vendor has:

11 (a) Been convicted of a criminal offense incident to the
12 application for or performance of a state contract or subcontract;

13 (b) Been convicted of any offense which negatively reflects on the
14 vendor's business integrity, including but not limited to embezzlement,
15 theft, forgery, bribery, falsification or destruction of records,
16 receiving stolen property, or violating state or federal antitrust
17 statutes;

18 (c) Been convicted of any other offense, or violated any other
19 state or federal law, as determined by a court of competent
20 jurisdiction or an administrative proceeding, which, in the opinion of
21 the department, indicates that the vendor is unable to perform
22 responsibly or which reflects a lack of integrity that could negatively
23 impact or reflect upon the state of Washington;

24 (d) Failed to substantially perform a state contract or subcontract
25 according to its terms, conditions, and specifications within specified
26 time limits;

27 (e) Violated department bid solicitation procedures or violated the
28 terms of a solicitation after bid submission;

29 (f) Refused to provide information or documents required by a
30 contract including, but not limited to, information or documents
31 necessary for monitoring contract performance;

32 (g) Failed to respond to requests for information regarding vendor
33 performance, or accumulated repeated substantiated complaints regarding
34 performance of a contract/purchase order; or

35 (h) Failed to perform a state contract or subcontract in a manner
36 consistent with any applicable state or federal law, rule, or
37 regulation.

1 (2) If the department finds that grounds to debar a vendor exist,
2 it shall send the vendor a notice of proposed debarment indicating the
3 grounds and the procedure for requesting a hearing. If the vendor does
4 not respond with a written request for a hearing within twenty calendar
5 days, the department shall issue the decision to debar without a
6 hearing. The debarment period may be of any length, up to eight years.
7 After the debarment period expires, the vendor may reapply for
8 inclusion on bidder lists through the regular application process.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.19 RCW
10 to read as follows:

11 The director of the department and agency heads shall revise
12 written departmental rules, policies, and procedures to conform with
13 this act and the terms of existing contracts with vendors.

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