
SUBSTITUTE SENATE BILL 6509

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senator Kastama)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to modifying the bid cancellation process for
2 public contracts; adding a new section to chapter 39.04 RCW; adding a
3 new section to chapter 39.29 RCW; and adding a new section to chapter
4 43.105 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW
7 to read as follows:

8 (1) Any state agency, city with a population greater than one
9 hundred thousand, or counties with a population greater than five
10 hundred thousand executing public works using a competitive bidding
11 process cannot reject all bids after opening unless there is a
12 compelling reason.

13 (2) Every effort shall be made to anticipate changes in a
14 requirement before the date of opening and to provide reasonable notice
15 to all prospective bidders of any resulting modification or
16 cancellation. If, in the opinion of the director or agency head or the
17 appropriate city or county contract authority, it is not possible to
18 provide reasonable notice, the published date for receipt of bids may
19 be postponed and all known bidders notified. This will permit bidders

1 to change their bids and prevent unnecessary exposure of bid prices.
2 In addition, every effort shall be made to include realistic,
3 achievable requirements in a bid solicitation.

4 (3) After the opening of bids, a solicitation may not be canceled
5 and resolicited solely because of an increase in requirements for the
6 items being acquired. Award may be made on the initial solicitation
7 and an increase in requirements may be treated as a new acquisition.

8 (4) A solicitation may be canceled and all bids rejected before
9 award but after bid opening only when, consistent with subsection (1)
10 of this section, the state, city, or county determines in writing that:

11 (a) Unavailable, inadequate, ambiguous specifications, terms,
12 conditions, or requirements were cited in the solicitation;

13 (b) Specifications, terms, conditions, or requirements have been
14 revised;

15 (c) The services being contracted for are no longer required;

16 (d) The solicitation did not provide for consideration of all
17 factors of cost to the agency, city, or county;

18 (e) Bids received indicate that the needs of the state, city, or
19 county can be satisfied by a less expensive article differing from that
20 for which the bids were invited;

21 (f) All otherwise acceptable bids received are at unreasonable
22 prices or only one bid is received and the agency, city, or county
23 cannot determine the reasonableness of the bid price;

24 (g) No responsive bid has been received from a responsible bidder;
25 or

26 (h) The bid process was not fair or equitable.

27 (5) The state agency head or city or county contract authority may
28 not delegate his or her authority under this section.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.29 RCW
30 to read as follows:

31 (1) Any agency or institution of state government procuring
32 personal services using a competitive solicitation process cannot
33 reject all solicitations after opening unless there is a compelling
34 reason.

35 (2) Every effort shall be made to anticipate changes in a
36 requirement before the date of opening and to provide reasonable notice
37 to all prospective bidders of any resulting modification or

1 cancellation. If, in the opinion of the director or agency head, it is
2 not possible to provide reasonable notice, the published date for
3 receipt of bids may be postponed and all known bidders notified. This
4 will permit bidders to change their bids and prevent unnecessary
5 exposure of bid prices. In addition, every effort shall be made to
6 include realistic, achievable requirements in a solicitation.

7 (3) After the opening of bids, a solicitation may not be canceled
8 and resolicited solely because of an increase in requirements for the
9 items being acquired. Award may be made on the initial solicitation
10 and an increase in requirements may be treated as a new acquisition.

11 (4) A solicitation may be canceled and all bids rejected before
12 award but after bid opening only when, consistent with subsection (1)
13 of this section, the agency determines in writing that:

14 (a) Unavailable, inadequate, ambiguous specifications, terms,
15 conditions, or requirements were cited in the solicitation;

16 (b) Specifications, terms, conditions, or requirements have been
17 revised;

18 (c) The services being contracted for are no longer required;

19 (d) The solicitation did not provide for consideration of all
20 factors of cost to the agency;

21 (e) Bids received indicate that the needs of the agency can be
22 satisfied by a less expensive article differing from that for which the
23 bids were invited;

24 (f) All otherwise acceptable bids received are at unreasonable
25 prices or only one bid is received and the agency cannot determine the
26 reasonableness of the bid price;

27 (g) No responsive bid has been received from a responsible bidder;
28 or

29 (h) The bid process was not fair or equitable.

30 (5) The agency head may not delegate his or her authority under
31 this section.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW
33 to read as follows:

34 (1) The board, or other agencies and institutions of state
35 government the board delegates authority to, when purchasing, leasing,
36 renting, or otherwise acquiring, disposing of, or maintaining

1 equipment, proprietary software, or purchased services using a
2 competitive bidding process cannot reject all bids and cancel the
3 solicitation after the bid opening unless there is a compelling reason.

4 (2) Every effort shall be made to anticipate changes in a
5 requirement before the date of opening and to provide reasonable notice
6 to all prospective bidders of any resulting modification or
7 cancellation. If, in the opinion of the director or purchasing agency
8 head, it is not possible to provide reasonable notice, the published
9 date for receipt of bids may be postponed and all known bidders
10 notified. This will permit bidders to change their bids and prevent
11 unnecessary exposure of bid prices. In addition, every effort shall be
12 made to include realistic, achievable requirements in a solicitation.

13 (3) After the opening of bids, a solicitation may not be canceled
14 and resolicited solely because of an increase in requirements for the
15 items being acquired. Award may be made on the initial solicitation
16 and an increase in requirements may be treated as a new acquisition.

17 (4) A solicitation may be canceled and all bids rejected before
18 award but after bid opening only when, consistent with subsection (1)
19 of this section, the board or purchasing agency, determines in writing
20 that:

21 (a) Unavailable, inadequate, ambiguous specifications, terms,
22 conditions, or requirements were cited in the solicitation;

23 (b) Specifications, terms, conditions, or requirements have been
24 revised;

25 (c) The supplies or services being contracted for are no longer
26 required;

27 (d) The solicitation did not provide for consideration of all
28 factors of cost to the board or agency;

29 (e) Bids received indicate that the needs of the board or agency
30 can be satisfied by a less expensive article differing from that for
31 which the bids were invited;

32 (f) All otherwise acceptable bids received are at unreasonable
33 prices or only one bid is received and the board or agency cannot
34 determine the reasonableness of the bid price;

35 (g) No responsive bid has been received from a responsible bidder;
36 or

37 (h) The bid process was not fair or equitable.

1 (5) The agency head may not delegate his or her authority under
2 this section.

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