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SENATE BILL 6509

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State of Washington

59th Legislature

2006 Regular Session

By Senator Kastama

Read first time 01/13/2006. Referred to Committee on Government Operations & Elections.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.29 RCW  
6 to read as follows:

7 (1) Any agency or institution of state government procuring  
8 personal services using a competitive solicitation process cannot  
9 reject all solicitations after opening unless there is a compelling  
10 reason.

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

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

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

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

10 (b) Specifications, terms, conditions, or requirements have been  
11 revised;

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

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

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

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

21 (g) No responsive bid has been received from a responsible bidder;  
22 or

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

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

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105 RCW  
27 to read as follows:

28 (1) The board, or other agencies and institutions of state  
29 government the board delegates authority to, when purchasing, leasing,  
30 renting, or otherwise acquiring, disposing of, or maintaining  
31 equipment, proprietary software, or purchased services using a  
32 competitive bidding process cannot reject all bids and cancel the  
33 solicitation after the bid opening unless there is a compelling reason.

34 (2) Every effort shall be made to anticipate changes in a  
35 requirement before the date of opening and to provide reasonable notice  
36 to all prospective bidders of any resulting modification or  
37 cancellation. If, in the opinion of the director or purchasing agency

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

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

10 (4) A solicitation may be canceled and all bids rejected before  
11 award but after bid opening only when, consistent with subsection (1)  
12 of this section, the board or purchasing agency, determines in writing  
13 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 supplies or services being contracted for are no longer  
19 required;

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

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

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

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

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

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

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