

SENATE BILL REPORT

SB 5666

As of February 18, 2009

Title: An act relating to competitive solicitation requirements for public facilities districts.

Brief Description: Regarding competitive solicitation requirements for public facilities districts.

Sponsors: Senators Hobbs, Zarelli, Benton and Marr.

Brief History:

Committee Activity: Government Operations & Elections: 2/17/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Aaron Gutierrez (786-7448)

Background: Public facilities districts (PFDs) are municipal corporations with independent taxing authority and are taxing districts under the State Constitution. Two enabling statutes exist, Chapter 36.100 RCW (County PFDs) for counties and Chapter 35.57 RCW (City PFDs) for cities and joint arrangements between a group of cities or a county and one or more cities.

PFDs are established to construct and operate sports, entertainment, convention facilities, or regional centers. City PFDs must be located in a county with a population less than one million. City PFDs are authorized to construct, improve, or remodel regional centers. A regional center is a convention, conference, or special events center, and related parking facilities, that costs at least \$10 million. County PFDs may be created in any county. County PFDs may construct, improve, or remodel sports facilities, entertainment facilities, convention facilities, or regional centers.

A personal service contract is an agreement with a consultant to provide professional or technical expertise to accomplish a specific study, project, task, or other work statement. An example of a personal service contract would be a contract for a statistical analysis. Personal service contracts generally must go through a competitive solicitation process unless it is an emergency contract, sole source contract, a contract amendment, or a contract between a consultant and an agency of less than \$20,000. Contracts of \$5,000 or greater – but less than \$20,000 – are required to have documented evidence of competition.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The competitive solicitation process requires a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees, costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

Summary of Bill: PFDs must create a competitive solicitation process for personal service contracts of \$65,000 or more. The PFD must establish this process by resolution, and at a minimum the process must include the following:

Notice. Notice must be published in a newspaper of general circulation throughout the county where the district is located at least ten days before the date for submitting the statements of qualifications or proposals.

Description of Services Required. A description of the services required and a list of the types of information and data required of each proposal must be included in requests for statements of qualifications, proposals, or both that are published or provided to interested parties. Requests may also describe the evaluation criteria and state the relative importance of the criteria.

Review and Evaluation. The district must establish a process to review and evaluate statements of qualifications, proposals, or both. The process may include a selection board identified by the district or some other panel of evaluators. If appropriate, the reviewers may hear oral presentations by proposers.

Selection. Evaluators must select and rank the most qualified proposers. In selecting and ranking such proposers, the selection board must consider the evaluation criteria established by the district and may consider such other information as may be secured during the evaluation process related to a proposer's qualifications and experience.

Negotiations. The district must negotiate with the top-ranked proposer or proposers identified in the selection process. Negotiations may be conducted concurrently or sequentially as may be allowed by law.

Approval. When negotiations are complete, the proposed contract will be presented to the district's governing body at its next regularly scheduled meeting for approval or ratification.

Competitive solicitation requirements need not be met in the following circumstances:

1. when the contracting authority finds that an emergency requires immediate execution of the work involved;
2. when amending an existing service contract; and
3. when the services sought are obtainable only from a single source.

This act does not apply to any contract executed before the act's effective date or architectural and engineering services contracts governed under RCW 39.80.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It is important to establish rules for organizations using tax dollars.

Persons Testifying: PRO: Senator Hobbs, prime sponsor.