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**SUBSTITUTE HOUSE BILL 3047**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By** House Capital Budget (originally sponsored by Representatives White, Dunshee, and Morrell)

READ FIRST TIME 02/05/10.

1            AN ACT Relating to the University of Washington's public works  
2            contracting procedures; adding a new section to chapter 28B.20 RCW;  
3            adding new sections to chapter 43.131 RCW; and providing an effective  
4            date.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28B.20 RCW  
7            to read as follows:

8            (1) This section provides an alternative process for awarding  
9            contracts for construction, building, renovation, remodeling,  
10           alteration, repair, or improvement of university buildings and  
11           facilities in which critical patient care or highly specialized medical  
12           research is located. These provisions may be used, in lieu of other  
13           procedures to award contracts for such work, when the estimated cost of  
14           the work is equal to or less than five million dollars and the project  
15           involves construction, renovation, remodeling, or alteration of  
16           improvements within a building that is used directly for critical  
17           patient care or highly specialized medical research.

18           (2) The university may create a single critical patient care or  
19           specialized medical research facilities roster or may create multiple

1 critical patient care or specialized medical research facilities  
2 rosters for different trade specialties or categories of anticipated  
3 work. At least once a year, the university shall publish in a  
4 newspaper of general circulation a notice of the existence of the  
5 roster or rosters and solicit a statement of qualifications from  
6 contractors who wish to be on the roster or rosters of prime  
7 contractors. In addition, qualified contractors shall be added to the  
8 roster or rosters at any time they submit a written request, necessary  
9 records, and meet the qualifications established by the university.  
10 The university may require eligible contractors desiring to be placed  
11 on a roster to keep current records of any applicable licenses,  
12 certifications, registrations, bonding, insurance, or other appropriate  
13 matters on file with the university as a condition of being placed on  
14 a roster or rosters. Placement on a roster shall be on the basis of  
15 qualifications.

16 (3) The public solicitation of qualifications shall include but not  
17 be limited to:

18 (a) A description of the types of projects to be completed and  
19 where possible may include programmatic, performance, and technical  
20 requirements and specifications;

21 (b) The reasons for using the critical patient care and specialized  
22 medical research roster process;

23 (c) A description of the qualifications to be required of a  
24 contractor, including submission of an accident prevention program;

25 (d) A description of the process the university will use to  
26 evaluate qualifications, including evaluation factors and the relative  
27 weight of factors;

28 (e) The form of the contract to be awarded;

29 (f) A description of the administrative process by which the  
30 required qualifications, evaluation process, and project types may be  
31 appealed; and

32 (g) A description of the administrative process by which decisions  
33 of the university may be appealed.

34 (4) The university shall establish a committee to evaluate the  
35 contractors submitting qualifications. Evaluation criteria for  
36 selection of the contractor or contractors to be included on a roster  
37 shall include, but not be limited to:

38 (a) Ability of a contractor's professional personnel;

1 (b) A contractor's past performance on similar projects, including  
2 but not limited to medical facilities, and involving either negotiated  
3 work or other public works contracts;

4 (c) The contractor's ability to meet time and budget requirements;

5 (d) The contractor's ability to provide preconstruction services,  
6 as appropriate;

7 (e) The contractor's capacity to successfully complete the project;

8 (f) The contractor's approach to executing projects;

9 (g) The contractor's approach to safety and the contractor's safety  
10 history; and

11 (h) The contractor's record of performance, integrity, judgment,  
12 and skills.

13 (5) Contractors meeting the evaluation committee's criteria for  
14 selection must be placed on the applicable roster or rosters.

15 (6) When a project is selected for delivery through this roster  
16 process, the university must establish a procedure for securing written  
17 quotations from all contractors on a roster to assure that a  
18 competitive price is established. Invitations for quotations shall  
19 include an estimate of the scope and nature of the work to be performed  
20 as well as materials and equipment to be furnished. Plans and  
21 specifications must be included in the invitation but may not be  
22 detailed. Award of a project must be made to the responsible bidder  
23 submitting the lowest responsive bid.

24 (7) The university shall make an effort to solicit proposals from  
25 certified minority or certified woman-owned contractors to the extent  
26 permitted by the Washington state civil rights act, RCW 49.60.400.

27 (8) Beginning in September 2010 and every other year thereafter,  
28 the university shall provide a report to the capital projects advisory  
29 review board which must, at a minimum, include a list of rosters used,  
30 contracts awarded, and a description of outreach to and participation  
31 by women and minority-owned businesses.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.131 RCW  
33 to read as follows:

34 The alternative process for awarding contracts established in  
35 section 1 of this act terminates June 30, 2015, as provided in section  
36 3 of this act.

1        NEW SECTION.   **Sec. 3.**   A new section is added to chapter 43.131 RCW  
2   to read as follows:  
3        Section 1 of this act, as now existing or hereinafter amended, is  
4   repealed, effective June 30, 2016.

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