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HOUSE BILL 3047

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives White, Dunshee, and Morrell

Read first time 01/21/10. Referred to Committee on State Government & Tribal Affairs.

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.

15           (2) The university may create a single critical patient care or  
16           specialized medical research facilities roster or may create multiple  
17           critical patient care or specialized medical research facilities  
18           rosters for different trade specialties or categories of anticipated  
19           work. At least once a year, the university shall publish in a

1 newspaper of general circulation a notice of the existence of the  
2 roster or rosters and solicit a statement of qualifications from  
3 contractors who wish to be on the roster or rosters. In addition,  
4 qualified contractors shall be added to the roster or rosters at any  
5 time they submit a written request, necessary records, and meet the  
6 qualifications established by the university. The university may  
7 require eligible contractors desiring to be placed on a roster to keep  
8 current records of any applicable licenses, certifications,  
9 registrations, bonding, insurance, or other appropriate matters on file  
10 with the university as a condition of being placed on a roster or  
11 rosters. Placement on a roster shall be on the basis of  
12 qualifications.

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

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

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

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

22 (d) A description of the process the university will use to  
23 evaluate qualifications, including evaluation factors and the relative  
24 weight of factors;

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

26 (f) A description of the administrative process by which the  
27 required qualifications, evaluation process, and project types may be  
28 appealed; and

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

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

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

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

- 1 (c) The contractor's ability to meet time and budget requirements;  
2 (d) The contractor's ability to provide preconstruction services,  
3 as appropriate;  
4 (e) The contractor's capacity to successfully complete the project;  
5 (f) The contractor's approach to executing projects;  
6 (g) The contractor's approach to safety and the contractor's safety  
7 history; and  
8 (h) The contractor's record of performance, integrity, judgment,  
9 and skills.

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

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

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

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

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

31 The alternative process for awarding contracts established in  
32 section 1 of this act terminates June 30, 2015, as provided in section  
33 3 of this act.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.131 RCW  
35 to read as follows:

1           Section 1 of this act, as now existing or hereinafter amended, is  
2 repealed, effective June 30, 2016.

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