
SENATE BILL 5527

State of Washington

61st Legislature

2009 Regular Session

By Senators Fraser, Brandland, Murray, Kilmer, Zarelli, and Shin; by request of University of Washington

Read first time 01/26/09. Referred to Committee on Higher Education & Workforce Development.

1 AN ACT Relating to the University of Washington's public works
2 contracting procedures; and adding a new section to chapter 28B.20 RCW.

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

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

6 (1) The board of regents may enter into any number of contracts
7 with one or more persons, companies, or entities for the planning,
8 design, renovation, erection, remodeling, demolition, or construction
9 of university buildings and facilities, or improvements thereto, using
10 a small works roster process for projects with an estimated cost of up
11 to one million dollars, and a design-build process, design-bid-build
12 process, or general contractor-construction manager process for
13 projects with an estimated cost in excess of one million dollars. Such
14 contract or contracts shall be awarded after public notice and under
15 such requirements and procedures as shall be established by the board
16 of regents, to the person or persons able to perform on the most
17 advantageous terms. The requirements and procedures established by the
18 board of regents may include but are not limited to: (a) Setting the
19 dollar amount for self performance of work by the general contractor;

1 (b) setting the schedule for establishing the maximum allowable
2 construction cost; and (c) establishing the process for selection of
3 subcontractors. This authority shall apply only when the revenue
4 source for the cost of the planning, design, renovation, erection,
5 remodeling, demolition, or construction of the buildings and
6 facilities, or improvements thereto, does not include state-
7 appropriated funds. The board of regents does not have the power to
8 enter into any contract that binds the board of regents to pay out any
9 sum of money in excess of the amount provided for said purpose. The
10 requirements of chapters 39.08, 39.12, and 60.28 RCW apply to work
11 completed under this authority. If the board of regents chooses to
12 exercise the authority granted under this chapter, no other statutory
13 bidding or procurement requirements apply, including those in chapter
14 39.10 RCW and RCW 39.04.155.

15 (2) Whenever the revenue source for a public works project does not
16 include state-appropriated funds, the University of Washington may,
17 before asking for bids, require from any person, firm, company, or
18 corporation, interested in bidding, answers to questions contained in
19 a standard form of questionnaire, including a complete statement of the
20 financial ability and experience of the person, firm, company, or
21 corporation and that of any proposed subcontractor. The completed
22 questionnaire shall be sworn to before a notary public or other person
23 authorized to take acknowledgment of deeds, and shall be submitted at
24 such time as the University of Washington may require. Whenever the
25 University of Washington is not satisfied with the sufficiency of the
26 answers contained in a completed questionnaire or whenever the
27 University of Washington determines that the person, firm, company,
28 corporation, or subcontractor does not meet all of the requirements in
29 this section, that person, firm, corporation, or subcontractor shall be
30 disqualified from bidding. In order to be qualified to bid, a person,
31 firm, corporation, or subcontractor shall have:

32 (a) Adequate financial resources or the ability to secure such
33 resources;

34 (b) The necessary experience, organization, and technical
35 qualifications to perform the proposed contract;

36 (c) The ability to comply with the required performance schedule
37 taking into consideration all of its existing business commitments;

1 (d) A satisfactory record of performance, integrity, judgment, and
2 skills; and

3 (e) Otherwise been qualified and eligible to receive an award under
4 applicable laws and rules.

5 (3) The University of Washington may limit the total number of
6 persons, firms, corporations, or companies requested to submit
7 proposals or bids to a number that ensures that a sufficient number of
8 competitive proposals or bids are received without unnecessarily
9 creating marketing costs for otherwise qualified persons, firms,
10 corporations, or companies. The University of Washington, on a
11 project-by-project basis, shall determine the approved proposer or
12 bidders list following the prequalification process.

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