
SENATE BILL 5666

State of Washington

61st Legislature

2009 Regular Session

By Senators Hobbs, Zarelli, Benton, and Marr

Read first time 01/28/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to competitive solicitation requirements for public
2 facilities districts; and amending RCW 36.100.180.

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

4 **Sec. 1.** RCW 36.100.180 and 1995 c 396 s 15 are each amended to
5 read as follows:

6 (1) The public facilities district may secure services by means of
7 an agreement with a service provider. The public facilities district
8 shall publish notice, establish criteria, receive and evaluate
9 proposals, and negotiate with respondents under requirements set forth
10 by district resolution.

11 (2) For personal service contracts of sixty-five thousand dollars
12 or greater not otherwise governed by chapter 39.80 RCW, contracts for
13 architectural and engineering services, a competitive solicitation
14 process is required. The district shall establish the process by
15 resolution, which must at a minimum include the following:

16 (a) Notice. A notice inviting statements of either qualifications
17 or proposals, or both, from interested parties must be published in a
18 newspaper of general circulation throughout the county in which the

1 district is located at least ten days before the date for submitting
2 the statements of qualifications or proposals.

3 (b) Description of services required. The request for statements
4 of either qualifications or proposals, or both published or provided to
5 interested parties must describe the services required and list the
6 types of information and data required of each proposal. It may also
7 describe the evaluation criteria and state the relative importance of
8 the criteria if then available.

9 (c) Review and evaluation. The district shall establish a process
10 to review and evaluate statements of either qualifications or
11 proposals, or both. That process may include a selection board
12 identified by the district or some other panel of evaluators. If
13 appropriate, the reviewers may hear oral presentations by proposers.

14 (d) Selection. The evaluators shall select and rank the most
15 qualified proposers. In selecting and ranking such proposers, the
16 selection board shall consider the evaluation criteria established by
17 the district and may consider such other information as may be secured
18 during the evaluation process related to a proposer's qualifications
19 and experience.

20 (e) Negotiations. The district shall enter into contract
21 negotiations with the top-ranked proposer or proposers identified in
22 the selection process. Negotiations may be conducted concurrently or
23 sequentially as may be allowed by law.

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

27 (3) Exceptions. The requirements of this section need not be met
28 in the following circumstances:

29 (a) Emergency. When the contracting authority makes a finding that
30 an emergency requires the immediate execution of the work involved. As
31 used in this subsection, "emergency" has the same meaning as provided
32 in RCW 39.29.006;

33 (b) Contract amendment. Amendments to existing service contracts
34 are exempt from these requirements; and

35 (c) Sole source. In the event that the services being sought can
36 only be obtained from a single source, then the district shall make a
37 formal written finding stating the factual basis for the exception and

1 the solicitation requirements of this section do not apply. As used in
2 this subsection, "sole source" has the same meaning as provided in RCW
3 39.29.006.

4 (4) Prospective application. Nothing in this section affects the
5 validity or effect of any district contract executed prior to the
6 effective date of this act.

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