
SECOND SUBSTITUTE SENATE BILL 5662

State of Washington

62nd Legislature

2011 Regular Session

By Senate Ways & Means (originally sponsored by Senators Conway, Chase, Kline, Shin, Keiser, Kohl-Welles, White, Roach, Hobbs, Nelson, Prentice, Haugen, and Fraser)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to establishing a preference for resident
2 contractors on public works; adding a new section to chapter 39.04 RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.04 RCW
6 to read as follows:

7 (1) The department of general administration shall survey the fifty
8 states to determine if that state provides any advantage for its own
9 in-state contractors bidding on public works projects. The survey
10 shall initially include states where contractors have often bid on
11 public works projects in Washington state. The initial survey shall be
12 completed by January 1, 2012. The survey of the remaining states must
13 be completed by January 1, 2013.

14 (2) The department of general administration shall distribute the
15 results of the survey described in subsection (1) of this section to
16 all state and local agencies with authority to procure public works.
17 The department must also notify each agency of the requirements of this
18 section.

1 (3) In any bidding process for public works in which a bid is
2 received from a contractor from a state that provides a bidding
3 advantage identified in the survey completed in subsection (1) of this
4 section, a comparable advantage must be given to contractors from
5 Washington state only with respect to comparing in-state contractor
6 bids to the bids received from contractors from that state.

7 (4) The department of general administration must adopt rules to
8 implement these reciprocity provisions. The department must recommend
9 draft legislation by December 1, 2011, to conform other provisions of
10 law to the intent of this section.

11 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
12 conflict with federal requirements that are a prescribed condition to
13 the allocation of federal funds to the state, the conflicting part of
14 this act is inoperative solely to the extent of the conflict and with
15 respect to the agencies directly affected, and this finding does not
16 affect the operation of the remainder of this act in its application to
17 the agencies concerned. Rules adopted under this act must meet federal
18 requirements that are a necessary condition to the receipt of federal
19 funds by the state.

20 NEW SECTION. **Sec. 3.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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