
SENATE BILL 5948

State of Washington 63rd Legislature 2013 1st Special Session

By Senators Braun, Chase, O'Ban, Keiser, Padden, Hill, Holmquist
Newbry, Becker, and Brown

Read first time 06/10/13. Referred to Committee on Ways & Means.

1 AN ACT Relating to state procurement of goods and services; and
2 amending RCW 39.26.200.

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

4 **Sec. 1.** RCW 39.26.200 and 2012 c 224 s 22 are each amended to read
5 as follows:

6 (1)(a) The director shall provide notice to the contractor of the
7 director's intent to debar with the specific reason for the debarment.
8 The department must establish the debarment process by rule.

9 (b) After reasonable notice to the contractor and reasonable
10 opportunity for that contractor to be heard, the director has the
11 authority to debar a contractor for cause from consideration for award
12 of contracts. The debarment must be for a period of not more than
13 three years.

14 (2) The director may debar a contractor based on a finding of one
15 or more of the following causes:

16 (a) Conviction for commission of a criminal offense as an incident
17 to obtaining or attempting to obtain a public or private contract or
18 subcontract, or in the performance of such contract or subcontract;

1 (b) Conviction or a final determination in a civil action under
2 state or federal statutes of fraud, embezzlement, theft, forgery,
3 bribery, falsification or destruction of records, receiving stolen
4 property, violation of the federal false claims act, 31 U.S.C. Sec.
5 3729 et seq., or the state medicaid fraud false claims act, chapter
6 74.66 RCW, or any other offense indicating a lack of business integrity
7 or business honesty that currently, seriously, and directly affects
8 responsibility as a state contractor;

9 (c) Conviction under state or federal antitrust statutes arising
10 out of the submission of bids or proposals;

11 (d) Two or more violations within the previous five years of the
12 federal labor relations act as determined by the national labor
13 relations board or court of competent jurisdiction;

14 (e) Violation of contract provisions, as set forth in this
15 subsection, of a character that is regarded by the director to be so
16 serious as to justify debarment action:

17 (i) Deliberate failure without good cause to perform in accordance
18 with the specifications or within the time limit provided in the
19 contract; or

20 (ii) A recent record of failure to perform or of unsatisfactory
21 performance in accordance with the terms of one or more contracts,
22 however the failure to perform or unsatisfactory performance caused by
23 acts beyond the control of the contractor may not be considered to be
24 a basis for debarment;

25 (f) Violation of ethical standards set forth in RCW 39.26.020; and

26 (g) Any other cause the director determines to be so serious and
27 compelling as to affect responsibility as a state contractor, including
28 debarment by another governmental entity for any cause listed in
29 regulations.

30 (3) The director must issue a written decision to debar. The
31 decision must:

32 (a) State the reasons for the action taken; and

33 (b) Inform the debarred contractor of the contractor's rights to
34 judicial or administrative review.

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