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**ENGROSSED SENATE BILL 6617**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Senator Frockt

AN ACT Relating to the University of Washington's alternative process for awarding contracts; amending RCW 28B.20.744, 43.131.413, and 43.131.414; and providing an effective date.

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

**Sec.**  RCW 28B.20.744 and 2015 3rd sp.s. c 3 s 7043 are each amended to read as follows:

(1) This section provides an alternative process for awarding contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of university buildings and facilities in which critical patient care or highly specialized medical research is located. These provisions may be used, in lieu of other procedures to award contracts for such work, when the estimated cost of the work is equal to or less than five million dollars, adjusted for inflation from the 2015 fiscal year as determined by the office of financial management in the capital budget cost estimating instructions, and the project involves construction, renovation, remodeling, or alteration of improvements within a building that is used directly for critical patient care or highly specialized medical research.

(2) The university may create a single critical patient care or specialized medical research facilities roster or may create multiple critical patient care or specialized medical research facilities rosters for different trade specialties or categories of anticipated work. At least once a year, the university shall publish in a newspaper of general circulation a notice of the existence of the roster or rosters and solicit a statement of qualifications from contractors who wish to be on the roster or rosters of prime contractors. In addition, qualified contractors shall be added to the roster or rosters at any time they submit a written request, necessary records, and meet the qualifications established by the university. The university may require eligible contractors desiring to be placed on a roster to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the university as a condition of being placed on a roster or rosters. Placement on a roster shall be on the basis of qualifications.

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

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

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

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

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

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

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

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

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

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

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

(c) The contractor's ability to meet time and budget requirements;

(d) The contractor's ability to provide preconstruction services, as appropriate;

(e) The contractor's capacity to successfully complete the project;

(f) The contractor's approach to executing projects;

(g) The contractor's approach to safety and the contractor's safety history; and

(h) The contractor's record of performance, integrity, judgment, and skills.

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

(6) When a project is selected for delivery through this roster process, the university must establish a procedure for securing written quotations from all contractors on a roster to assure that a competitive price is established. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Plans and specifications must be included in the invitation but may not be detailed. Award of a project must be made to the responsible bidder submitting the lowest responsive bid.

(7) The university shall make an effort to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400, and shall develop a program that provides at least biennial training and support to help these contractors qualify for subcontracting work on a roster project.

(8) The university shall review postselection processes with any entities for which it operates medical and hospital facilities subject to this section, in order to improve postselection startup of construction activities, prevent delays, and capture potential cost savings.

(9) Beginning in September 2010 and every other September thereafter, the university shall provide a report to the capital projects advisory review board which must, at a minimum, include a list of rosters used, contracts awarded, ((~~and~~)) a description of outreach to ((~~and participation by~~)) women and minority-owned businesses, and a description of participation by women and minority-owned businesses as contractors or subcontractors in projects using the alternative process described in this section.

((~~(9)~~)) (10) Beginning in September 2015 and every September thereafter, the university shall report to the office of minority and women's business enterprises and to the appropriate legislative fiscal committees the number of qualified women and minority-owned business contractors on the roster or rosters and the number of contracts awarded to women and minority-owned businesses.

(11) By December 1, 2019, and every five years thereafter, the joint legislative audit and review committee shall conduct an evaluation of the alternative process created in this section, including any improvement to participation by women and minority-owned businesses, and time and cost savings to the university.

**Sec.**  RCW 43.131.413 and 2015 3rd sp.s. c 3 s 7041 are each amended to read as follows:

The alternative process for awarding contracts established in RCW 28B.20.744 terminates June 30, ((~~2017~~)) 2022, as provided in RCW 43.131.414.

**Sec.**  RCW 43.131.414 and 2015 3rd sp.s. c 3 s 7042 are each amended to read as follows:

RCW 28B.20.744, as now existing or hereafter amended, is repealed, effective June 30, ((~~2018~~)) 2023.

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