
ENGROSSED SENATE BILL 6617

State of Washington

64th Legislature

2016 Regular Session

By Senator Frockt

Read first time 01/29/16. Referred to Committee on Higher Education.

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

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

5 **Sec. 1.** RCW 28B.20.744 and 2015 3rd sp.s. c 3 s 7043 are each
6 amended to read as follows:

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

20 (2) The university may create a single critical patient care or
21 specialized medical research facilities roster or may create multiple

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (9) Beginning in September 2010 and every other September
38 thereafter, the university shall provide a report to the capital
39 projects advisory review board which must, at a minimum, include a
40 list of rosters used, contracts awarded, ((and)) a description of

1 outreach to ~~((and participation by))~~ women and minority-owned
2 businesses, and a description of participation by women and minority-
3 owned businesses as contractors or subcontractors in projects using
4 the alternative process described in this section.

5 ~~((9))~~ (10) Beginning in September 2015 and every September
6 thereafter, the university shall report to the office of minority and
7 women's business enterprises and to the appropriate legislative
8 fiscal committees the number of qualified women and minority-owned
9 business contractors on the roster or rosters and the number of
10 contracts awarded to women and minority-owned businesses.

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

16 **Sec. 2.** RCW 43.131.413 and 2015 3rd sp.s. c 3 s 7041 are each
17 amended to read as follows:

18 The alternative process for awarding contracts established in RCW
19 28B.20.744 terminates June 30, ~~((2017))~~ 2022, as provided in RCW
20 43.131.414.

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

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

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