

SENATE BILL REPORT

SB 5017

As Passed Senate, February 16, 2021

Title: An act relating to clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning.

Brief Description: Clarifying school district procurement requirements for personal service contracts for construction management, value engineering, constructibility review, and building commissioning.

Sponsors: Senators Wellman, Honeyford, Mullet and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/15/21, 2/03/21 [DP].

Floor Activity: Passed Senate: 2/16/21, 47-0.

Brief Summary of Bill

- Modifies the list of school district purchases that require public notification and bidding to include construction work by a contractor who meets the public works responsible bidder criteria, rather than "other work" generally.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Alexandra Fairfortune (786-7416)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: School District Bid Requirements. When the estimated cost of furniture, supplies, equipment, building, improvements, repairs, or other work or purchase exceeds a certain threshold, a school district must follow a public notification and bidding process. The contract for the work or purchase must be awarded to the lowest responsible bidder after considering the following:

- the ability, capacity, and skill of the bidder to perform the contract;
- the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- whether the bidder can perform the contract within the timeframe required;
- the quality of performance from previous contracts;
- the bidder's past compliance with state law regarding contracts and with state wage payment laws; and
- other relevant information.

Responsible Bidder Criteria. A contractor bidding on a public works project must meet certain responsible bidder criteria, to be awarded a public works contract. To be a responsible bidder, the bidder must:

- be a registered contractor;
- have a current Unified Business Identifier number;
- have applicable industrial insurance coverage, an Employment Security Department number, and a state excise tax registration number;
- not be disqualified from bidding due to previous non-compliance with registration or prevailing wage requirements; and
- not have been found out of compliance with certain apprenticeship requirements, if the project is subject to apprenticeship utilization requirements.

Summary of Bill: The list of school district purchases that require public notification and bidding is modified to include construction work by a contractor who meets the public works responsible bidder criteria, where previously it included "other work" generally.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: School districts go through a standard request for proposal process to hire professional services, however a recent attorney general opinion interpreted that these professional services must go through the public bidding process. This is a cleanup to clarify the statute's intent and codify a historic practice that certain professional services are outside the bidding statute. This allows districts to assess a firm's fit and retain the same firm for multiple projects at a lower cost.

Persons Testifying: PRO: Senator Lisa Wellman, Prime Sponsor; Marissa Rathbone, Washington State School Directors' Association; Shelly Henderson, Mukilteo School District.

Persons Signed In To Testify But Not Testifying: No one.