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HOUSE BILL 1861

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State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Pollet, Haler, Stanford, Tharinger, and Santos

Read first time 02/01/17. 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; repealing  
3 RCW 43.131.413 and 43.131.414; providing an effective date; and  
4 declaring an emergency.

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

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

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

18            (2) The university may create a single critical patient care or  
19 specialized medical research facilities roster or may create multiple  
20 critical patient care or specialized medical research facilities  
21 rosters for different trade specialties or categories of anticipated

1 work. At least once a year, the university shall publish in a  
2 newspaper of general circulation and with the office of minority and  
3 women's business enterprises, a notice of the existence of the roster  
4 or rosters and solicit a statement of qualifications from contractors  
5 who wish to be on the roster or rosters of prime contractors. In  
6 addition, qualified contractors shall be added to the roster or  
7 rosters at any time they submit a written request, necessary records,  
8 and meet the qualifications established by the university. The  
9 university may require eligible contractors desiring to be placed on  
10 a roster to keep current records of any applicable licenses,  
11 certifications, registrations, bonding, insurance, or other  
12 appropriate matters on file with the university with input from the  
13 women-owned and minority-owned business community 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 that includes one  
35 representative from the minority-owned business community and one  
36 representative from the women-owned business community to evaluate  
37 the contractors submitting qualifications. Evaluation criteria for  
38 selection of the contractor or contractors to be included on a roster  
39 shall include, but not be limited to:

40 (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 (i) The contractor's record of including office of minority and  
16 women's business enterprises-certified, minority, women, veteran, and  
17 small businesses; and

18 (j) The contractor's past history of use of small business  
19 entities, disadvantaged business enterprises, minority business  
20 enterprises, women business enterprises, and minority women business  
21 enterprises over the last five years on projects of five million  
22 dollars or less and the contractor's proposed outreach plan and  
23 commitment to include such firms.

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

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

35 (7) The university shall make an effort to solicit proposals from  
36 certified minority or certified woman-owned contractors. The  
37 university business diversity program shall establish aspirational  
38 goals for small business entities, disadvantaged business  
39 enterprises, minority business enterprises, women business  
40 enterprises, and minority women business enterprises for each roster

1 based on the projected subcontracting opportunities and to the extent  
2 permitted by the Washington state civil rights act, RCW 49.60.400.

3 (8) Beginning in September 2010 and every other September  
4 thereafter, the university shall provide a report to the capital  
5 projects advisory review board which must, at a minimum, include a  
6 list of rosters used, contracts awarded, ~~((and a description of  
7 outreach to and participation by women and minority-owned  
8 businesses))~~ office of minority and women's business enterprises-  
9 certified small business entities, disadvantaged business  
10 enterprises, veterans, and women and minority-owned business use  
11 rates on the projects.

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

18 (10) The university shall require contractors to solicit  
19 proposals from office of minority and women's business enterprises-  
20 certified firms.

21 NEW SECTION. Sec. 2. The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 43.131.413 (Alternative process for awarding contracts—  
24 University buildings and facilities for critical patient care or  
25 specialized medical research—Termination) and 2015 3rd sp.s. c 3 s  
26 7041 & 2010 c 245 s 12; and

27 (2) RCW 43.131.414 (Alternative process for awarding contracts—  
28 University buildings and facilities for critical patient care or  
29 specialized medical research—Repeal) and 2015 3rd sp.s. c 3 s 7042 &  
30 2010 c 245 s 13.

31 NEW SECTION. Sec. 3. This act is necessary for the immediate  
32 preservation of the public peace, health, or safety, or support of  
33 the state government and its existing public institutions, and takes  
34 effect June 30, 2017.

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