



2023 Proposed Legislation

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MODIFYING STATE PROCUREMENT PROCEDURES FOR GOODS AND SERVICES

Provides more clarity around sole source contracts, convenience contracts, provides more time for agencies to report emergency purchases, lengthens the amount of time sole source contracts are made available to the public, removes outdated references, and removes language restricting in-state preferences by other states

SECTION 1

Amends RCW 39.26.010 - Definitions

- Numeric values for small business definition(s)

"Sole source" means a contractor providing goods or services of such a unique nature or sole availability ((~~at the location required~~))-that the contractor is clearly and justifiably the only practicable source to provide the goods or services.

SECTION 2

Amends RCW 39.26.070 – Convenience Contracts

- Provides less restrictions and requires convenience contracts to be approved by DES.

A convenience contract is a contract for specific goods or services, or both, that is solicited and established in accordance with procurement laws and rules for use by ~~((a specific agency or))~~ a specified group of agencies ~~((as needed from time to time))~~. A convenience contract is not available for general use and ~~((may only))~~ must be ~~((used as specified))~~ approved by the department. Convenience contracts are not intended to replace or supersede master contracts as defined in this chapter.

SECTION 3

Amends RCW 39.26.130 – Emergency Purchases

- Increases emergency purchasing reporting requirements from 3 to 10 business days and allows DES to make exceptions to this statute in exigent circumstances.

(1) An agency may make emergency purchases as defined in subsection ~~((3))~~ (4) of this section. When an emergency purchase is made, the agency head shall submit written notification of the purchase within ~~((three))~~ 10 business days of the purchase to the director. This notification must contain a description of the purchase, a description of the emergency and the circumstances leading up to the emergency, and an explanation of why the circumstances required an emergency purchase.

(2) Emergency contracts must be submitted to the department and made available for public inspection within ~~((three working))~~ 10 business days following the commencement of work or execution of the contract, whichever occurs first.

(3) The department may authorize exceptions to this section due to exigent circumstances.

(4) As used in this section, "emergency" means a set of unforeseen circumstances beyond the control of the agency that either:

SECTION 4

Amends RCW 39.26.140 – Sole Source Contracts

- Increases the amount of days sole source contracts must be made available to the public.

(1) Agencies must submit sole source contracts to the department and make the contracts available for public inspection not less than ~~((ten))~~ 15 working days before the proposed starting date of the contract. Agencies must provide documented justification for sole source contracts to the department when the contract is submitted, and must include evidence that the agency posted the contract opportunity at a minimum on the state's enterprise vendor registration and bid notification system.

SECTION 5

Amends RCW 39.26.200 – Authority to fine or debar

- Removes outdated language around the authority to fine or debar during the 2017 – 2019 fiscal biennium

~~(1)(h) ((During the 2017-2019 fiscal biennium, the failure to comply with a provision in a state master contract or other agreement with a state agency that requires equality among its workers by ensuring similarly employed individuals are compensated as equals)).~~

SECTION 6

Repeals RCW 39.26.260 (Preferences-In-state procurement), RCW 39.26.270 (List of statutes and regulations of each state that grants preference to in-state vendors), and RCW 39.26.271 (Rules for reciprocity in bidding)

- Difficult to administer effectively and is a non-issue for Washington small businesses, few of which primarily compete for out-of-state contracts, while our Supplier Diversity Policy will be requiring preferences for in-state Washington small businesses.

SUMMARY & QUESTIONS

Amendments to:

- RCW 39.26.010 – Definitions
- RCW 39.26.070 – Convenience Contracts
- RCW 39.26.130 – Emergency Purchases
- RCW 39.26.140 – Sole Source Contracts
- RCW 39.26.200 – Authority to fine or debar

Repeals:

- RCW 39.26.260, 39.26.270, and 39.26.271

THANK YOU



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