
SENATE BILL 5388

State of Washington

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By Senators Jesernig, Prentice, McDonald, Prince, Fraser, Moyer, Deccio, Erwin, Sheldon, Oke and Winsley

Read first time 01/26/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to sheltered workshops and programs; and amending
2 RCW 43.19.530, 43.19.1908, and 43.19.1911.

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

4 **Sec. 1.** RCW 43.19.530 and 1977 ex.s. c 10 s 2 are each amended to
5 read as follows:

6 (1) The state agencies and departments are (~~hereby~~) authorized to
7 purchase products (~~and/or~~) and services manufactured or provided by
8 sheltered workshops and programs of the department of social and health
9 services. Such purchases shall be at the fair market price of such
10 products and services as determined by the division of purchasing of
11 the department of general administration. To determine the fair market
12 price the division shall use the last comparable bid on the products
13 and/or services or in the alternative the last price paid for the
14 products and/or services. The increased cost of labor, materials, and
15 other documented costs since the last comparable bid or the last price
16 paid are additional cost factors which shall be considered in
17 determining fair market price. Upon the establishment of the fair
18 market price as provided for in this section the division is hereby
19 empowered to negotiate directly with sheltered workshops or officials

1 in charge of the programs of the department of social and health
2 services for the purchase of the products or services.

3 (2) Sheltered workshops may engage in the competitive bid procedure
4 under this chapter.

5 **Sec. 2.** RCW 43.19.1908 and 1965 c 8 s 43.19.1908 are each amended
6 to read as follows:

7 Competitive bidding required by RCW 43.19.190 through 43.19.1939
8 shall be solicited by public notice, and through the sending of notices
9 by mail to (1) bidders on the appropriate list of bidders who shall
10 have qualified by application to the division of purchasing and (2)
11 sheltered workshops under RCW 43.19.530. Bids may be solicited by the
12 purchasing division from any source thought to be of advantage to the
13 state. All bids shall be in writing and conform to rules of the
14 division of purchasing.

15 **Sec. 3.** RCW 43.19.1911 and 1989 c 431 s 60 are each amended to
16 read as follows:

17 (1) When purchases are made through competitive bidding, the
18 contract shall be let to the lowest responsible bidder, subject to any
19 preferences provided by law to Washington products and vendors and to
20 RCW 43.19.704, taking into consideration the quality of the articles
21 proposed to be supplied, their conformity with specifications, the
22 purposes for which required, and the times of delivery(~~PROVIDED,~~
23 ~~That~~)). Bids of sheltered workshops shall be granted a preference over
24 other bidders. The preference for sheltered workshops shall be equal
25 to ten percent of the total bid amount. Whenever there is reason to
26 believe that the lowest acceptable bid is not the best price
27 obtainable, all bids may be rejected and the division of purchasing may
28 call for new bids or enter into direct negotiations to achieve the best
29 possible price. Each bid with the name of the bidder shall be entered
30 of record and each record, with the successful bid indicated, shall,
31 after letting of the contract, be open to public inspection. In
32 determining "lowest responsible bidder", in addition to price, the
33 following elements shall be given consideration:

34 ~~((1))~~ (a) The ability, capacity, and skill of the bidder to
35 perform the contract or provide the service required;

36 ~~((2))~~ (b) The character, integrity, reputation, judgment,
37 experience, and efficiency of the bidder;

1 (~~(3)~~) (c) Whether the bidder can perform the contract within the
2 time specified;

3 (~~(4)~~) (d) The quality of performance of previous contracts or
4 services;

5 (~~(5)~~) (e) The previous and existing compliance by the bidder with
6 laws relating to the contract or services;

7 (~~(6)~~) (f) Such other information as may be secured having a
8 bearing on the decision to award the contract: PROVIDED, That in
9 considering bids for purchase, manufacture, or lease, and in
10 determining the "lowest responsible bidder," whenever there is reason
11 to believe that applying the "life cycle costing" technique to bid
12 evaluation would result in lowest total cost to the state, first
13 consideration shall be given by state purchasing activities to the bid
14 with the lowest life cycle cost which complies with specifications.
15 "Life cycle cost" means the total cost of an item to the state over its
16 estimated useful life, including costs of selection, acquisition,
17 operation, maintenance, and where applicable, disposal, as far as these
18 costs can reasonably be determined, minus the salvage value at the end
19 of its estimated useful life. The "estimated useful life" of an item
20 means the estimated time from the date of acquisition to the date of
21 replacement or disposal, determined in any reasonable manner.

22 (2) Nothing in this section shall prohibit any state agency,
23 department, board, commission, committee, or other state-level entity
24 from allowing for preferential purchase of products made from recycled
25 materials or products that may be recycled or reused.

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