

State Government Committee

HB 1918

Brief Description: Making compliance with environmental laws a requirement for bidders for public works projects.

Sponsors: Representatives Poulsen, Dunshee, Schual-Berke, Murray, McIntire, Lantz, Romero, Dickerson, Rockefeller, Veloria, Keiser, Ruderman, Ogden and Kenney.

Brief Summary of Bill

- *Requires state agencies to consider a bidder's compliance with tax laws, environmental laws, and labor and employment laws when awarding state contracts for public works and purchases.*
- *Requires land use agencies to consider a permit applicant's compliance with tax laws, environmental laws, and labor and employment laws when approving or denying a land use permit application.*

Hearing Date: 2/21/01

Staff: Catherine Blinn (786-7114).

Background:

The particular process for awarding public works contracts and purchase contracts is generally based on the cost of the contract. Smaller contracts may be awarded without a bidding process or according to a limited bidding process, while larger contracts require a formal sealed bidding process. Regardless of the procedure used, the agency must ensure that a competitive price is established and that the contract is awarded to the lowest responsible bidder. General Administration, with regard to purchasing contracts, and the Department of Transportation, with regard to public works contracts, may consider, in addition to price: (a) the ability, capacity, and skill of the bidder to perform the contract; (b) the character, integrity, reputation, judgment, experience, and efficiency of the bidder; (c) whether the bidder can perform the contract within the time specified; (d) the quality of

performance of previous contracts or services; and (e) whether the bidder's financial resources are adequate.

State and federal environmental laws, the Growth Management Act (GMA), and local development regulations require an assortment of environmental studies to address the impacts associated with a proposed development. Through an integrated project review, land use permitting agencies must determine whether existing environmental studies adequately measure and address the environmental impacts of a proposed development project, and whether a projects' environmental impacts can be further avoided or mitigated. The permitting agency must determine whether a proposed project is consistent with local development regulations and the GMA. The project review is necessary prior to approving, rejecting, or conditioning a land use permit for a proposed project.

Summary of Bill:

A contractor's record of compliance with tax laws, environmental laws, and labor and employment laws must be a factor in awarding all state contracts for public works and purchases. A land use permit applicant's compliance with tax laws, environmental laws, and labor and employment laws must be a factor in an agency's decision to approve, deny, or condition a land use project.

Rulemaking Authority: *No express authority.*

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*