
SUBSTITUTE SENATE BILL 5760

State of Washington

61st Legislature

2009 Regular Session

By Senate Ways & Means (originally sponsored by Senators Fraser, Brandland, Zarelli, Shin, Kilmer, and Kohl-Welles; by request of University of Washington and Washington State University)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to the state universities' public works contracting
2 procedures; adding a new section to chapter 28B.20 RCW; and adding a
3 new section to chapter 28B.30 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.20 RCW
6 to read as follows:

7 (1) The board of regents may enter into any number of contracts
8 with one or more persons, companies, or entities for the planning,
9 design, renovation, erection, remodeling, demolition, or construction
10 of university buildings and facilities, or improvements thereto, using
11 a small works roster process for projects with an estimated cost of up
12 to one million dollars, and a design-build process, design-bid-build
13 process, or general contractor-construction manager process for
14 projects with an estimated cost in excess of one million dollars. Such
15 contract or contracts shall be awarded after public notice and under
16 such requirements and procedures as shall be established by the board
17 of regents, to the person or persons able to perform on the most
18 advantageous terms. The requirements and procedures established by the
19 board of regents may include but are not limited to: (a) Setting the

1 dollar amount for self performance of work by the general contractor;
2 (b) setting the schedule for establishing the maximum allowable
3 construction cost; and (c) establishing the process for selection of
4 subcontractors. This authority shall apply only when the revenue
5 source for the cost of the planning, design, renovation, erection,
6 remodeling, demolition, or construction of the buildings and
7 facilities, or improvements thereto, does not include state-
8 appropriated funds. The board of regents does not have the power to
9 enter into any contract that binds the board of regents to pay out any
10 sum of money in excess of the amount provided for said purpose. The
11 requirements of chapters 39.08, 39.12, and 60.28 RCW apply to work
12 completed under this authority. If the board of regents chooses to
13 exercise the authority granted under this chapter, no other statutory
14 bidding or procurement requirements apply, including those in chapter
15 39.10 RCW and RCW 39.04.155.

16 (2) Whenever the revenue source for a public works project does not
17 include state-appropriated funds, the University of Washington may,
18 before asking for bids, require from any person, firm, company, or
19 corporation, interested in bidding, answers to questions contained in
20 a standard form of questionnaire, including a complete statement of the
21 financial ability and experience of the person, firm, company, or
22 corporation and that of any proposed subcontractor. The completed
23 questionnaire shall be sworn to before a notary public or other person
24 authorized to take acknowledgment of deeds, and shall be submitted at
25 such time as the University of Washington may require. Whenever the
26 University of Washington is not satisfied with the sufficiency of the
27 answers contained in a completed questionnaire or whenever the
28 University of Washington determines that the person, firm, company,
29 corporation, or subcontractor does not meet all of the requirements in
30 this section, that person, firm, corporation, or subcontractor shall be
31 disqualified from bidding. In order to be qualified to bid, a person,
32 firm, corporation, or subcontractor shall have:

33 (a) Adequate financial resources or the ability to secure such
34 resources;

35 (b) The necessary experience, organization, and technical
36 qualifications to perform the proposed contract;

37 (c) The ability to comply with the required performance schedule
38 taking into consideration all of its existing business commitments;

1 (d) A satisfactory record of performance, integrity, judgment, and
2 skills; and

3 (e) Otherwise been qualified and eligible to receive an award under
4 applicable laws and rules.

5 (3) The University of Washington may limit the total number of
6 persons, firms, corporations, or companies requested to submit
7 proposals or bids to a number that ensures that a sufficient number of
8 competitive proposals or bids are received without unnecessarily
9 creating marketing costs for otherwise qualified persons, firms,
10 corporations, or companies. The University of Washington, on a
11 project-by-project basis, shall determine the approved proposer or
12 bidders list following the prequalification process.

13 (4) The University of Washington shall report on the status and
14 performance of nonappropriated capital projects greater than ten
15 million dollars in total project costs, as part of appropriated capital
16 project reporting required by the office of financial management.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.30 RCW
18 to read as follows:

19 (1) The board of regents may enter into any number of contracts
20 with one or more persons, companies, or entities for the planning,
21 design, renovation, erection, remodeling, demolition, or construction
22 of university buildings and facilities, or improvements thereto, using
23 a small works roster process for projects with an estimated cost of up
24 to one million dollars, and a design-build process, design-bid-build
25 process, or general contractor-construction manager process for
26 projects with an estimated cost in excess of one million dollars. Such
27 contract or contracts shall be awarded after public notice and under
28 such requirements and procedures as shall be established by the board
29 of regents, to the person or persons able to perform on the most
30 advantageous terms. The requirements and procedures established by the
31 board of regents may include but are not limited to: (a) Setting the
32 dollar amount for self performance of work by the general contractor;
33 (b) setting the schedule for establishing the maximum allowable
34 construction cost; and (c) establishing the process for selection of
35 subcontractors. This authority shall apply only when the revenue
36 source for the cost of the planning, design, renovation, erection,
37 remodeling, demolition, or construction of the buildings and

1 facilities, or improvements thereto, does not include state-
2 appropriated funds. The board of regents does not have the power to
3 enter into any contract that binds the board of regents to pay out any
4 sum of money in excess of the amount provided for said purpose. The
5 requirements of chapters 39.08, 39.12, and 60.28 RCW apply to work
6 completed under this authority. If the board of regents chooses to
7 exercise the authority granted under this chapter, no other statutory
8 bidding or procurement requirements apply, including those in chapter
9 39.10 RCW and RCW 39.04.155.

10 (2) Whenever the revenue source for a public works project does not
11 include state-appropriated funds, Washington State University may,
12 before asking for bids, require from any person, firm, company, or
13 corporation, interested in bidding, answers to questions contained in
14 a standard form of questionnaire, including a complete statement of the
15 financial ability and experience of the person, firm, company, or
16 corporation and that of any proposed subcontractor. The completed
17 questionnaire shall be sworn to before a notary public or other person
18 authorized to take acknowledgment of deeds, and shall be submitted at
19 such time as Washington State University may require. Whenever
20 Washington State University is not satisfied with the sufficiency of
21 the answers contained in a completed questionnaire or whenever
22 Washington State University determines that the person, firm, company,
23 corporation, or subcontractor does not meet all of the requirements in
24 this section, that person, firm, corporation, or subcontractor shall be
25 disqualified from bidding. In order to be qualified to bid, a person,
26 firm, corporation, or subcontractor shall have:

27 (a) Adequate financial resources or the ability to secure such
28 resources;

29 (b) The necessary experience, organization, and technical
30 qualifications to perform the proposed contract;

31 (c) The ability to comply with the required performance schedule
32 taking into consideration all of its existing business commitments;

33 (d) A satisfactory record of performance, integrity, judgment, and
34 skills; and

35 (e) Otherwise been qualified and eligible to receive an award under
36 applicable laws and rules.

37 (3) Washington State University may limit the total number of
38 persons, firms, corporations, or companies requested to submit

1 proposals or bids to a number that ensures that a sufficient number of
2 competitive proposals or bids are received without unnecessarily
3 creating marketing costs for otherwise qualified persons, firms,
4 corporations, or companies. Washington State University, on a project-
5 by-project basis, shall determine the approved proposer or bidders list
6 following the prequalification process.

7 (4) Washington State University shall report on the status and
8 performance of nonappropriated projects greater than ten million
9 dollars in total project costs, as part of appropriated capital project
10 reporting required by the office of financial management.

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