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HOUSE BILL 1693

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Pollet and Tarleton

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 2010 c 245 s 11 are each amended to  
7 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,  
15 adjusted for inflation from the 2015 fiscal year as determined by the  
16 office of financial management in the capital budget cost estimating  
17 instructions, and the project involves construction, renovation,  
18 remodeling, or alteration of improvements within a building that is  
19 used directly for critical patient care or highly specialized medical  
20 research.

1           (2) The university may create a single critical patient care or  
2 specialized medical research facilities roster or may create multiple  
3 critical patient care or specialized medical research facilities  
4 rosters for different trade specialties or categories of anticipated  
5 work. At least once a year, the university shall publish in a  
6 newspaper of general circulation a notice of the existence of the  
7 roster or rosters and solicit a statement of qualifications from  
8 contractors who wish to be on the roster or rosters of prime  
9 contractors. In addition, qualified contractors shall be added to the  
10 roster or rosters at any time they submit a written request,  
11 necessary records, and meet the qualifications established by the  
12 university. The university may require eligible contractors desiring  
13 to be placed on a roster to keep current records of any applicable  
14 licenses, certifications, registrations, bonding, insurance, or other  
15 appropriate matters on file with the university as a condition of  
16 being placed on a roster or rosters. Placement on a roster shall be  
17 on the basis of qualifications.

18           (3) The public solicitation of qualifications shall include but  
19 not be limited to:

20           (a) A description of the types of projects to be completed and  
21 where possible may include programmatic, performance, and technical  
22 requirements and specifications;

23           (b) The reasons for using the critical patient care and  
24 specialized medical research roster process;

25           (c) A description of the qualifications to be required of a  
26 contractor, including submission of an accident prevention program;

27           (d) A description of the process the university will use to  
28 evaluate qualifications, including evaluation factors and the  
29 relative weight of factors;

30           (e) The form of the contract to be awarded;

31           (f) A description of the administrative process by which the  
32 required qualifications, evaluation process, and project types may be  
33 appealed; and

34           (g) A description of the administrative process by which  
35 decisions of the university may be appealed.

36           (4) The university shall establish a committee to evaluate the  
37 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 (5) Contractors meeting the evaluation committee's criteria for  
16 selection must be placed on the applicable roster or rosters.

17 (6) When a project is selected for delivery through this roster  
18 process, the university must establish a procedure for securing  
19 written quotations from all contractors on a roster to assure that a  
20 competitive price is established. Invitations for quotations shall  
21 include an estimate of the scope and nature of the work to be  
22 performed as well as materials and equipment to be furnished. Plans  
23 and specifications must be included in the invitation but may not be  
24 detailed. Award of a project must be made to the responsible bidder  
25 submitting the lowest responsive bid.

26 (7) The university shall make an effort to solicit proposals from  
27 certified minority or certified woman-owned contractors to the extent  
28 permitted by the Washington state civil rights act, RCW 49.60.400,  
29 and shall develop a program that provides at least biennial training  
30 and support to help these contractors qualify for subcontracting work  
31 on a roster project.

32 (8) The university shall review postselection processes with any  
33 entities for which it operates medical and hospital facilities  
34 subject to this section, in order to improve postselection startup of  
35 construction activities, prevent delays, and capture potential cost  
36 savings.

37 (9) Beginning in September 2010 and every other year thereafter,  
38 the university shall provide a report to the capital projects  
39 advisory review board which must, at a minimum, include a list of  
40 rosters used, contracts awarded, ((and)) a description of outreach to

1 ((and participation by)) women and minority-owned businesses, and a  
2 description of participation by women and minority-owned businesses  
3 as contractors or subcontractors in projects using the alternative  
4 process described in this section.

5 (10) By December 1, 2019, and every five years thereafter, the  
6 joint legislative audit and review committee shall conduct an  
7 evaluation of the alternative process created in this section,  
8 including any improvement to participation by women and minority-  
9 owned businesses, and time and cost savings to the university.

10 NEW SECTION. Sec. 2. The following acts or parts of acts are  
11 each repealed:

12 (1) RCW 43.131.413 (Alternative process for awarding contracts—  
13 University buildings and facilities for critical patient care or  
14 specialized medical research—Termination) and 2010 c 245 s 12; and

15 (2) RCW 43.131.414 (Alternative process for awarding contracts—  
16 University buildings and facilities for critical patient care or  
17 specialized medical research—Repeal) and 2010 c 245 s 13.

18 NEW SECTION. Sec. 3. Section 2 of this act is necessary for the  
19 immediate preservation of the public peace, health, or safety, or  
20 support of the state government and its existing public institutions,  
21 and takes effect June 29, 2015.

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