

CERTIFICATION OF ENROLLMENT

SENATE BILL 5631

65th Legislature
2017 Regular Session

Passed by the Senate February 28, 2017
Yeas 45 Nays 4

President of the Senate

Passed by the House April 6, 2017
Yeas 68 Nays 27

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5631** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5631

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senators Becker and Frockt

Read first time 02/01/17. Referred to Committee on Higher Education.

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 2015 3rd sp.s. c 3 s 7043 are each
7 amended to 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 and
15 the project involves construction, renovation, remodeling, or
16 alteration of improvements within a building that is used directly
17 for critical patient care or highly specialized medical research.

18 (2) The university may create a single critical patient care or
19 specialized medical research facilities roster or may create multiple
20 critical patient care or specialized medical research facilities
21 rosters for different trade specialties or categories of anticipated

1 work. At least once a year, the university shall publish in a
2 newspaper of general circulation and with the office of minority and
3 women's business enterprises, a notice of the existence of the roster
4 or rosters and solicit a statement of qualifications from contractors
5 who wish to be on the roster or rosters of prime contractors. In
6 addition, qualified contractors shall be added to the roster or
7 rosters at any time they submit a written request, necessary records,
8 and meet the qualifications established by the university. The
9 university may require eligible contractors desiring to be placed on
10 a roster to keep current records of any applicable licenses,
11 certifications, registrations, bonding, insurance, or other
12 appropriate matters on file with the university with input from the
13 women-owned and minority-owned business community as a condition of
14 being placed on a roster or rosters. Placement on a roster shall be
15 on the basis of qualifications.

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

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

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

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

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

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

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

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

34 (4) The university shall establish a committee that includes one
35 representative from the minority-owned business community and one
36 representative from the women-owned business community to evaluate
37 the 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 (i) The contractor's record of including office of minority and
16 women's business enterprises-certified, minority, women, veteran, and
17 small businesses; and

18 (j) The contractor's past history of use of small business
19 entities, disadvantaged business enterprises, minority business
20 enterprises, women business enterprises, and minority women business
21 enterprises over the last five years on projects of five million
22 dollars or less and the contractor's proposed outreach plan and
23 commitment to include such firms.

24 (5) Contractors meeting the evaluation committee's criteria for
25 selection must be placed on the applicable roster or rosters.

26 (6) When a project is selected for delivery through this roster
27 process, the university must establish a procedure for securing
28 written quotations from all contractors on a roster to assure that a
29 competitive price is established. Invitations for quotations shall
30 include an estimate of the scope and nature of the work to be
31 performed as well as materials and equipment to be furnished. Plans
32 and specifications must be included in the invitation but may not be
33 detailed. Award of a project must be made to the responsible bidder
34 submitting the lowest responsive bid.

35 (7) The university shall make an effort to solicit proposals from
36 certified minority or certified woman-owned contractors. The
37 university business diversity program shall establish aspirational
38 goals for small business entities, disadvantaged business
39 enterprises, minority business enterprises, women business
40 enterprises, and minority women business enterprises for each roster

1 based on the projected subcontracting opportunities and to the extent
2 permitted by the Washington state civil rights act, RCW 49.60.400.

3 (8) Beginning in September 2010 and every other September
4 thereafter, the university shall provide a report to the capital
5 projects advisory review board which must, at a minimum, include a
6 list of rosters used, contracts awarded, ~~((and a description of
7 outreach to and participation by women and minority-owned
8 businesses))~~ office of minority and women's business enterprises-
9 certified small business entities, disadvantaged business
10 enterprises, veterans, and women and minority-owned business use
11 rates on the projects.

12 (9) Beginning in September 2015 and every September thereafter,
13 the university shall report to the office of minority and women's
14 business enterprises and to the appropriate legislative fiscal
15 committees the number of qualified women and minority-owned business
16 contractors on the roster or rosters and the number of contracts
17 awarded to women and minority-owned businesses.

18 (10) The university shall require contractors to solicit
19 proposals from office of minority and women's business enterprises-
20 certified firms.

21 NEW SECTION. Sec. 2. The following acts or parts of acts are
22 each repealed:

23 (1) RCW 43.131.413 (Alternative process for awarding contracts—
24 University buildings and facilities for critical patient care or
25 specialized medical research—Termination) and 2015 3rd sp.s. c 3 s
26 7041 & 2010 c 245 s 12; and

27 (2) RCW 43.131.414 (Alternative process for awarding contracts—
28 University buildings and facilities for critical patient care or
29 specialized medical research—Repeal) and 2015 3rd sp.s. c 3 s 7042 &
30 2010 c 245 s 13.

31 NEW SECTION. Sec. 3. This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of
33 the state government and its existing public institutions, and takes
34 effect June 30, 2017.

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