

**From:** Brett Hill <[brett.hill@acslawyers.com](mailto:brett.hill@acslawyers.com)>  
**Date:** Saturday, December 1, 2018 at 8:28 AM  
**To:** Walter Schacht <[walter@saarch.com](mailto:walter@saarch.com)>  
**Subject:** CPARB Pre-Read - Bid Protest Bills

Walter,

Per our call earlier this week, I have attached the white papers and draft bills that NUCA of Washington would like to present at the next CPARB meeting on December 13, 2018. Here is a summary of the proposed statutory changes:

1. RCW 39.04.105: This bill will change the main bid protest statute to (1) require public owners to wait 2 business days after bid opening to award a contract (2) allow bidder to request bids of competing bidders within that two day period and (2) require public owners to provide the competing bids to the bidders if requested and not award a contract until two days after the other bids are provided – if requested.
2. RCW 39.10.380: This bill will change the bid protest procedures for GC/CM procurements. The old statute made it appear that the bidders must protest within 2 days after bid opening and if they did not then they waived their right to protest. This change to the statute make it consistent with RCW 39.04.105 for the timing of bid protest. This change does not include the language for requesting bids from the other bidders because the public records request statute does not apply to GCs in a GC/CM procurement.

NUCA is currently seeking support from AGC and other stakeholders. We expect to have support for these bills from a number of other organizations by the time we will be presenting at CPARB.

Regards,



**Brett M. Hill**  
[brett.hill@acslawyers.com](mailto:brett.hill@acslawyers.com)

**AHLERS CRESSMAN & SLEIGHT PLLC**  
(P) 206.287.9900 | (F) 206.287.9902 | (D) 206.515.2233  
999 Third Ave Suite 3800  
Seattle WA 98104  
[www.acslawyers.com](http://www.acslawyers.com)