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HOUSE BILL 1652

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State of Washington

65th Legislature

2017 Regular Session

By Representative Pollet

1 AN ACT Relating to the University of Washington's alternative  
2 process for awarding contracts; amending RCW 28B.20.744; and  
3 repealing RCW 43.131.413 and 43.131.414.

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

5 **Sec. 1.** RCW 28B.20.744 and 2015 3rd sp.s. c 3 s 7043 are each  
6 amended to read as follows:

7 (1) This section provides an alternative process for awarding  
8 contracts for construction, building, renovation, remodeling,  
9 alteration, repair, or improvement of university buildings and  
10 facilities in which critical patient care or highly specialized  
11 medical research is located. These provisions may be used, in lieu of  
12 other procedures to award contracts for such work, when the estimated  
13 cost of the work is equal to or less than five million dollars and  
14 the project involves construction, renovation, remodeling, or  
15 alteration of improvements within a building that is used directly  
16 for critical patient care or highly specialized medical research.

17 (2) The university may create a single critical patient care or  
18 specialized medical research facilities roster or may create multiple  
19 critical patient care or specialized medical research facilities  
20 rosters for different trade specialties or categories of anticipated  
21 work. At least once a year, the university shall publish in a

1 newspaper of general circulation a notice of the existence of the  
2 roster or rosters and solicit a statement of qualifications from  
3 contractors who wish to be on the roster or rosters of prime  
4 contractors. In addition, qualified contractors shall be added to the  
5 roster or rosters at any time they submit a written request,  
6 necessary records, and meet the qualifications established by the  
7 university. The university may require eligible contractors desiring  
8 to be placed on a roster to keep current records of any applicable  
9 licenses, certifications, registrations, bonding, insurance, or other  
10 appropriate matters on file with the university as a condition of  
11 being placed on a roster or rosters. Placement on a roster shall be  
12 on the basis of qualifications.

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

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

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

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

22 (d) A description of the process the university will use to  
23 evaluate qualifications, including evaluation factors and the  
24 relative weight of factors;

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

26 (f) A description of the administrative process by which the  
27 required qualifications, evaluation process, and project types may be  
28 appealed; and

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

31 (4) The university shall establish a committee to evaluate the  
32 contractors submitting qualifications. Evaluation criteria for  
33 selection of the contractor or contractors to be included on a roster  
34 shall include, but not be limited to:

35 (a) Ability of a contractor's professional personnel;

36 (b) A contractor's past performance on similar projects,  
37 including but not limited to medical facilities, and involving either  
38 negotiated work or other public works contracts;

39 (c) The contractor's ability to meet time and budget  
40 requirements;

1 (d) The contractor's ability to provide preconstruction services,  
2 as appropriate;

3 (e) The contractor's capacity to successfully complete the  
4 project;

5 (f) The contractor's approach to executing projects;

6 (g) The contractor's approach to safety and the contractor's  
7 safety history; (~~and~~)

8 (h) The contractor's record of performance, integrity, judgment,  
9 and skills; and

10 (i) The contractor's outreach plan to include small business  
11 entities, disadvantaged business enterprises, veterans, and women and  
12 minority-owned businesses, and the firm's past performance in the use  
13 of such firms.

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

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

25 (7) The university shall make an effort to solicit proposals from  
26 certified minority or certified woman-owned contractors. The  
27 university business diversity program shall establish targets for  
28 each project based on the subcontracting opportunities and the  
29 availability of firms to the extent permitted by the Washington state  
30 civil rights act, RCW 49.60.400.

31 (8) Beginning in September 2010 and every other September  
32 thereafter, the university shall provide a report to the capital  
33 projects advisory review board which must, at a minimum, include a  
34 list of rosters used, contracts awarded, small business entities,  
35 disadvantaged business enterprises, veterans, and women and minority-  
36 owned business use rates on the projects, and a description of  
37 outreach to and participation by women and minority-owned businesses.

38 (9) Beginning in September 2015 and every September thereafter,  
39 the university shall report to the office of minority and women's  
40 business enterprises and to the appropriate legislative fiscal

1 committees the number of qualified women and minority-owned business  
2 contractors on the roster or rosters and the number of contracts  
3 awarded to women and minority-owned businesses.

4 (10) The university shall require contractors to solicit  
5 proposals from small business entities and disadvantaged business  
6 enterprises.

7 NEW SECTION. Sec. 2. The following acts or parts of acts are  
8 each repealed:

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

13 (2) RCW 43.131.414 (Alternative process for awarding contracts—  
14 University buildings and facilities for critical patient care or  
15 specialized medical research—Repeal) and 2015 3rd sp.s. c 3 s 7042 &  
16 2010 c 245 s 13.

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