
HOUSE BILL 2538

State of Washington

57th Legislature

2002 Regular Session

By Representatives Conway, Campbell, Romero, Hunt, O'Brien, Jackley, Wood, Chase, Ogden, Simpson and Kenney

Read first time 01/21/2002. Referred to Committee on State Government.

1 AN ACT Relating to identification of subcontractors on public works
2 contracts; amending RCW 39.30.060; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** This act is intended to discourage bid
5 shopping and bid peddling on Washington state public building and works
6 projects.

7 **Sec. 2.** RCW 39.30.060 and 1999 c 109 s 1 are each amended to read
8 as follows:

9 Every invitation to bid on a prime contract that is expected to
10 cost one million dollars or more for the construction, alteration, or
11 repair of any public building or public work of the state or a state
12 agency or municipality as defined under RCW 39.04.010 or an institution
13 of higher education as defined under RCW 28B.10.016 shall require each
14 prime contract bidder to submit as part of the bid, or within one hour
15 after the published bid submittal time, the names of the subcontractors
16 with whom the bidder, if awarded the contract, will subcontract for
17 performance of the work of: HVAC (heating, ventilation, and air
18 conditioning(()))i plumbing as described in chapter 18.106 RCW(())i

1 and electrical as described in chapter 19.28 RCW, or to name itself for
2 the work. The prime contract bidder shall not list more than one
3 subcontractor for each category of work identified, unless
4 subcontractors vary with bid alternates, in which case the prime
5 contract bidder must indicate which subcontractor will be used for
6 which alternate. Failure of the prime contract bidder to submit as
7 part of the bid the names of such subcontractors or to name itself to
8 perform such work or the naming of two or more subcontractors to
9 perform the same work shall render the prime contract bidder's bid
10 nonresponsive and, therefore, void. Substitution of a listed
11 subcontractor in furtherance of bid shopping before or after the award
12 of the prime contract is prohibited and the originally listed
13 subcontractor is entitled to recover damages from the prime contract
14 bidder and the substituted subcontractor but not from the public entity
15 inviting the bid. The requirement of this section to name the prime
16 contract bidder's proposed ((heating, ventilation and air
17 conditioning)) HVAC, plumbing, and electrical subcontractors applies
18 only to proposed ((heating, ventilation and air conditioning)) HVAC,
19 plumbing, and electrical subcontractors who will contract directly with
20 the ((general contractor)) prime contract bidder submitting the bid to
21 the public entity.

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