
SUBSTITUTE SENATE BILL 6528

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Keiser, Eide and Costa)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to the selection of responsible contractors bidding
2 on public works; and adding a new chapter to Title 39 RCW.

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

4 NEW SECTION. **Sec. 1.** The purpose of this chapter is to allow all
5 state or local governmental entities that award contracts for publicly
6 funded projects to select contractors by the lowest responsible bidder
7 method. This chapter does not supersede the requirements of chapter
8 39.10 RCW.

9 NEW SECTION. **Sec. 2.** A state or local governmental entity that
10 awards contracts for publicly funded projects must determine whether
11 the lowest responsive bidder is responsible using the criteria in
12 section 3 of this act.

13 NEW SECTION. **Sec. 3.** In determining whether the lowest responsive
14 bidder is responsible, the governmental entity awarding the contract
15 must consider the following elements:

16 (1) The ability, capacity, and skill of the bidder to perform the
17 contract or provide the service required;

- 1 (2) The experience of the bidder;
- 2 (3) Whether the bidder has historically demonstrated the ability to
- 3 perform the contract within the time specified;
- 4 (4) The satisfactory completion of previous contracts or services
- 5 by the bidder; and
- 6 (5) The previous and current compliance by the bidder with
- 7 contracting laws.

8 NEW SECTION. **Sec. 4.** Governmental entities shall use, in
9 substantial form, a questionnaire created by the Washington state
10 department of general administration to determine compliance with
11 section 3 of this act. Modifications to the form may be utilized after
12 notice has been given by the governmental entity, prior to requesting
13 bids on a project for which the questionnaire will be used.

14 NEW SECTION. **Sec. 5.** The apparent low bidder must submit the
15 questionnaire required by section 4 of this act within three business
16 days of the bid opening. Failure to submit the information within the
17 time provided will render the bid nonresponsible. If the information
18 that is provided is false on a material point, then the bid will be
19 deemed nonresponsible.

20 Immediately after an award is made, the bids received shall be open
21 to public inspection.

22 The governmental entity must make an affirmative determination that
23 the lowest responsive bidder is responsible.

24 NEW SECTION. **Sec. 6.** If the governmental entity deems the
25 apparent low bidder to be not responsible, it shall notify the bidder
26 in writing with specificity as to the reasons why the bidder was deemed
27 not responsible. Within three business days of receipt of such
28 notification, the bidder may withdraw its bid or it may present
29 additional information, including any information from interested
30 parties as defined in RCW 39.12.010, that the bidder believes proves
31 its responsibility. Within three business days of a bidder's
32 submission of additional information, the governmental entity shall
33 reconsider the bid and make a second determination of responsibility,
34 which shall be final.

1 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
2 a new chapter in Title 39 RCW.

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