

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6577**

Chapter 163, Laws of 2002

57th Legislature  
2002 Regular Session

PUBLIC WORKS CONTRACTS--SUBCONTRACTOR IDENTIFICATION

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002  
YEAS 43 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House March 6, 2002  
YEAS 93 NAYS 0

FRANK CHOPP

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**Speaker of the  
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6577** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

\_\_\_\_\_  
**Secretary**

Approved March 27, 2002

FILED

March 27, 2002 - 8:43 a.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SENATE BILL 6577**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

**State of Washington                      57th Legislature                      2002 Regular Session**

**By** Senators Gardner, Roach and Costa

Read first time 01/22/2002. Referred to Committee on State & Local 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            (1) 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((~~τ~~)))i plumbing as described in chapter 18.106 RCW((~~τ~~))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.

11 (2) Substitution of a listed subcontractor in furtherance of bid  
12 shopping or bid peddling before or after the award of the prime  
13 contract is prohibited and the originally listed subcontractor is  
14 entitled to recover monetary damages from the prime contract bidder who  
15 executed a contract with the public entity and the substituted  
16 subcontractor but not from the public entity inviting the bid. It is  
17 the original subcontractor's burden to prove by a preponderance of the  
18 evidence that bid shopping or bid peddling occurred. Substitution of  
19 a listed subcontractor may be made by the prime contractor for the  
20 following reasons:

21 (a) Refusal of the listed subcontractor to sign a contract with the  
22 prime contractor;

23 (b) Bankruptcy or insolvency of the listed subcontractor;

24 (c) Inability of the listed subcontractor to perform the  
25 requirements of the proposed contract or the project;

26 (d) Inability of the listed subcontractor to obtain the necessary  
27 license, bonding, insurance, or other statutory requirements to perform  
28 the work detailed in the contract; or

29 (e) The listed subcontractor is barred from participating in the  
30 project as a result of a court order or summary judgment.

31 (3) The requirement of this section to name the prime contract  
32 bidder's proposed ((heating, ventilation and air conditioning)) HVAC,  
33 plumbing, and electrical subcontractors applies only to proposed  
34 ((heating, ventilation and air conditioning)) HVAC, plumbing, and  
35 electrical subcontractors who will contract directly with the ((general  
36 contractor)) prime contract bidder submitting the bid to the public  
37 entity.

Passed the Senate March 11, 2002.

Passed the House March 6, 2002.

Approved by the Governor March 27, 2002.

Filed in Office of Secretary of State March 27, 2002.