
SENATE BILL 5081

State of Washington 64th Legislature 2015 Regular Session

By Senators Miloscia, Hill, Bailey, Becker, and Dammeier

Read first time 01/13/15. Referred to Committee on Ways & Means.

1 AN ACT Relating to increasing transparency of state government
2 expenditures related to state employees, state vendors and other
3 public entities; amending RCW 43.82.150, 39.26.140, 39.26.150,
4 39.26.200, and 39.26.210; adding a new section to chapter 43.88 RCW;
5 and adding new sections to chapter 44.48 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.88
8 RCW to read as follows:

9 (1) In order to facilitate public inspection of state collective
10 bargaining agreements, the office of financial management must
11 maintain a web site that is accessible to the public of all
12 agreements collectively bargained under the authority of chapters
13 41.80 and 47.64 RCW and RCW 41.56.026, 41.56.028, 41.56.029,
14 41.56.473, 41.56.510, and 74.39A.270.

15 (2) In order to facilitate public understanding of state
16 collective bargaining agreements, the office of financial management
17 must prepare a summary of each agreement subject to subsection (1) of
18 this section for posting on the web site. The summary must identify
19 the following information for each agreement regardless of whether
20 the collective bargaining agreement itself includes a provision
21 addressing the subject:

1 (a) The term of agreement;

2 (b) The bargaining units covered by the agreement by state
3 agency;

4 (c) Base compensation;

5 (d) Eligibility for and rate of overtime pay;

6 (e) Eligibility for and rate of compensatory time;

7 (f) Eligibility for and rate of any other compensation, including
8 but not limited to shift premium pay, on-call pay, stand-by pay,
9 assignment pay, special pay, or employer provided housing or meals;

10 (g) Eligibility for and rate of pay for each paid leave
11 provision;

12 (h) Eligibility for and rate of pay for any cash out provisions
13 for compensatory time or paid leave;

14 (i) Temporary layoff provision;

15 (j) Dues deduction calculation and/or amount authorized as an
16 employee payroll deduction in the state central personnel-payroll
17 system or any separate payroll system of a state agency or
18 institution of higher education;

19 (k) Impasse procedure;

20 (l) Employer and employee health care benefits expressed as a
21 percentage of cost or as a dollar amount;

22 (m) Any retirement benefit subject to bargaining;

23 (n) A brief description of each component and its cost that
24 comprise the amount funded by the legislature to implement the
25 compensation and fringe benefits of the agreement;

26 (o) Number of bargaining unit members covered by the agreement as
27 of the date the agreement is implemented; and

28 (p) Content of any agency specific supplemental agreements
29 affecting (a) through (n) of this subsection.

30 (3) Information may include links to salary schedules, pay
31 ranges, and other information on state or federal agency web sites to
32 summarize information. Information may include links to specific
33 language within an agreement to summarize information.

34 (4) The web site must be updated within sixty days of
35 implementation of any agreement or revisions to an agreement.

36 (5) No later than January 1, 2016, the information under this
37 section must be incorporated into the state expenditure information
38 web site maintained by the legislative evaluation and accountability
39 program committee under RCW 44.48.150.

1 **Sec. 2.** RCW 43.82.150 and 2007 c 506 s 7 are each amended to
2 read as follows:

3 (1) The office of financial management shall develop and maintain
4 an inventory system to account for all owned or leased facilities
5 utilized by state government. At a minimum, the inventory system must
6 include the facility owner, location, type, condition, and size of
7 each facility. In addition, for owned facilities, the inventory
8 system must include the date and cost of original construction and
9 the cost of any major remodeling or renovation. The inventory must be
10 updated by June 30th of each year. The office of financial management
11 shall publish a report summarizing information contained in the
12 inventory system for each agency by October 1st of each year,
13 beginning in 2010 and shall submit this report to the appropriate
14 fiscal committees of the legislature.

15 (2) All agencies, departments, boards, commissions, and
16 institutions of the state of Washington shall provide to the office
17 of financial management a complete inventory of owned and leased
18 facilities by September 1, 2010. The inventory must be updated and
19 submitted to the office of financial management by September 1st of
20 each subsequent year. The inventories required under this subsection
21 must be submitted in a standard format prescribed by the office of
22 financial management.

23 (3) The office of financial management shall report to the
24 legislature by September 1, 2008, on recommended improvements to the
25 inventory system, redevelopment costs, and an implementation schedule
26 for the redevelopment of the inventory system. The report shall also
27 make recommendations on other improvements that will improve
28 accountability and assist in the evaluation of budget requests and
29 facility management by the governor and the legislature.

30 (4) No later than January 1, 2016, the inventory under this
31 section must be incorporated into the state expenditure information
32 web site maintained by the legislative evaluation and accountability
33 program committee under RCW 44.48.150.

34 (5) For the purposes of this section, "facilities" means
35 buildings and other structures with walls and a roof. "Facilities"
36 does not mean roads, bridges, parking areas, utility systems, and
37 other similar improvements to real property.

38 **Sec. 3.** RCW 39.26.140 and 2012 c 224 s 16 are each amended to
39 read as follows:

1 (1) Agencies must submit sole source contracts to the department
2 and make the contracts available for public inspection not less than
3 ten working days before the proposed starting date of the contract.
4 Agencies must provide documented justification for sole source
5 contracts to the department when the contract is submitted, and must
6 include evidence that the agency posted the contract opportunity at a
7 minimum on the state's enterprise vendor registration and bid
8 notification system.

9 (2) The department must approve sole source contracts before any
10 such contract becomes binding and before any services may be
11 performed or goods provided under the contract. These requirements
12 shall also apply to all sole source contracts except as otherwise
13 exempted by the director.

14 (3) The director may provide an agency an exemption from the
15 requirements of this section for a contract or contracts. Requests
16 for exemptions must be submitted to the director in writing.

17 (4) Contracts awarded by institutions of higher education from
18 nonstate funds are exempt from the requirements of this section.

19 (5) No later than January 1, 2016, the department must maintain a
20 web site of sole source contracts that is accessible to the public to
21 enable inspection as required in subsection (1) of this section.

22 **Sec. 4.** RCW 39.26.150 and 2012 c 224 s 17 are each amended to
23 read as follows:

24 (1) Agencies must provide public notice for all competitive
25 solicitations. Agencies must post all contract opportunities on the
26 state's enterprise vendor registration and bid notification system.
27 In addition, agencies may notify contractors and potential bidders by
28 sending notices by mail, electronic transmission, newspaper
29 advertisements, or other means as may be appropriate.

30 (2) Agencies should try to anticipate changes in a requirement
31 before the bid submittal date and to provide reasonable notice to all
32 prospective bidders of any resulting modification or cancellation.
33 If, in the opinion of the agency, it is not possible to provide
34 reasonable notice, the submittal date for receipt of bids may be
35 postponed and all bidders notified.

36 (3) No later than January 1, 2016, the department must maintain a
37 web site of all current contract opportunities on the state's
38 enterprise vendor registration and bid notification system that is

1 accessible to the public without requiring registration as a vendor
2 or other entity within the system.

3 **Sec. 5.** RCW 39.26.200 and 2013 2nd sp.s. c 34 s 1 are each
4 amended to read as follows:

5 (1)(a) The director shall provide notice to the contractor of the
6 director's intent to debar with the specific reason for the
7 debarment. The department must establish the debarment process by
8 rule.

9 (b) After reasonable notice to the contractor and reasonable
10 opportunity for that contractor to be heard, the director has the
11 authority to debar a contractor for cause from consideration for
12 award of contracts. The debarment must be for a period of not more
13 than three years.

14 (2) The director may debar a contractor based on a finding of one
15 or more of the following causes:

16 (a) Conviction for commission of a criminal offense as an
17 incident to obtaining or attempting to obtain a public or private
18 contract or subcontract, or in the performance of such contract or
19 subcontract;

20 (b) Conviction or a final determination in a civil action under
21 state or federal statutes of fraud, embezzlement, theft, forgery,
22 bribery, falsification or destruction of records, receiving stolen
23 property, violation of the federal false claims act, 31 U.S.C. Sec.
24 3729 et seq., or the state medicaid fraud false claims act, chapter
25 74.66 RCW, or any other offense indicating a lack of business
26 integrity or business honesty that currently, seriously, and directly
27 affects responsibility as a state contractor;

28 (c) Conviction under state or federal antitrust statutes arising
29 out of the submission of bids or proposals;

30 (d) Two or more violations within the previous five years of the
31 federal labor relations act as determined by the national labor
32 relations board or court of competent jurisdiction;

33 (e) Violation of contract provisions, as set forth in this
34 subsection, of a character that is regarded by the director to be so
35 serious as to justify debarment action:

36 (i) Deliberate failure without good cause to perform in
37 accordance with the specifications or within the time limit provided
38 in the contract; or

1 (ii) A recent record of failure to perform or of unsatisfactory
2 performance in accordance with the terms of one or more contracts,
3 however the failure to perform or unsatisfactory performance caused
4 by acts beyond the control of the contractor may not be considered to
5 be a basis for debarment;

6 (f) Violation of ethical standards set forth in RCW 39.26.020;
7 and

8 (g) Any other cause the director determines to be so serious and
9 compelling as to affect responsibility as a state contractor,
10 including debarment by another governmental entity for any cause
11 listed in regulations.

12 (3) The director must issue a written decision to debar. The
13 decision must:

14 (a) State the reasons for the action taken; and

15 (b) Inform the debarred contractor of the contractor's rights to
16 judicial or administrative review.

17 (4) No later than January 1, 2016, the department must maintain a
18 web site of all contractors currently debarred by the director that
19 is accessible to the public.

20 **Sec. 6.** RCW 39.26.210 and 2012 c 224 s 23 are each amended to
21 read as follows:

22 (1) Agencies must annually submit to the department a list of all
23 contracts that the agency has entered into or renewed. "Contracts,"
24 for the purposes of this section, does not include purchase orders.
25 The department must maintain a web site with a publicly available
26 list of all contracts entered into by agencies during each fiscal
27 year, except that contracts for the employment of expert witnesses
28 for the purposes of litigation shall not be made publicly available
29 to the extent that information is exempt from disclosure under state
30 law. Except as otherwise exempt, the data must identify the
31 contracting agency, the contractor, the purpose of the contract,
32 effective dates and periods of performance, the cost of the contract
33 and funding source, any substantive modifications to the contract,
34 and whether the contract was competitively procured or awarded on a
35 sole source basis.

36 (2) The department may conduct audits of its master contracts and
37 convenience contracts to ensure that the contractor is in compliance
38 with the contract terms and conditions, including but not limited to

1 providing only the goods and services specified in the contract at
2 the contract price.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 44.48
4 RCW to read as follows:

5 By January 1, 2016, in collaboration with the department of
6 enterprise services, the legislative evaluation and accountability
7 program committee must establish and make available to the public a
8 state contracting information web site. The web site must direct the
9 public to existing databases and web sites of current contracting
10 opportunities, sole source contract inspection opportunities,
11 debarred contractors, the inventory of state agency contracts entered
12 into or renewed, and any other information that will increase public
13 accessibility to state contracting opportunities or expenditures. If
14 determined feasible and efficient, the legislative evaluation and
15 accountability program committee may host department of enterprise
16 services web sites related to state agency contracts or publish
17 existing databases in different forms and formats to increase public
18 accessibility to the information.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 44.48
20 RCW to read as follows:

21 (1) In order to facilitate transparency and accessibility to
22 state expenditures to other public entities, no later than September
23 30th of each year, the following agencies must report to the
24 legislative evaluation and accountability program committee the
25 amount of funds distributed in the prior fiscal year by entity for
26 the following programs and expenditures:

27 (a) Administrative office of the courts:

28 (i) State contributions for county superior court judge salaries
29 and benefits;

30 (ii) County legal financial obligation grants under RCW 2.56.190;

31 (iii) Court-appointed special advocate coordinator grants;

32 (iv) Court interpreter assistance reimbursements under RCW
33 2.42.120(7) and 2.43.040(5);

34 (v) State contributions for district court judges and qualifying
35 elected municipal court judge salaries under RCW 2.56.030(22);

36 (vi) Family and juvenile court improvement grants under RCW
37 2.56.230; and

1 (vii) Distributions to counties and/or county juvenile court
2 administrators to fund the costs of processing truancy, children in
3 need of services, and at-risk youth petitions.

4 (b) Office of public defense:

5 (i) Parents representation program costs; and

6 (ii) Public defense improvement grants under chapter 10.101 RCW.

7 (c) Department of retirement systems: State contributions to the
8 law enforcement officers' and firefighters' retirement system.

9 (d) Secretary of state: Reimbursements to counties for the
10 state's share of primary and general election costs and the costs of
11 conducting mandatory recounts on state measures in odd-numbered year
12 elections.

13 (e) Military department:

14 (i) Financial assistance to counties to replace analog 911
15 telephone and network equipment with next generation 911 capable
16 technology; and

17 (ii) Financial assistance to counties under contract for expenses
18 authorized for reimbursement under RCW 38.52.540 and 38.52.545.

19 (f) Department of commerce:

20 (i) Vehicle electrification demonstration grants under RCW
21 43.325.110;

22 (ii) Growth management act grants;

23 (iii) Energy efficiency and solar grants to local governments,
24 institutions of higher education, and state agencies; and

25 (iv) Victim/witness assistance programs under RCW 7.68.035.

26 (g) Criminal justice training center: Cost of cadet basic law
27 enforcement academy training.

28 (2) State agencies must collaborate with the legislative
29 evaluation and accountability program committee and the appropriate
30 fiscal committees of the legislature to determine a method to assign
31 a distribution amount by entity in those instances when the amount or
32 entity is not readily identifiable. The method used must be disclosed
33 in the description of the distribution.

34 (3) In their report to the legislative evaluation and
35 accountability program committee, state agencies must provide a brief
36 description of any changes to the program or expenditure from its
37 prior report that affects distribution eligibility or methodology.

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