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**SUBSTITUTE HOUSE BILL 1673**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Doglio, Sells, Gregerson, Ormsby, Macri, Goodman, Frame, Stonier, McBride, Cody, Senn, Ortiz-Self, and Pollet)

READ FIRST TIME 02/15/17.

1 AN ACT Relating to adding training on public works and prevailing  
2 wage requirements to responsible bidder criteria; amending RCW  
3 39.04.350; creating a new section; and providing an effective date.

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

5 **Sec. 1.** RCW 39.04.350 and 2010 c 276 s 2 are each amended to  
6 read as follows:

7 (1) Before award of a public works contract, a bidder must meet  
8 the following responsibility criteria to be considered a responsible  
9 bidder and qualified to be awarded a public works project. The bidder  
10 must:

11 (a) At the time of bid submittal, have a certificate of  
12 registration in compliance with chapter 18.27 RCW;

13 (b) Have a current state unified business identifier number;

14 (c) If applicable, have industrial insurance coverage for the  
15 bidder's employees working in Washington as required in Title 51 RCW;  
16 an employment security department number as required in Title 50 RCW;  
17 and a state excise tax registration number as required in Title 82  
18 RCW;

19 (d) Not be disqualified from bidding on any public works contract  
20 under RCW 39.06.010 or 39.12.065(3);

1 (e) If bidding on a public works project subject to the  
2 apprenticeship utilization requirements in RCW 39.04.320, not have  
3 been found out of compliance by the Washington state apprenticeship  
4 and training council for working apprentices out of ratio, without  
5 appropriate supervision, or outside their approved work processes as  
6 outlined in their standards of apprenticeship under chapter 49.04 RCW  
7 for the one-year period immediately preceding the date of the bid  
8 solicitation; and

9 (f) (~~Until December 31, 2013, not have violated RCW 39.04.370~~  
10 ~~more than one time as determined by the department of labor and~~  
11 ~~industries)) Have received training on the requirements related to  
12 public works and prevailing wage under this chapter and chapter 39.12  
13 RCW. The bidder must designate a person or persons to be trained on  
14 these requirements. The training must be provided by the department  
15 of labor and industries or by a training provider whose curriculum is  
16 approved by the department and must be four hours in length. Bidders  
17 that have completed three or more public works projects and have had  
18 a valid business license in Washington for three or more years are  
19 exempt from this subsection. The department of labor and industries  
20 must keep records of entities that have satisfied the training  
21 requirement or are exempt and make the records available on its web  
22 site. Responsible parties may rely on the records made available by  
23 the department regarding satisfaction of the training requirement or  
24 exemption.~~

25 (2) In addition to the bidder responsibility criteria in  
26 subsection (1) of this section, the state or municipality may adopt  
27 relevant supplemental criteria for determining bidder responsibility  
28 applicable to a particular project which the bidder must meet.

29 (a) Supplemental criteria for determining bidder responsibility,  
30 including the basis for evaluation and the deadline for appealing a  
31 determination that a bidder is not responsible, must be provided in  
32 the invitation to bid or bidding documents.

33 (b) In a timely manner before the bid submittal deadline, a  
34 potential bidder may request that the state or municipality modify  
35 the supplemental criteria. The state or municipality must evaluate  
36 the information submitted by the potential bidder and respond before  
37 the bid submittal deadline. If the evaluation results in a change of  
38 the criteria, the state or municipality must issue an addendum to the  
39 bidding documents identifying the new criteria.

1 (c) If the bidder fails to supply information requested  
2 concerning responsibility within the time and manner specified in the  
3 bid documents, the state or municipality may base its determination  
4 of responsibility upon any available information related to the  
5 supplemental criteria or may find the bidder not responsible.

6 (d) If the state or municipality determines a bidder to be not  
7 responsible, the state or municipality must provide, in writing, the  
8 reasons for the determination. The bidder may appeal the  
9 determination within the time period specified in the bidding  
10 documents by presenting additional information to the state or  
11 municipality. The state or municipality must consider the additional  
12 information before issuing its final determination. If the final  
13 determination affirms that the bidder is not responsible, the state  
14 or municipality may not execute a contract with any other bidder  
15 until two business days after the bidder determined to be not  
16 responsible has received the final determination.

17 (3) The capital projects advisory review board created in RCW  
18 39.10.220 shall develop suggested guidelines to assist the state and  
19 municipalities in developing supplemental bidder responsibility  
20 criteria. The guidelines must be posted on the board's web site.

21 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2018.

22 NEW SECTION. **Sec. 3.** If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 2017, in the omnibus appropriations act, this  
25 act is null and void.

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