

SENATE BILL REPORT

SB 5757

As Reported By Senate Committee On:
Government Operations, March 1, 1995

Title: An act relating to bidding requirements.

Brief Description: Changing provisions relating to bidding requirements.

Sponsors: Senators McCaslin, Haugen, Winsley, Heavey and Sheldon.

Brief History:

Committee Activity: Government Operations: 2/14/95, 3/1/95 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5757 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

Staff: Diane Smith (786-7410)

Background: There are no provisions which assign any consequences to a low bidder for county, city, town, state, or special district contracts for labor and materials or goods and services, in the event that he or she claims error. A claim of error can result in all bids being void and new bids being solicited.

There are no provisions for assigning financial responsibility for the plans or drawings supplied by the governmental entity for the contractor's use as a potential bidder on a project.

Summary of Substitute Bill: If a low bidder claims error and fails to enter into a contract, he or she is prohibited from bidding on the same project if a call for second or subsequent bids is made for that project. This provision applies to projects for the state, cities, towns, special districts, and counties for all public works, projects, labor and materials, and for purchases made by the Department of General Administration for the state and its agencies and departments.

Substitute Bill Compared to Original Bill: The substitute bill does not change the current practices regarding the charges made to contractors for the plans and specifications which they must use in the preparation of their bids on public works projects.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bidder who causes everyone else's bid to be exposed should not be allowed to bid a second time for reasons of fairness.

Testimony Against: There is no actual harm to contractors by a voided bid because they can bid again and improve their efficiency. A contractor who makes an honest mistake should not be penalized.

Testified: Rick Littlejohn, Employment Security Department; Ken Walker, WSDOT (con); Eric Berger, CRAB (con); Mark Pivetta, Pivetta Bros. Contractors (pro); Jerry Knudson, Green River Construction (pro); Dick Ducharme, Utility Contractors Assn. of WA (pro); Jim Justin, AWC (con); Joe Daniels, WSWWA (pro/amendment); Larry Stevens, United Subcontractors Assn. (pro).