

ESSB 5418 - H AMD TO LG COMM AMD (H-2648.1/19) **697**
By Representative Pollet

WITHDRAWN 04/16/2019

1 Beginning on page 2, line 24, after "section" strike all material
2 through "specifications" on page 3, line 3, and insert ", 'lowest
3 responsible bidder" means a bid that meets the criteria under RCW
4 39.04.350 and has the lowest bid; provided, that if the city issues a
5 written finding that the lowest bidder has delivered a project to the
6 city within the last three years which was late, over budget, or did
7 not meet specifications, and the city does not find in writing that
8 such bidder has shown how they would improve performance to be likely
9 to meet project specifications then the city may choose the second
10 lowest bidder whose bid is within five percent of the lowest bid and
11 meets the same criteria as the lowest bidder"

12 On page 8, at the beginning of line 36, strike "~~((may))~~ must" and
13 insert "may"

14 On page 9, line 33, strike "retainage" and insert "contract"

15 On page 11, line 11, after "Equitably" strike "distributes" and
16 insert "distribute opportunities"

17 On page 31, line 18, after "in the" strike all material through
18 "section" on line 27 and insert "building cost index during that time
19 period.

20 (2) "Building cost index" means the building cost index for
21 Seattle, Washington, compiled by engineering news record, a
22 nationally recognized professional construction trade periodical. The
23 building cost index uses average skilled construction labor rates,
24 structural steel, concrete, and lumber as the basis of measurement"

25 Correct the title.

EFFECT: (1) Redefines "lowest responsible bidder" as the person with the lowest bid. However, authorizes a city to award the contract to the second lowest bidder (whose bid is within 5% of the lowest bid) if the city finds in writing that the lowest bidder has delivered a project to the city within the last 3 years that was late, over budget, or not meeting specifications and has not shown

how they would improve performance to be likely to meet project specifications.

(2) Restores the statutory language to current law, relating to the small works roster, and as a result, authorizes local governments to solicit bids from all contractors who have requested to be on the appropriate small works roster or from at least five of the listed contractors who have indicated the capability of performing the kind of work being contracted.

(3) Requires the Office of Financial Management to adjust the bid limit dollar thresholds for public works contracting processes and purchases, every 5 years, for inflation based upon changes in the building cost index rather than the consumer price index. Defines "building cost index" as the building cost index for Seattle, Washington compiled by engineering news record, a nationally recognized professional construction trade periodical which uses average skilled construction labor rates, structural steel, concrete, and lumber as the basis of measurement.

(4) Makes other technical corrections and clarifications.

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