

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2750

Chapter 27, Laws of 1994

53rd Legislature
1994 Regular Session

JOINT OPERATING AGENCY CONTRACTS

EFFECTIVE DATE: 6/9/94

Passed by the House February 10, 1994
Yeas 95 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1994
Yeas 48 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 21, 1994

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2750** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER
Chief Clerk

FILED

March 21, 1994 - 11:29 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2750

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Long, Bray, Kessler, Johanson, Chandler, Finkbeiner,
Kremen and Caver

Read first time 01/21/94. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to joint operating agencies; and amending RCW
2 43.52.565.

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

4 **Sec. 1.** RCW 43.52.565 and 1987 c 376 s 2 are each amended to read
5 as follows:

6 (1) An operating agency may enter into contracts through
7 competitive negotiation under subsection (2) of this section for
8 materials, equipment, supplies, or work to be performed during
9 commercial operation of a nuclear generating project and associated
10 facilities (a) to replace a defaulted contract or a contract terminated
11 in whole or in part, or (b) where consideration of factors in addition
12 to price, such as technical knowledge, experience, management, staff,
13 or schedule, is necessary to achieve economical operation of the
14 project, provided that the managing director or a designee determines
15 in writing and the executive board finds that execution of a contract
16 under this section will accomplish project completion or operation more
17 economically than sealed bids.

18 (2) The selection of a contractor shall be made in accordance with
19 the following procedures:

1 (a) Proposals shall be solicited through a request for proposals,
2 which shall state the requirements to be met. Responses shall describe
3 the professional competence of the offeror, the technical merits of the
4 offer, and the price.

5 (b) The request for proposals shall be given adequate public notice
6 in the same manner as for sealed bids.

7 (c) As provided in the request for proposals, the operating agency
8 shall specify at a preproposal conference the contract requirements in
9 the request for proposal, which may include but are not limited to:
10 Schedule, managerial, and staffing requirements, productivity and
11 production levels, technical expertise, approved project quality
12 assurance procedures, and time and place for submission of proposals.
13 Any inquiries and responses thereto shall be confirmed in writing and
14 shall be sent to all potential offerors.

15 (d) Proposals shall be opened so as to avoid disclosure of contents
16 to competing offerors during the process of negotiation. A register of
17 proposals shall be open for public inspection after contract award.

18 (e) As provided in the request for proposals, invitations shall be
19 sent to all responsible offerors who submit proposals to attend
20 discussions for the purpose of clarification to assure full
21 understanding of, and responsiveness to, the solicitation requirements.
22 Any inquiries and responses thereto shall be confirmed in writing and
23 shall be sent to all offerors. Offerors shall be accorded fair and
24 equal treatment with respect to any opportunity for discussion and
25 revision of proposals, and such revisions may be permitted after
26 submissions and prior to award for the purpose of obtaining best and
27 final offers. In conducting discussions, there shall be no disclosure
28 of any information derived from proposals submitted by competing
29 offerors.

30 (f) The operating agency shall execute a contract with the
31 responsible offeror whose proposal is determined in writing to be the
32 most advantageous to the operating agency and the state taking into
33 consideration the requirements set forth in the request for
34 proposals(~~(:—PROVIDED, That for any)~~). If a proposed contract
35 (~~which~~) exceeds ten million dollars, the operating agency shall
36 notify the committees on energy and utilities of the senate and house
37 of representatives at least thirty days prior to the date of contract
38 execution and shall provide a copy of the contract with the
39 notification. The contract file shall contain the basis on which the

1 successful offeror is selected. The operating agency shall conduct a
2 briefing conference on the selection if requested by an offeror.

3 (g) The contract may be fixed price or cost-reimbursable, in whole
4 or in part, but not cost-plus-percentage-of-cost.

5 (h) The operating agency shall retain authority and responsibility
6 for inspection, testing, and compliance with applicable regulations or
7 standards of any state or federal governmental agency.

Passed the House February 10, 1994.

Passed the Senate March 1, 1994.

Approved by the Governor March 21, 1994.

Filed in Office of Secretary of State March 21, 1994.