

CERTIFICATION OF ENROLLMENT

SENATE BILL 5076

Chapter 28, Laws of 2003

58th Legislature
2003 Regular Session

HIGHEST RESPONSIBLE BIDDER--AQUATIC LANDS

EFFECTIVE DATE: 7/27/03

Passed by the Senate March 17, 2003
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 9, 2003
YEAS 90 NAYS 2

FRANK CHOPP

Speaker of the House of Representatives

Approved April 17, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5076** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

April 17, 2003 - 2:17 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5076

Passed Legislature - 2003 Regular Session

State of Washington

58th Legislature

2003 Regular Session

By Senators Morton, Fraser, T. Sheldon and Doumit; by request of
Commissioner of Public Lands

Read first time 01/14/2003. Referred to Committee on Natural
Resources, Energy & Water.

1 AN ACT Relating to the highest responsible bidder for sales of
2 valuable materials from state-owned aquatic lands; and amending RCW
3 79.90.215.

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

5 **Sec. 1.** RCW 79.90.215 and 1990 c 163 s 2 are each amended to read
6 as follows:

7 (1) To determine the "highest responsible bidder" under RCW
8 79.90.210, the department of natural resources shall be entitled to
9 consider, in addition to price, the following:

10 (a) The financial and technical ability of the bidder to perform
11 the contract;

12 (b) Whether the bid contains material defects;

13 (c) Whether the bidder has previously or is currently complying
14 with terms and conditions of any other contracts with the state or
15 relevant contracts with entities other than the state;

16 (d) Whether the bidder was the "highest responsible bidder" for a
17 sale within the previous five years but failed to complete the sale,
18 such as by not entering into a resulting contract or by not paying the

1 difference between the deposit and the total amount due. However,
2 sales that were bid prior to January 1, 2003, may not be considered for
3 the purposes of this subsection (1)(d);

4 (e) Whether the bidder has been convicted of a crime relating to
5 the public lands or natural resources of the state of Washington, the
6 United States, or any other state, tribe, or country, where
7 "conviction" shall include a guilty plea, or unvacated forfeiture of
8 bail;

9 ~~((+e))~~ (f) Whether the bidder is owned, controlled, or managed by
10 any person, partnership, or corporation that is not responsible under
11 this statute; and

12 ~~((+f))~~ (g) Whether the subcontractors of the bidder, if any, are
13 responsible under this statute.

14 (2) Whenever the department has reason to believe that the apparent
15 high bidder is not a responsible bidder, the department may award the
16 sale to the next responsible bidder or the department may reject all
17 bids pursuant to RCW 79.90.240.

Passed by the Senate March 17, 2003.

Passed by the House April 9, 2003.

Approved by the Governor April 17, 2003.

Filed in Office of Secretary of State April 17, 2003.