

SENATE BILL REPORT

SB 6427

As Reported By Senate Committee On:
Government Operations & Elections, February 05, 2008

Title: An act relating to competitive solicitation requirements for public facilities districts.

Brief Description: Concerning competitive solicitation requirements for public facilities districts.

Sponsors: Senators Hobbs, Roach, Pridemore, Haugen, Marr, Rasmussen, Rockefeller, Sheldon and Zarelli.

Brief History:

Committee Activity: Government Operations & Elections: 1/24/08, 2/5/08 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline, McDermott and Pridemore.

Staff: Sharon Swanson (786-7447)

Background: Public facilities districts (PFDs) are municipal corporations with independent taxing authority and are taxing districts under the State Constitution. Two enabling statutes exist, Chapter 36.100 RCW (County PFDs) for counties and Chapter 35.57 RCW (City PFDs) for cities and joint arrangements between a group of cities or a county and one or more cities.

PFDs are established to construct and operate sports, entertainment, convention facilities, or regional centers. City PFDs must be located in a county with a population less than one million. City PFDs are authorized to construct, improve, or remodel regional centers. A regional center is a convention, conference, or special events center, and related parking facilities, that costs at least 10 million dollars. County PFDs may be created in any county. County PFDs may construct, improve, or remodel sports facilities, entertainment facilities, convention facilities, or regional centers.

A personal service contract is an agreement with a consultant to provide professional or technical expertise to accomplish a specific study, project, task, or other work statement. An example of a personal service contract would be a contract for a statistical analysis. Personal service contracts generally must go through a competitive solicitation process unless it is an emergency contract, sole source contract, a contract amendment, or a contract between a

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consultant and an agency of less than 20,000 dollars. Contracts of 5,000 dollars or greater, but less than 20,000 dollars, are required to have documented evidence of competition.

The competitive solicitation process requires a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees, costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

Summary of Bill: A PFD is subject to the competitive solicitation requirements established in current law for personal service contracts not otherwise governed by the requirements of contracts for architectural and engineering services.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: OTHER: This bill will make an existing process very tedious. Why would we take an local entity like a PFD and add the same requirements that statewide agencies have? State rules are highly complicated and do not translate to the specified world of PFD's. All of the bids and contracts of a PFD are public. Our PFD has passed every audit. Our staff is part time and we are not set up to be part of a competitive bid environment with the multitude of regulations and requirements that the process entails. Added burden, added expense.

Persons Testifying: OTHER: Jose Gaitan, Kevin Callan, Washington State Major League Baseball Public Facilities District; Doug Levy, Everett & Kent Public Facilities Districts.