

SB 5041 - S AMD

By Senators Kilmer, Swecker, Fairley

ADOPTED 02/11/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the unique
4 sacrifices made by veterans and the substantial challenges that
5 returning veterans face after a period of military duty away from home.
6 The legislature further recognizes that veterans who own private
7 businesses may face particular hardships as a direct result of their
8 military service. The purpose of this act is to mitigate economic
9 damage to veteran-owned businesses as a result of military service, and
10 to provide opportunities to them in recognition of the outstanding
11 service they have given to their country.

12 **Sec. 2.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to read
13 as follows:

14 As used in this chapter the following words and phrases shall have
15 the following meanings unless the context clearly requires otherwise:

- 16 (1) "Department" means the department of veterans affairs.
17 (2) "Director" means the director of the department of veterans
18 affairs.
19 (3) "Committee" means the veterans affairs advisory committee.
20 (4) "Board" means the veterans innovations program board.
21 (5) "Goods and services" includes professional services and all
22 other goods and services.
23 (6) "Procurement" means the purchase, lease, or rental of any goods
24 or services.
25 (7) "State agency" includes the state of Washington and all
26 agencies, departments, offices, divisions, boards, commissions, and
27 correctional and other types of institutions.
28 (8) "Veteran-owned business" means a business that is certified by

1 the department to be at least fifty-one percent owned and controlled
2 by:

3 (a) A veteran as defined in RCW 41.04.007; or

4 (b) An active or reserve member in any branch of the armed forces
5 of the United States, including the national guard, coast guard, and
6 armed forces reserves.

7 NEW SECTION. Sec. 3. A new section is added to chapter 43.60A RCW
8 to read as follows:

9 (1) The department shall develop a procedure for certifying
10 veteran-owned businesses and maintain a list of veteran-owned
11 businesses on the department's public web site.

12 (2) The department shall adopt rules necessary to implement this
13 act. The department shall consult agencies to determine what specific
14 information they must report to the department.

15 (3) The department shall collaborate with and may assist agencies
16 in implementing outreach to veteran-owned businesses.

17 NEW SECTION. Sec. 4. A new section is added to chapter 43.60A RCW
18 to read as follows:

19 (1) State agencies are encouraged to award three percent of all
20 procurement contracts that are exempt from competitive bidding
21 requirements under RCW 43.19.1906(2) to veteran-owned businesses
22 certified by the department under section 3 of this act.

23 (2) State agencies shall:

24 (a) Perform outreach to veteran-owned businesses in collaboration
25 with the department to increase opportunities for veteran-owned
26 businesses to sell goods and services to the state; and

27 (b) Work to match agency procurement records with the department's
28 database of certified veteran-owned businesses to establish how many
29 procurement contracts are being awarded to those businesses.

30 NEW SECTION. Sec. 5. A new section is added to chapter 43.19 RCW
31 to read as follows:

32 The department of general administration shall identify in the
33 department's vendor registry all vendors that are veteran-owned
34 businesses as certified by the department of veterans affairs under
35 section 3 of this act.

1 **Sec. 6.** RCW 43.19.536 and 1983 c 120 s 13 are each amended to read
2 as follows:

3 (1) All contracts entered into and purchases made, including
4 leasing or renting, under this chapter on or after September 1, 1983,
5 are subject to the requirements established under chapter 39.19 RCW.

6 (2) All procurement contracts entered into under this chapter on or
7 after the effective date of this act are subject to the requirements
8 established under section 4 of this act.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 28B.10 RCW
10 to read as follows:

11 All procurement contracts entered into under this chapter on or
12 after the effective date of this act are subject to the requirements
13 established under section 4 of this act.

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 39.04 RCW
15 to read as follows:

16 All procurement contracts entered into under this chapter on or
17 after the effective date of this act are subject to the requirements
18 established under section 4 of this act.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 39.29 RCW
20 to read as follows:

21 All procurement contracts entered into under this chapter on or
22 after the effective date of this act are subject to the requirements
23 established under section 4 of this act.

24 **Sec. 10.** RCW 39.80.040 and 1981 c 61 s 4 are each amended to read
25 as follows:

26 In the procurement of architectural and engineering services, the
27 agency shall encourage firms engaged in the lawful practice of their
28 profession to submit annually a statement of qualifications and
29 performance data. The agency shall evaluate current statements of
30 qualifications and performance data on file with the agency, together
31 with those that may be submitted by other firms regarding the proposed
32 project, and shall conduct discussions with one or more firms regarding
33 anticipated concepts and the relative utility of alternative methods of
34 approach for furnishing the required services and then shall select

1 therefrom, based upon criteria established by the agency, the firm
2 deemed to be the most highly qualified to provide the services required
3 for the proposed project. Such agency procedures and guidelines shall
4 include a plan to insure that minority and women-owned firms and
5 veteran-owned firms are afforded the maximum practicable opportunity to
6 compete for and obtain public contracts for services. The level of
7 participation by minority and women-owned firms and veteran-owned firms
8 shall be consistent with their general availability within the
9 professional communities involved.

10 **Sec. 11.** RCW 47.28.030 and 2007 c 218 s 90 are each amended to
11 read as follows:

12 A state highway shall be constructed, altered, repaired, or
13 improved, and improvements located on property acquired for
14 right-of-way purposes may be repaired or renovated pending the use of
15 such right-of-way for highway purposes, by contract or state forces.
16 The work or portions thereof may be done by state forces when the
17 estimated costs thereof are less than fifty thousand dollars and
18 effective July 1, 2005, sixty thousand dollars: PROVIDED, That when
19 delay of performance of such work would jeopardize a state highway or
20 constitute a danger to the traveling public, the work may be done by
21 state forces when the estimated cost thereof is less than eighty
22 thousand dollars and effective July 1, 2005, one hundred thousand
23 dollars. When the department of transportation determines to do the
24 work by state forces, it shall enter a statement upon its records to
25 that effect, stating the reasons therefor. To enable a larger number
26 of small businesses((7)) and veteran, minority, and women contractors
27 to effectively compete for department of transportation contracts, the
28 department may adopt rules providing for bids and award of contracts
29 for the performance of work, or furnishing equipment, materials,
30 supplies, or operating services whenever any work is to be performed
31 and the engineer's estimate indicates the cost of the work would not
32 exceed eighty thousand dollars and effective July 1, 2005, one hundred
33 thousand dollars. The rules adopted under this section:

34 (1) Shall provide for competitive bids to the extent that
35 competitive sources are available except when delay of performance
36 would jeopardize life or property or inconvenience the traveling
37 public; and

1 (2) Need not require the furnishing of a bid deposit nor a
2 performance bond, but if a performance bond is not required then
3 progress payments to the contractor may be required to be made based on
4 submittal of paid invoices to substantiate proof that disbursements
5 have been made to laborers, material suppliers, mechanics, and
6 subcontractors from the previous partial payment; and

7 (3) May establish prequalification standards and procedures as an
8 alternative to those set forth in RCW 47.28.070, but the
9 prequalification standards and procedures under RCW 47.28.070 shall
10 always be sufficient.

11 The department of transportation shall comply with such goals and
12 rules as may be adopted by the office of minority and women's business
13 enterprises to implement chapter 39.19 RCW with respect to contracts
14 entered into under this chapter. The department may adopt such rules
15 as may be necessary to comply with the rules adopted by the office of
16 minority and women's business enterprises under chapter 39.19 RCW.

17 NEW SECTION. **Sec. 12.** This act is not intended to create a cause
18 of action or entitlement in an individual or class of individuals."

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19 On page 1, line 1 of the title, after "businesses;" strike the
20 remainder of the title and insert "amending RCW 43.60A.010, 43.19.536,
21 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW;
22 adding a new section to chapter 43.19 RCW; adding a new section to
23 chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding
24 a new section to chapter 39.29 RCW; and creating new sections."

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