

HOUSE BILL REPORT

SSB 5972

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to procurement of seeds by state agencies.

Brief Description: Concerning the procurement of seeds by state agencies.

Sponsors: Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Warnick).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/25/15, 4/1/15 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Obligates state agencies, when purchasing certain seed in a lot or lots that exceed 40 pounds, to require suppliers of the seed to ensure the identity and purity of the seed through appropriate testing performed by the Washington State Department of Agriculture or by another state that has federally approved standards and procedures to ensure the identify and purity of seed.
- Requires state agencies to include in all contracts for purchasing of certain seed the agency's expectations for the germination or viability of the seed as an essential element of the supplier's performance pursuant to the contract.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 12 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Dunshee, Hurst, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

Staff: Peter Clodfelter (786-7127).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State agencies are required to comply with various requirements while entering contracts. Requirements relate to things like mandated competitive solicitations of contract bids, following uniform procedures for evaluating whether a bidder is responsible and whether the bid offers the best value, providing for a transparent complaint process, and requiring a successful bidder to post a bond.

Summary of Amended Bill:

State agencies are obligated, when contracting for the purchase of certain seed in a lot or lots that exceed 40 pounds, to require suppliers of the seed to ensure the identity and purity of the seed through appropriate testing performed by the Washington State Department of Agriculture or by another state or territory that has standards and procedures approved by the United States Secretary of Agriculture to ensure the identify and purity of seed.

Additionally, all contracts for purchasing of certain seed by an agency are required to include the agency's expectations for the germination or viability of the seed as an essential element of the supplier's performance pursuant to the contract.

Contracts for the purchase of tree seed, seed of woody species, and seed of wildflowers that are native to Washington and that are harvested from naturally occurring stock are exempt from both requirements. Contracts for the purchase of all other types of seed are subject to the requirements.

Amended Bill Compared to Substitute Bill:

A 40 pound lot threshold is added so that agencies are obligated to require suppliers of seed to ensure the identity and purity of seed through appropriate testing only when purchasing seed in a lot or lots that exceed 40 pounds. Agencies may not structure what would naturally be one contract for the purchase of seed into multiple contracts for the purchase of seed for the purpose of avoiding the 40 pound lot threshold. Also, the seed of wildflowers that are native to Washington and that are harvested from naturally occurring stock are added to the list of exempted seed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will provide uniform guidelines for state agencies to follow when procuring seed and create a level playing field for people supplying seed to the state. The bill

will help provide transparency in seed contracting and open competitive bidding. It will also ensure that seed is of a known quality. The bill will benefit state land management agencies, the seed industry, and the public. The bill unanimously passed the senate.

(Opposed) None.

Persons Testifying: Victor Shaul, Washington State Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.