
SENATE BILL 6574

State of Washington 64th Legislature 2016 Regular Session

By Senators Conway, Hasegawa, Chase, Keiser, Fraser, and Frockt

Read first time 01/27/16. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to compliance with apprenticeship utilization
2 requirements; amending RCW 39.04.350 and 39.12.055; and adding a new
3 section to chapter 49.04 RCW.

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

5 **Sec. 1.** RCW 39.04.350 and 2010 c 276 s 2 are each amended to
6 read as follows:

7 (1) Before award of a public works contract, a bidder must meet
8 the following responsibility criteria to be considered a responsible
9 bidder and qualified to be awarded a public works project. The bidder
10 must:

11 (a) At the time of bid submittal, have a certificate of
12 registration in compliance with chapter 18.27 RCW;

13 (b) Have a current state unified business identifier number;

14 (c) If applicable, have industrial insurance coverage for the
15 bidder's employees working in Washington as required in Title 51 RCW;
16 an employment security department number as required in Title 50 RCW;
17 and a state excise tax registration number as required in Title 82
18 RCW;

19 (d) Not be disqualified from bidding on any public works contract
20 under RCW 39.06.010 or 39.12.065(3);

1 (e) If bidding on a public works project subject to the
2 apprenticeship utilization requirements in RCW 39.04.320, not have
3 been found out of compliance with the percentage of labor hours
4 required to be performed by apprentices under RCW 39.04.320 or not
5 have been found out of compliance by the Washington state
6 apprenticeship and training council for working apprentices out of
7 ratio, without appropriate supervision, or outside their approved
8 work processes as outlined in their standards of apprenticeship under
9 chapter 49.04 RCW, for the one-year period immediately preceding the
10 date of the bid solicitation; and

11 (f) Until December 31, 2013, not have violated RCW 39.04.370 more
12 than one time as determined by the department of labor and
13 industries.

14 (2) In addition to the bidder responsibility criteria in
15 subsection (1) of this section, the state or municipality may adopt
16 relevant supplemental criteria for determining bidder responsibility
17 applicable to a particular project which the bidder must meet.

18 (a) Supplemental criteria for determining bidder responsibility,
19 including the basis for evaluation and the deadline for appealing a
20 determination that a bidder is not responsible, must be provided in
21 the invitation to bid or bidding documents.

22 (b) In a timely manner before the bid submittal deadline, a
23 potential bidder may request that the state or municipality modify
24 the supplemental criteria. The state or municipality must evaluate
25 the information submitted by the potential bidder and respond before
26 the bid submittal deadline. If the evaluation results in a change of
27 the criteria, the state or municipality must issue an addendum to the
28 bidding documents identifying the new criteria.

29 (c) If the bidder fails to supply information requested
30 concerning responsibility within the time and manner specified in the
31 bid documents, the state or municipality may base its determination
32 of responsibility upon any available information related to the
33 supplemental criteria or may find the bidder not responsible.

34 (d) If the state or municipality determines a bidder to be not
35 responsible, the state or municipality must provide, in writing, the
36 reasons for the determination. The bidder may appeal the
37 determination within the time period specified in the bidding
38 documents by presenting additional information to the state or
39 municipality. The state or municipality must consider the additional
40 information before issuing its final determination. If the final

1 determination affirms that the bidder is not responsible, the state
2 or municipality may not execute a contract with any other bidder
3 until two business days after the bidder determined to be not
4 responsible has received the final determination.

5 (3) The capital projects advisory review board created in RCW
6 39.10.220 shall develop suggested guidelines to assist the state and
7 municipalities in developing supplemental bidder responsibility
8 criteria. The guidelines must be posted on the board's web site.

9 **Sec. 2.** RCW 39.12.055 and 2009 c 197 s 3 are each amended to
10 read as follows:

11 A contractor shall not be allowed to bid on any public works
12 contract for one year from the date of a final determination that the
13 contractor has committed any combination of two of the following
14 violations or infractions within a five-year period:

15 (1) Violated RCW 51.48.020(1) or 51.48.103;

16 (2) Committed an infraction or violation under chapter 18.27 RCW
17 for performing work as an unregistered contractor; (~~(or)~~)

18 (3) Determined to be out of compliance by the Washington state
19 apprenticeship and training council for working apprentices out of
20 ratio, without appropriate supervision, or outside their approved
21 work processes as outlined in their standards of apprenticeship under
22 chapter 49.04 RCW; or

23 (4) Determined to be out of compliance with the percentage of
24 labor hours required to be performed by apprentices under RCW
25 39.04.320.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.04
27 RCW to read as follows:

28 (1) In addition to the duties established under RCW 49.04.030,
29 the supervisor of apprenticeship shall monitor compliance by
30 contractors and awarding agencies of apprenticeship utilization
31 requirements. The supervisor may coordinate with the department of
32 enterprise services, the state department of transportation, the
33 office of the superintendent of public instruction, and any other
34 appropriate agency or organization to assist in tracking compliance.

1 (2) Compliance information must be made available to the
2 apprenticeship council and must be used to determine compliance for
3 purposes of RCW 39.04.350 and 39.12.055.

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