

# FINAL BILL REPORT

## SSB 5301

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Synopsis as Enacted

**Brief Description:** Including willful violations of certain state laws to the state's responsible bidder criteria.

**Sponsors:** Senate Committee on State Government (originally sponsored by Senators Miloscia, Hunt, Hasegawa, Chase and Conway; by request of Attorney General).

### Senate Committee on State Government House Committee on Capital Budget

**Background:** Public Works Responsible Bidder Criteria. Public works projects include construction, building, renovation, remodeling, alteration, repair, or improvement of real property. Most public agencies are required to award public works contracts to the lowest responsible bidder or the responsible bidder who submits the lowest responsive bid.

In order to be considered a responsible bidder, the bidder must have:

- a certificate of registration at the time of bid submission;
- a current state unified business identifier number; and
- if applicable, worker's compensation coverage for the bidder's employees working in Washington, an Employment Security Department number, and a state excise tax registration number.

In addition, the bidder must not be currently disqualified from bidding on any public works contracts.

Under current statute, the state's basic minimum wage and wage payment laws are not considered for public work contracts.

Procurement Responsible Bidder Criteria. Department of Enterprise Services (DES) is responsible for the development and oversight of policy for the procurement of goods and services by all state agencies. DES adopts uniform policies and procedures for the effective and efficient management of contracts by all state agencies.

Agencies are required to award the purchase contract to the lowest responsible bidder or the responsible bidder who submits the lowest responsive bid. In determining whether or not the bidder is a responsible bidder, the agency must consider:

- the ability of the bidder to perform the contract or provide the service required;

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*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.*

- the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- whether the bidder can perform the contract within the time specified;
- the quality of performance of previous contracts or services;
- the previous and existing compliance by the bidder with laws relating to the contract or services; and
- other relevant information.

**Summary:** The state's responsible bidder criteria are amended. Agencies must consider whether a final and binding citation and notice of assessment has been issued by the Department of Labor and Industries or through a civil judgment that the bidder willfully violated any provision of the state's wage laws in the three years before the date of the bid solicitation.

Bidders are required to submit a signed statement verifying under penalty of perjury that they are in compliance with the responsible bidder criteria requirement for the state's wage laws. A contracting agency may award a contract in reasonable reliance upon such a sworn statement.

**Votes on Final Passage:**

Senate	46	3
House	63	33

**Effective:** July 23, 2017