
SUBSTITUTE HOUSE BILL 1549

State of Washington

69th Legislature

2025 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Fosse, Obras, Berry, Reed, Goodman, Stearns, Parshley, Callan, Salahuddin, Taylor, Ormsby, Peterson, Pollet, Scott, Macri, and Hill)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to modifying the responsible bidder criteria for
2 public works projects; amending RCW 39.04.350; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 39.04.350 and 2023 c 88 s 1 are each amended to read
6 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, a plumbing
13 contractor license in compliance with chapter 18.106 RCW, an elevator
14 contractor license in compliance with chapter 70.87 RCW, or an
15 electrical contractor license in compliance with chapter 19.28 RCW,
16 as required under the provisions of those chapters;

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

18 (c) If applicable, have industrial insurance coverage for the
19 bidder's employees working in Washington as required in Title 51 RCW;
20 an employment security department number as required in Title 50 RCW;

1 and a state excise tax registration number as required in Title 82
2 RCW;

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

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

13 (f) (i) Have completed at least one public works project within
14 the previous three years and have not received a citation for a
15 violation of this chapter, chapter 39.12 RCW, or those provided in
16 RCW 39.12.055 (1) through (3) during that same time period; or (ii)
17 have at least one designated person who is a current employee or
18 officer and who has received training on the requirements related to
19 public works and prevailing wage under this chapter and chapter 39.12
20 RCW (~~(. The bidder must designate a person or persons to be trained on~~
21 ~~these requirements)) within the previous three years. The training
22 must be provided by the department of labor and industries or by a
23 training provider whose curriculum is approved by the department. The
24 department, in consultation with the prevailing wage advisory
25 committee, must determine the length of the training. (~~Bidders that~~
26 ~~have completed three or more public works projects and have had a~~
27 ~~valid business license in Washington for three or more years are~~
28 ~~exempt from this subsection.)) The department of labor and industries
29 must keep records of (~~entities~~) persons that have (~~satisfied~~)
30 completed the training (~~requirement or are exempt~~) in the previous
31 three years and make the records available on its website.
32 Responsible parties may rely on the records made available by the
33 department (~~regarding satisfaction of the training requirement or~~
34 ~~exemption~~); and~~~~

35 (g) Within the three-year period immediately preceding the date
36 of the bid solicitation, not have been determined by a final and
37 binding citation and notice of assessment issued by the department of
38 labor and industries or through a civil judgment entered by a court
39 of limited or general jurisdiction to have willfully violated, as

1 defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or
2 49.52 RCW.

3 (2)(a) The department of labor and industries shall publish on
4 its website available information in order for contracting agencies
5 to verify the status of a bidder's compliance with each of the
6 criteria under subsection (1)(a) through (f) of this section.

7 (b) Before award of a public works contract, a bidder shall
8 submit to the contracting agency a signed statement in accordance
9 with chapter 5.50 RCW verifying under penalty of perjury that the
10 bidder is in compliance with the responsible bidder criteria
11 requirement of subsection (1)(g) of this section. A contracting
12 agency may ((award a contract in reasonable reliance)) reasonably
13 rely upon such a sworn statement. The contracting agency shall verify
14 that the bidder meets the remaining criteria in subsection (1) of
15 this section through publicly available information on the department
16 of labor and industries' website.

17 (3)(a) In addition to the bidder responsibility criteria in
18 subsection (1) of this section, for a project subject to apprentice
19 utilization requirements under RCW 39.04.320, the bidder shall submit
20 an apprentice utilization plan to the awarding agency before
21 receiving the notice to proceed. However, a bidder is exempt from the
22 requirements of this subsection if the bidder met or exceeded
23 apprentice utilization requirements on the last public works project
24 the bidder completed.

25 (b) The department of labor and industries shall develop an
26 apprentice utilization plan template and make the template available
27 to awarding agencies and bidders. The plan template must include, at
28 minimum: The projected start and end dates of the project; estimated
29 total work hours; estimated apprentice hours by apprenticeable
30 occupation; list of state registered apprenticeship programs to be
31 contacted; and list of estimated apprenticeship training agents or
32 sponsors on the project. The plan template must also include
33 educational material on apprentice utilization requirements,
34 including how to access apprentices and contact apprenticeship
35 programs and where to find additional and relevant resources. The
36 department may approve the use of a template developed by an awarding
37 agency if it meets the minimum requirements of this subsection.

38 (c) The department of labor and industries shall publish
39 completed apprentice utilization plans on its website.

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

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

9 (b) In a timely manner before the bid submittal deadline, a
10 potential bidder may request that the state or municipality modify
11 the supplemental criteria. The state or municipality must evaluate
12 the information submitted by the potential bidder and respond before
13 the bid submittal deadline. If the evaluation results in a change of
14 the criteria, the state or municipality must issue an addendum to the
15 bidding documents identifying the new criteria.

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

21 (d) If the state or municipality determines a bidder to be not
22 responsible, the state or municipality must provide, in writing, the
23 reasons for the determination. The bidder may appeal the
24 determination within the time period specified in the bidding
25 documents by presenting additional information to the state or
26 municipality. The state or municipality must consider the additional
27 information before issuing its final determination. If the final
28 determination affirms that the bidder is not responsible, the state
29 or municipality may not execute a contract with any other bidder
30 until two business days after the bidder determined to be not
31 responsible has received the final determination.

32 ~~((e) If the bidder has a history of receiving monetary penalties~~
33 ~~for not achieving the apprentice utilization requirements pursuant to~~
34 ~~RCW 39.04.320, or is habitual in utilizing the good faith effort~~
35 ~~exception process, the bidder must submit an apprenticeship~~
36 ~~utilization plan within ten business days immediately following the~~
37 ~~notice to proceed date.~~

38 ~~(4))~~ (5) The capital projects advisory review board created in
39 RCW 39.10.220 shall develop suggested guidelines to assist the state

1 and municipalities in developing supplemental bidder responsibility
2 criteria. The guidelines must be posted on the board's website.

3 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2026.

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