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**HOUSE BILL 1549**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Fosse, Obras, Berry, Reed, Goodman, Stearns, Parshley, Callan, Salahuddin, Taylor, Ormsby, Peterson, Pollet, Scott, Macri, and Hill

Read first time 01/23/25. Referred to Committee on Labor & Workplace Standards.

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 through publicly available information on the department of labor and  
15 industries' website that the bidder meets the remaining criteria in  
16 subsection (1) of this section.

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 within 60 days  
21 of being awarded the contract.

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

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

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

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

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

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

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

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

34 ~~(4))~~ (5) The capital projects advisory review board created in  
35 RCW 39.10.220 shall develop suggested guidelines to assist the state  
36 and municipalities in developing supplemental bidder responsibility  
37 criteria. The guidelines must be posted on the board's website.

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

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