



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Department of Enterprise Services

**Subject of possible rule making:** These rules will establish the debarment process for vendors who may be subject to contract debarment under the procurement reform legislation (Chapter 224, Laws of 2012)

**Statutes authorizing the agency to adopt rules on this subject:** Procurement reform legislation enacted during the 2012 Legislative Session, specifically Section 22, Chapter 224, Laws of 2012.

**Reasons why rules on this subject may be needed and what they might accomplish:** Under procurement reform, the director of the Department of Enterprise Services was granted the authority to debar a vendor from future state contracting opportunities if the director found cause, provided notice to the vendor and an opportunity to be heard. The criteria for debarment, and the notice and opportunity to be heard (due process procedures) must, pursuant to Section 22, be enacted in rules.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The United States Constitution and the Washington State Constitution both provide for due process rights. Due process applies when the state seeks to debar a vendor.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

X Other (describe) Workgroups have been formed to implement procurement reform. A separate workgroup was formed to implement Section 22, Authority to Debar. This workgroup is made up of representatives from state agencies and vendors. The rules recommended by the workgroup will be reviewed by an Advisory Committee, a robust list of government and private sector people who signed up to be reviewers, and will be posted on the DES website for additional review and comment. All these steps will take place before publishing draft rules.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Information is posted on the DES website and interested parties can also sign up for the listserv, link located on the procurement reform webpage. Interested parties can also contact:

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(360-407-8568)

**DATE**  
August 1, 2012

**NAME (TYPE OR PRINT)**  
Martin D. Casey

**SIGNATURE**

**TITLE**  
Assistant Director – Policy, Planning & Performance Division  
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FILED

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