

WASHINGTON LEGISLATIVE UPDATE – 2021

CONTRACTS & PROCUREMENT

PROCUREMENT CUSTOMER ADVISORY GROUP
JUNE 16, 2021

ACKNOWLEDGEMENTS

The following Enterprise Services' team members provided invaluable content, review, and operational expertise:

- **Shana Barehand**
Business Diversity & Outreach Manager
- **Josh Brown**
Program Specialist, Business Resources Division
- **Courtney Doyle**
Administrative Assistant, Contracts & Procurement Division
- **Madison Fiser**
Administrative Assistant, Contracts & Procurement Division
- **Ann Larson**
Government Relations Manager
- **Rebecca Linville**
Deputy Assistant Director, Contracts & Procurement Division
- **Angie McLane**
Program Specialist, Contracts & Procurement Division
- **Elena McGrew**
Statewide Enterprise Procurement Manager
- **Jaime Rossman**
Assistant Director, Contracts & Procurement Division
- **Christine Warnock,**
Enterprise Procurement Policy Manager

AGENDA

- The 67th Washington State Legislature & Contracts and Procurement
- Bills That Impact Statewide Contracts & Procurement
- Bills That Impact Public Works Contracts
- Bills That Impact Contracts
- Bills That Would Have Impacted Contracts, But Did NOT Pass
- Additional Resources



BUT FIRST, ...

- Comprehensive list of bills from 67th Legislature regarding contracts & procurement
- Additional resources
 - Legislative resources
 - Tracking resources
 - Legislative reports
- Bills with
 - Citations to find the bills
 - Links to the budget bills
 - Hyperlinks for all bills & statutes

THE 67TH WASHINGTON STATE LEGISLATURE

CONTRACTS & PROCUREMENT

67TH WASHINGTON STATE LEGISLATURE

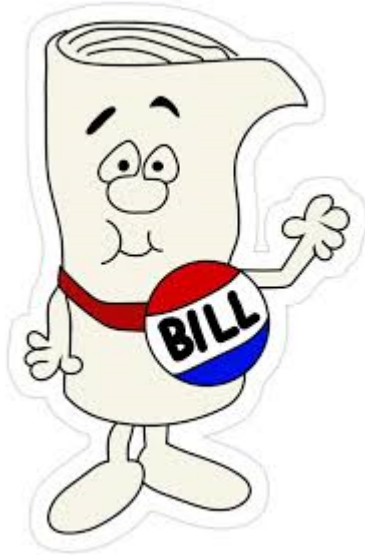
2021

- Long Session
 - 105 Days
 - January 11 – April 25, 2019
- Biennial Budgets –
 - Operations [[ESSB 5092](#)]
 - Capital [[SHB 1080](#)]
 - Transportation [[SSB 5165](#)]

2022

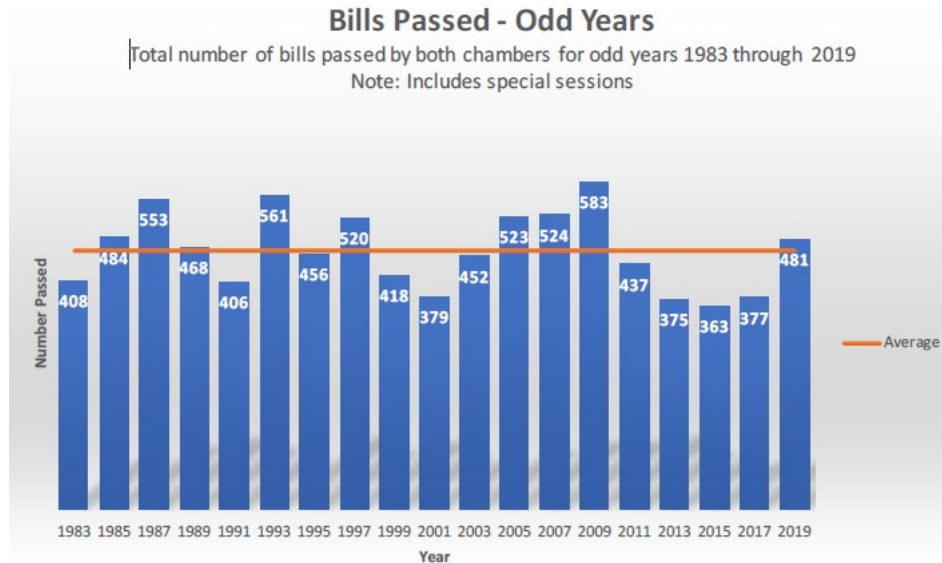
- Short Session
 - 60 Days
 - January 10 – March 9, 2022
- Biennial Budget Supplements –
 - Operations
 - Capital
 - Transportation

67TH LEGISLATURE

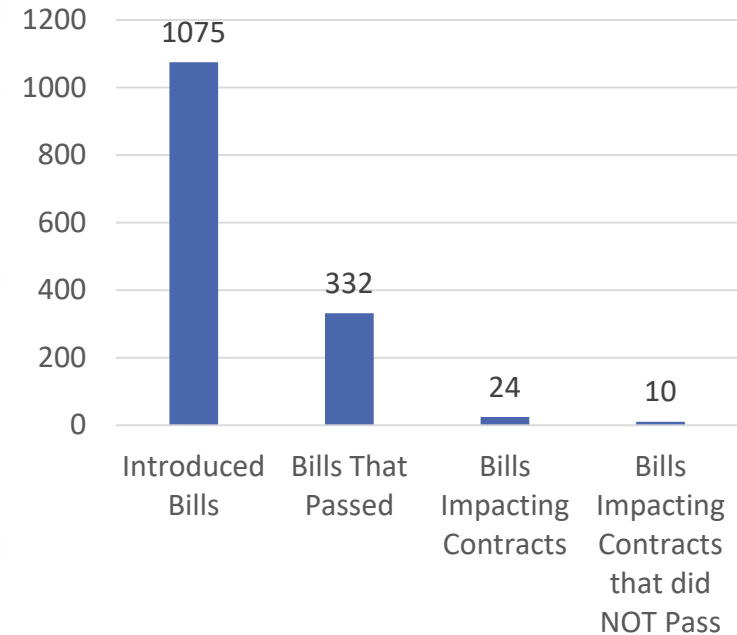


| 2021 Legislative Session | |
|--------------------------|-------|
| Bills Introduced | 1,075 |
| Passed Legislature | 334 |
| Vetoed | 2 |
| Enacted | 332 |
| Partially Vetoed | 16 |

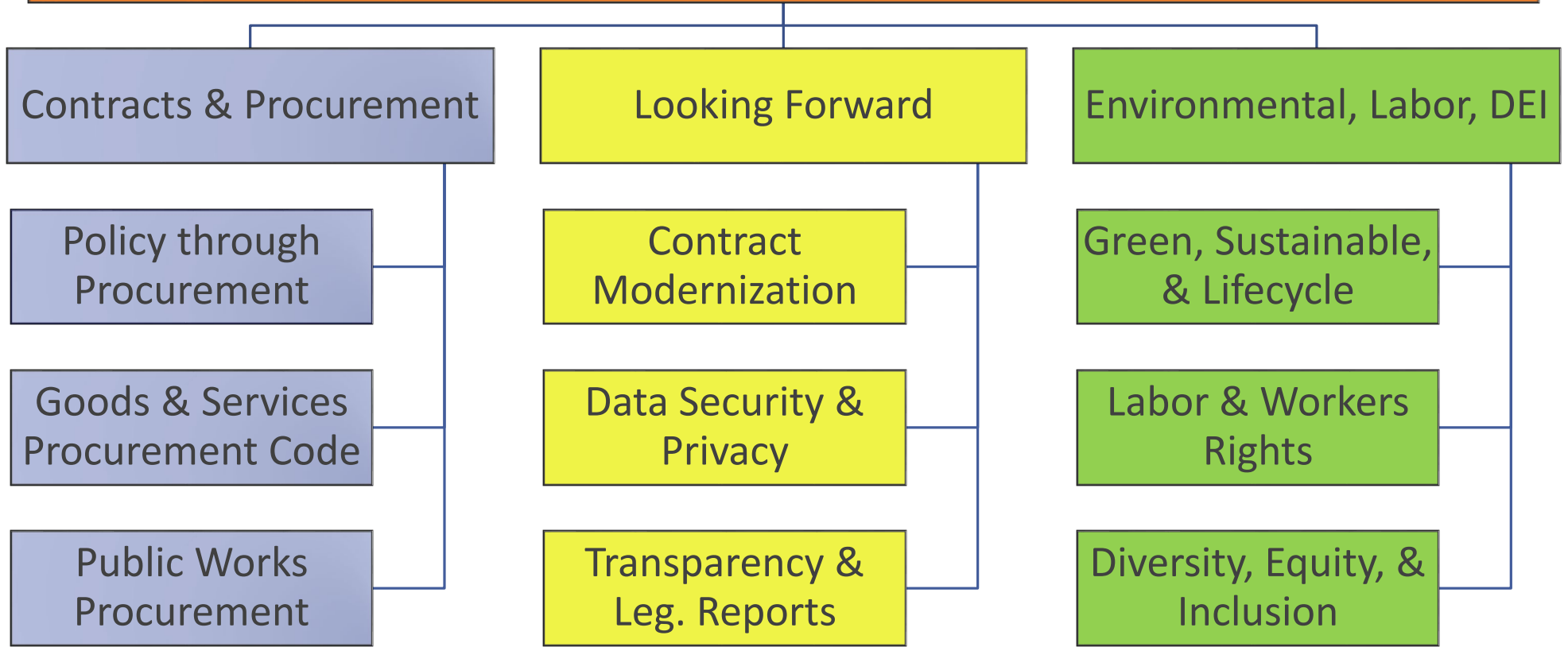
67TH LEGISLATURE: CONTRACTS UPDATE



2021 LEGISLATIVE SESSION



67TH LEGISLATURE (2021 – 2022)



CONTRACTS & PROCUREMENT

Policy Through Procurement

- **E2SHB 1050 – HFCs & GHG Emissions**
- **SSB 5165 – Transportation Budget**
- **SHB 1502 – Procurement & Design of Electric Ferries by Counties**
- **E2SHB 1365 – Public Schools –Technology – Procurement & Support**
- **E2SSB 5022 – Management of Certain Materials to Support Recycling and Litter Reduction**
- **ESHB 1273 – Menstrual Hygiene Products in Schools**
- **ESSB 5203 – Producing, Distributing, & Purchasing Generic Prescription Drugs & Insulin**
- **HB 1518 – Environmental Standards fro State Purchased Paper**
- **HB 1489 – WIN PPE**
- **SHB 1204 – Transportation Electrification**
- **SB 5366/HB 1103 – Buy Clean & Buy Fair WA Act**
- **SSB 5116 – Procurement & Use of Automated Decision Systems**
- **SB 5458 – Public Contracts & Small Businesses [Adds new section to 39.26]**

Procurement Code for Goods & Services

- **E2SHB 1050 – HFCs & GHG Emissions [39.26.310]**
- **ESHB 1267 – Police Use of Force [39.26.125]**
- **2SSB 5195 – Opioid Overdose Reversal Medication [39.26.125]**
- **EHB 1192 – Technical Corrections [39.26.265 & 39.26.310]**
- **ESSB 5432 - Cybersecurity & Data Sharing in State Government [Adds new section to 39.26]**
- **SHB 1259 – OMWBE & Expanding Public Contracting Opportunities**
- **SSB 5302 – PPE Vendor Database [43.19]**
- **SB 5458 – Public Contracts & Small Businesses [Adds new section to 39.26]**

Public Works Procurement

- **SHB 1080 – Capital Budget**
- **ESB 5356 – Prime Contractor Bid Requirements [39.30.060]**
- **SB 5302 – Alternative Public Works**
- **SHB 1259 – OMWBE & Expanding Public Contracting Opportunities**
- **HB 1023 – Predesign Requirements & Thresholds**
- **SSB 5333 – Void & Unenforceable Clauses in Public Works Contracts Relating to Delays Caused by Covid-19 Pandemic Emergency Proclamations**
- **SB 5366/HB 1103 – Buy Clean & Buy Fair WA Act**
- **HB 1280 – GHG Emission Reductions in Public Facilities**
- **HB 1308 – Expanding Apprenticeship Utilization Requirements**

LOOKING FORWARD

Contract Modernization

- **E2SHB 1274 – Cloud Computing Solutions**
- **ESSB 5432 – Cybersecurity & Data Sharing in State Government**
- **SHB 1391/ESB 5356 – Prime Contractor Bid Requirements**
- **SB 5032 – Reauthorization & Improvements to Alternative Public Works Contracting**
- **SHB 1502 – Procurement & Design of Electric Ferries by Counties**
- **SB 5146 – Fish & Wildlife Commission Indemnification Authority**
- **ESSB 5203 – Producing, Distributing, & Purchasing Generic Prescription Drugs & Insulin**

Data Security & Privacy

- **ESSB 5432 – Cybersecurity & Data Sharing in State Government**
- **SSB 5152 – Enhancing Data Stewardship & Privacy Protections for Vehicle and Driver Data**
- **SSB 5116 Automated Decision Systems**

Transparency & Leg. Reporting

- **ESSB 5092 – Operating Budget Provisos**
- **ESSB 5432 – Cybersecurity & Data Sharing in State Government**
- **ESHB 1267 – Police Use of Force**
- **SHB 1259 – OMWBE & Expanding Public Contracting Opportunities**
- **HB 1023 – Predesign Requirements & Thresholds**
- **2SSB 5192 – Access to EVSE**
- **HB 1489 – WIN PPE**
- **SSB 5302 – PPE Vendor Database**
- **SSB 5116 – Procurement & Use of Automated Decision Systems**
- **SB 5458 – Public Contracts & Small Businesses**

ENVIRONMENTAL, LABOR, & DEI

Green, Sustainable, & Lifecycle

- **E2SHB 1050 – HFCs & GHG Emissions**
- **HB 1280 – GHG Emission Reductions in Public Facilities**
- **SHB 1502 – Procurement & Design of Electric Ferries by Counties**
- **E2SSB 5022 – Management of Certain Materials to Support Recycling and Litter Reduction**
- **HB 1518 – Environmental Standards for State Purchased Paper**
- **SHB 1204 – Transportation Electrification**
- **HB 1280 – GHG Emission Reductions in Public Facilities**

Labor & Worker Rights

- **SHB 1391/ESB 5356 – Prime Contractor Bid Requirements**
- **E2SHB 1274 – Cloud Computing Solutions**
- **SB 5366/HB 1103 – Buy Clean & Buy Fair WA Act**
- **HB 1308 – Expanding Apprenticeship Utilization Requirements**

Diversity, Equity, & Inclusion

- **SHB 1259 – OMWBE & Expanding Public Contracting Opportunities**
- **SB 5302 – Alternative Public Works**
- **E2SHB 1365 – Public Schools – Technology – Procurement & Support**
- **ESHB 1273 – Menstrual Hygiene Products in Schools**
- **SHB 1170 – Building Economic Strength Through Manufacturing**
- **SB 5458 – Public Contracts & Small Businesses [Adds new section to 39.26]**
- **HB 1308 – Expanding Apprenticeship Utilization Requirements**
- **SSB 5116 – Procurement & Use of Automated Decision Systems**

COVID-19 – CONTRACTS & PROCUREMENT

| Passed | | Did NOT Pass |
|--|--|---|
| <ul style="list-style-type: none">• E2SHB 1365 – Public Schools – Technology – Procurement & Support• SHB 1170 – Building Economic Strength Through Manufacturing | | <ul style="list-style-type: none">• HB 1489 – WIN PPE• SSB 5302 – PPE Vendor Database [43.19]• SSB 5333 – Void & Unenforceable Clauses in Public Works Contracts Relating to Delays Caused by Covid-19 Pandemic Emergency Proclamations |

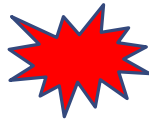
BILLS THAT IMPACT STATEWIDE CONTRACTS & PROCUREMENT

KEY BILLS

- ESSB 5092 – Operating Budget
- E2SHB 1050 – HFCs & Greenhouse Gas Emissions
- E2SHB 1274 – Cloud Computing Solutions
- ESSB 5432 – Cybersecurity & Data Sharing in State Government
- ESHB 1267 – Police Use of Force
- 2SSB 5195 – Opioid Overdose Reversal Medication
- EHB 1192 – Technical Corrections

ESSB 5092 – OPERATING BUDGET

- Passed
 - House: 57-40
 - Senate: 27-22
 - Enacted
 - [ESSB 5092](#)
 - Governor signed May 18, 2021
 - [Partial veto](#)
 - See [LAWS OF 2021, ch. 334](#)
- Effective: May 18, 2021



OPERATING BUDGET PROVISOS

| 2019 <u>ESHB 1109</u> | 2020 <u>ESSB 6168</u> | 2021 <u>ESSB 5092</u> |
|--|---|--|
| Pay Equality – 2019-2021 §150(6) | Pay Equality – 2019-2021 §147(6) | |
| IT Contract Reporting §150(10) | IT Contract Reporting – Revised §147(9)(a) | IT Contract Reporting – Revised §149(4) |
| Passenger Motor Vehicles §150(3) | Passenger Motor Vehicles §147(3) | Passenger Motor Vehicles §149(2) |
| Glyphosate §150(7) | Glyphosate §147(7) | |
| Procure Cyber Insurance §150(5) | Procure Cyber Insurance §147(5) | |

IT CONTRACT REPORTING PROVISIO

ESSB 6168 – IT CONTRACT REPORTING PROVISIO

- Enterprise Services must collaborate with WaTech –
 - To provide statewide IT contract information, including contract spending projections for each ensuing state fiscal year through the contract term
 - For all contracts for all agencies
 - Report to the Governor and the Legislature annually by October 31
- See [ESSB 6168, §147\(9\)\(a\)](#) (at pages 111 - 112).

(9)(a) Within existing resources, beginning October 31, 2019, the department [of Enterprise Services], in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislature by October 31st of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, the contract term start and end dates, the contract dollar amount in total, contract dollar amount by state fiscal year to include contract spending projections for each ensuing state fiscal year through the contract term, and type of service delivered. The list of contracts must be provided electronically in excel and sortable by all fields. ¶

IT CONTRACT REPORTING PROVISO, *CONT.*

- Enterprise Services must collaborate with WaTech –
 - To provide statewide IT contract information, including contract spending projections for each ensuing state fiscal year through the contract term
 - For all contracts for all agencies
 - Report to the Governor and the Legislature annually by October 31

(4) Within existing resources, beginning October 31, 2021, the department [of Enterprise Services], in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

See [ESSB 5092, §149\(4\)](#) (at pages 108 - 109).

THE MISSING BUDGET PROVISIO

- Pay Equality Proviso
 - First appeared with 2017 Budget
 - For Enterprise Services, applied to
 - Master Contracts
 - Cooperative Purchasing Agreements
 - Also applied to
 - Department of Children, Youth, & Families
 - Department of Commerce
 - Department of Corrections
 - Health Care Authority

PAY EQUALITY PROVISIO, CONT.

- Pay Equality – Defined:

A provision “to require that each vendor agrees to equality among its worker by ensuring *similarly employed* individuals are compensated as equals”
See ESHB 1109, §150(6)(a) [emphasis added]

- Similarly Employed Means:

“Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions.”
See ESHB 1109, §150(6)(a)(i)



OTHER OPERATING BUDGET PROVISOS – WATech

- Consolidated Technology Services (aka WaTech)
 - Provide oversight of state procurement and contracting for information technology goods and services by Enterprise Services
See [ESSB 5092](#) at §151(6) (page 113).
 - Procurement and distribution of Microsoft 365 licenses
See [ESSB 5092](#) at §151(10) (page 113-114).
 - Collaborate with Enterprise Services regarding IT Contract Reporting
See [ESSB 5092](#) at §151(12) (page 115).
 - Automated Decision Making workgroup
See [ESSB 5092](#) at § 51(14) (page 115).

E2SHB 1050 – HFCs & GHG EMISSIONS

- Passed
 - House: 56-42
 - Senate: 30-19
- Enacted
 - [E2SHB 1050](#)
 - Governor signed May 17, 2021
 - See [LAWS OF 2021, ch. 315](#)
- Effective: July 25, 2021*
- Objective: Reduce greenhouse gas emissions from fluorinated gases.
- Amends [RCW 39.26.310](#) to:
 - Require Enterprise Services to establish a purchasing and procurement policy that provides a preference, in serving existing equipment, for reclaimed refrigerants that meet minimum quality standards established by the U.S. EPA under 42 USC §7671g, the National Recycling and Emission Reduction Program.
See [E2SHB 1050](#) at §19(3) (amending RCW 39.26.310).

E2SHB 1274 – CLOUD COMPUTING SOLUTIONS

- Passed
 - House: 96-2
 - Senate: 48-1
- Enacted
 - [E2SHB 1274](#)
 - Governor signed April 14, 2021
 - See [LAWS OF 2021, ch. 40](#)
- Effective: July 25, 2021
- Amends RCW [43.105](#) – Consolidated Technology Services (WaTech):
 - Original Bill: Required state agencies, unless excepted, to migrate existing on-premises IT applications to third-party commercial cloud computing services and use the same for new IT applications.
 - Enacted Bill (E2SHB 1274):
 - Enables state agencies to move to the cloud; but does not require it.
 - Creates a Task Force to report on labor impacts pertaining to switch from on-premises to cloud.

ESSB 5432 – CYBERSECURITY & DATA SHARING IN STATE GOVERNMENT

- *Governor's Office request legislation*
- Passed
 - House: 83-15
 - Senate: 48-0
- Enacted
 - [ESSB 5432](#)
 - Governor signed May 12, 2021
 - See [LAWS OF 2021, ch. 291](#)
- Effective: July 25, 2021
- Notes: See OCIO [141.10 - Securing Information Technology Assets Standards](#) (definition of Category 3 data)
- Creates the Office of Cybersecurity (OCS) within CTS.
 - Tasks OCS, in collaboration with the AGO, to research existing best practices for data governance and data protection, including model terms for data sharing contracts, and submit a report to the Legislature by December 1, 2021.
 - Exempts cybersecurity reports provided to the Governor from the Public Records Act.
- Amends
 - [RCW 39.26](#) – State Procurement Code for Goods/Services to:
 - Require a written data sharing agreement, consistent with OCS policies, for contracts pertaining to category 3 or higher data. See [ESSB 5432](#) at §5.
 - [RCW 39.34](#) – Interlocal Cooperation Act to:
 - Require a written data sharing agreement, consistent with OCS policies, for interagency agreements pertaining to category 3 or higher data. See [ESSB 5432](#) at §6.

ESHB 1267 – POLICE USE OF FORCE

- *Governor's Office request legislation*
- Passed
 - House: 56-41
 - Senate: 27-22
- Enacted
 - [ESHB 1267](#)
 - Governor signed May 18, 2021
 - See [Laws of 2021, ch. 318](#)
- Effective: July 25, 2021
- Creates the Office of Independent Investigations (OII) to investigate potential criminal conduct arising from police use of force.
- Amends [RCW 39.26.125](#) to:
 - Create a competitive procurement exception for OII investigator contracts. See [ESHB 1267](#) at §313 (page 15-16).

2SSB 5195 – OPIOID OVERDOSE REVERSAL MEDICATION

- Passed
 - House: 89-8
 - Senate: 49-0
- Enacted
 - [2SSB 5195](#)
 - Governor signed May 12, 2021
 - See [LAWS OF 2021, ch. 273](#)
- Effective: July 25, 2021*
- Authorizes the Health Care Authority to establish and administer an opioid overdose reversal medication bulk purchasing and distribution program.
- Amends [RCW 39.26.125](#) to:
 - Create a competitive procurement exception for “contracts for the purchase of opioid overdose reversal medication. See [2SSB 5195](#) at §9 (page 11-12).

EHB 1192 – TECHNICAL CORRECTIONS

- Passed
 - House: 59-37
 - Senate: 49-0
- Enacted
 - [EHB 1192](#)
 - Governor signed April 16, 2021
 - See [LAWS OF 2021, ch. 65](#)
- Effective: July 25, 2021
- Technical corrections legislation.
- Amends the State Procurement Code for Goods/Services as follows:
 - [RCW 39.26.265\(2\)](#):
 - Update statutory reference. See [EHB 1192](#) at §27 (page 38) [changing RCW 70.95N.250 to RCW 70A.500.250].
 - [RCW 39.26.310\(1\)\(a\)](#):
 - Update statutory reference. See [EHB 1192](#) at §28 (page 38-39) [changing RCW 70.235.080 to RCW 70A.45.080].

BILLS THAT IMPACT PUBLIC WORKS CONTRACTS

BILLS THAT IMPACT PUBLIC WORKS

- SHB 1080 – Capital Budget
- ESB 5356 – Prime Contractor Bid Submission Requirements
- SB 5032 – Reauthorization & Improvements to Alternative Public Works Contracting
- SHB 1259 – OMWBE & Expanding Public Contracting for Women & Minority Business Enterprises
- HB 1023 – Predesign Requirements & Thresholds

SHB 1080 – CAPITAL BUDGET FOR 2021-2022

- Passed
 - House: 98-0
 - Senate: 49-0
- Enacted
 - [SHB 1080](#)
 - Governor signed May 18, 2021
 - See [LAWS OF 2021, ch. 332](#)
- Effective: May 18, 2021
- Budget Provisos:
 - §1105 – Architectural & Engineering Services
 - §1108 – Electric Vehicle Supply Equipment on Capitol Campus
 - §1111 – Legislative Campus Modernization



ESB 5356 – PRIME CONTRACTOR BID SUBMISSION REQUIREMENTS

- Passed
 - House: 98-0
 - Senate: 49-0
- Enacted
 - [ESB 5356](#)
 - Governor signed April 16, 2021
 - See [LAWS OF 2021, ch. 103](#)
- Effective: July 25, 2021
- Notes:
 - See also [LAWS OF 2020, CH. 140](#) (ESB 5457) (codified at [RCW 39.30.060](#)).
- Technical correction bill to fix a bill drafting error from last session.
- Amends RCW [39.30.060\(1\)\(a\)](#) to:
 - Change the word “or” to the word “and”
- Also amends RCW 39.30.060 to:
 - Expand Alternative Public Works exemption from subcontractor naming requirements for Job Order Contracting to include general contractor/construction manager and design-build proposals.
See [ESB 5356](#) at §1(5).
 - Require the CPARB to submit a report to the Legislature by November 1, 2022, on subcontracting listing policies and practices.
See [ESB 5356](#) at §1(6).

SB 5032 – REAUTHORIZATION & IMPROVEMENTS TO ALTERNATIVE PUBLIC WORKS CONTRACTING

- Passed
 - House: 98-0
 - Senate: 49-0
- Enacted
 - [SB 5032](#)
 - Governor signed May 10, 2021
 - See [LAWS OF 2021, ch. 230](#)
- Effective: May 10, 2021
- Reauthorization legislation for Alternative Public Works Contracting procedures. See [RCW 39.10](#).
- Amends [RCW 39.10](#) to:
 - Extend Alternative Public Works Contracting procedures until July 1, 2031.
 - Amend the design-build, general contractor/construction manager (GC/CM), and job order contracting (JOC) procedures.
 - Requires the Capital Projects Advisory Review Board to develop best practices for increasing and sustaining access to contracting opportunities in alternative public works for minority, women, and veteran-owned businesses, and small businesses, and report to the Legislature any recommendations for changes to the statute by June 30, 2022.

SHB 1259 – OMWBE – PUBLIC CONTRACTING OPPORTUNITIES

- Passed
 - House: 93-4
 - Senate: 43-6
- Enacted
 - [SHB 1259](#)
 - Governor signed May 3, 2021
 - See [LAWS OF 2021, ch. 160](#)
- Effective: July 25, 2021
- *Note:*
 - A similar bill was introduced in 2019. See [HB 1202](#).
- Impacts:
 - Establishes an Audit and Review unit within the Office of Minority and Women's Business Enterprises (OMWBE) to detect and investigate fraud and violations pertaining to the certification of, and contracting with, minority and women-owned businesses.
 - Repeals the Office of the Attorney General's authority to investigate and enforce prohibited and unlawful acts pertaining to the certification of, and contracting with, minority- and women-owned businesses.
 - Requires OMWBE, annually, to identify state agencies and educational institutions with low levels of public contracting participation by minority and women-owned businesses.

HB 1023 – PREDESIGN REQUIREMENTS & THRESHOLDS

- Passed
 - House: 95-0
 - Senate: 48-0
- Enacted
 - [HB 1023](#)
 - Governor signed April 16, 2021
 - See [LAWS OF 2021, ch. 54](#)
- Effective: July 25, 2021
- Impacts:
 - Increases the threshold for non-higher education capital construction projects requiring predesign to \$10 million, making this the same threshold for all capital project types.
 - Provides the Office of Financial Management (OFM) the authority to waive some or all predesign requirements on capital projects exceeding the \$10 million threshold.
 - Requires the OFM to notify the legislative fiscal committees of any waivers.

BILLS THAT IMPACT CONTRACTS

OTHER BILLS THAT IMPACT CONTRACTS

- SSB 5165 – Transportation Budget
- SSB 5152 – Enhancing Data Stewardship & Privacy Protections for Vehicle and Driver Data
- SHB 1502 – County Procurement & Design of Electric Ferries
- E2SHB 1365 – Public Schools – Technology – Procurement & Support
- SB 5146 – Fish & Wildlife Commission Indemnification Authority
- E2SSB 5022 – Management of Certain Materials to Support Recycling

OTHER BILLS THAT IMPACT CONTRACTS, *CONT.*

- ESHB 1273 – Menstrual Products in Schools
- ESSB 5203 – Producing, Distributing, & Purchasing Generic Prescription Drugs
- 2SSB 5192 – Access to Electric Vehicle Supply Equipment
- SHB 1170 – Building Economic Strength Through Manufacturing
- ESHB 1199 – DNR Leases
- SHB 1424 – Sale of Dogs & Cats

SSB 5165 – TRANSPORTATION BUDGET FOR 2021-2022

- Passed
 - House: 90-6
 - Senate: 41-8
 - Enacted
 - [SSB 5165](#)
 - Governor signed May 18, 2021
 - [Partial veto](#)
 - See [LAWS OF 2021, ch. 333](#)
 - Effective: May 18, 2021
- Budget Provisos:
 - OMWBE: Increase the number of certified contractors outside of Puget Sound area in the transportation sector. See [SSB 5165](#) at §108 (page 7).
 - WSDOT: \$152,453,000 for Legislatively extended, noncompetitive shipbuilding contract for hybrid-electric ferries. Contractor, however, is encouraged to subcontract the superstructure. See [SSB 5165](#) at §309(6) (page 72).



SSB 5152 – DATA STEWARDSHIP & PRIVACY PROTECTIONS FOR VEHICLE AND DRIVER DATA

- Passed
 - House: 76-22
 - Senate: 49-0
- Enacted
 - [SSB 5152](#)
 - Governor signed May 16, 2021
 - See [LAWS OF 2021, ch. 93](#)
- Effective: July 25, 2021
- Impacts:
 - Requires the Department of Licensing to contract with an entity authorized to receive personal or identity information that must include limitations for the use of this information, requirements that the data recipient allow regular use audits and undergo regular data security audits, and provisions governing redisclosure of this information.
 - Establishes a civil penalty for the unauthorized disclosure or use of personal or identity information of up to \$20,000 per incident.
 - Expands government access to personal and identity information for any request related to the carrying out of governmental functions, except for requests that target Washington residents solely on the basis of race, religion, immigration or citizenship status, or national or ethnic origin.
 - Expands access to driving abstract information to transportation network companies, as well as to state agencies and scientific research organizations conducting research.

SHB 1502 – COUNTY PROCUREMENT OF ELECTRIC FERRIES

- Passed
 - House: 93-3
 - Senate: 48-0
- Enacted
 - [SHB 1502](#)
 - Governor signed May 10, 2021
 - See [LAWS OF 2021, ch. 224](#)
- Effective: July 25, 2021
- Objective: Create a competitive bidding procedure for county procurement and design of electric ferries.
- Amends [RCW 36.32](#), County Procurement
 - Modeled after State Procurement Code
 - [39.26.160](#) – Bid awards
 - [39.26.030](#) – Procurement records impacts

E2SHB 1365 – PROCURING COMPUTERS FOR PUBLIC SCHOOL STUDENTS & INSTRUCTIONAL STAFF

- Passed
 - House: 61-36
 - Senate: 30-19
- Enacted
 - [E2SHB 1365](#)
 - Governor signed May 13, 2021
 - See [LAWS OF 2021, ch. 301](#)
- Effective: July 25, 2021
- Objective: Equip students and staff with computers.
- Amends [RCW 28A.650](#) – Common School, Education Technology
 - Requires educational school districts to provide specified technology, consultation, procurement, and training.
 - Enables ESDs to perform technology procurement in consultation and contract with Enterprise Services.
See [E2SHB 1365](#) at §3(3)(c).

SB 5146 – FISH & WILDLIFE COMMISSION INDEMNIFICATION AUTHORITY

- Passed
 - House: 97-0
 - Senate: 49-0
- Enacted
 - [SB 5146](#)
 - Governor signed May 3, 2021
 - See [LAWS OF 2021, ch. 182](#)
- Effective: July 25, 2021
- Objective: Provide the Fish and Wildlife Commission will authority to enable it to indemnify the United States and its agencies as a condition to secure federal funds for fish, shellfish, and wildlife projects.
- Amends [RCW 77.12.320](#) to add the following:
 - “(4) The commission may indemnify the United States and its agencies as a condition of securing federal funds for purposes of fish, shellfish, and wildlife projects.”

E2SSB 5022 – MANAGEMENT OF CERTAIN MATERIALS TO SUPPORT RECYCLING AND WASTE LITTER REDUCTION

- Passed
 - House: 73-24
 - Senate: 31-18
- Enacted
 - [E2SSB 5022](#)
 - Governor signed May 17, 2021
 - See [LAWS OF 2021, ch. 313](#)
- Effective: July 25, 2021
- Objective: Establishes minimum postconsumer recycled (PCR) content, registration, and reporting requirements for producers of plastic beverage containers, household cleaning and personal care product containers, and plastic trash bags (covered products)
- Impacts:
 - Requires state agencies to purchase plastic trash bags only from plastic trash bag producers that comply with minimum recycled content requirements.
 - Restricts the sale of expanded polystyrene cold storage containers and food service products beginning June 1, 2024, and void filling packaging products beginning June 1, 2023.

ESHB 1273 – MENSTRUAL HYGIENE PRODUCTS IN SCHOOLS

- Passed
 - House: 85-12
 - Senate: 43-5
- Enacted
 - [ESHB 1273](#)
 - Governor signed May 3, 2021
 - See [LAWS OF 2021, ch. 163](#)
- Effective: July 25, 2021
- Impacts:
 - Requires school districts, private K-12 schools, charter schools, state-tribal compact schools, and public and private institutions of higher education to make menstrual hygiene products available at no cost by the beginning of the 2022-23 academic year.
 - Requires these entities to bear the cost of supplying these products.

ESSB 5203 – PRODUCING, DISTRIBUTING, & PURCHASING GENERIC PRESCRIPTION DRUGS & INSULIN

- Passed
 - House: 66-31
 - Senate: 28-21
- Enacted
 - [ESSB 5203](#)
 - Governor signed May 12, 2021
 - See [LAWS OF 2021, ch. 274](#)
- Effective: July 25, 2021
- Objective: Reduce the cost of prescription drugs & insulin
- Impacts:
 - Authorizes the Health Care Authority to enter into partnership agreements with other states, state agencies, or nonprofit entities to produce, distribute, or purchase generic prescription drugs and purchase and distribute insulin.
 - Requires state purchased health care programs to purchase generic drugs and insulin through any available partnerships and allows other entities to purchase through a partnership voluntarily.

2SSB 5192 – ACCESS TO ELECTRIC VEHICLE SUPPLY EQUIPMENT

- Passed
 - House: 56-42
 - Senate: 30-19
- Enacted
 - [2SSB 5192](#)
 - Governor signed May 10, 2021
 - See [LAWS OF 2021, ch. 238](#)
- Effective: July 25, 2021
- Impacts:
 - Requires electric vehicle service providers to clearly disclose the costs of using publicly available electric vehicle supply equipment.
 - Requires the Washington State Department of Agriculture, in consultation with the Department of Commerce and the Utilities and Transportation Commission, to adopt rules for certain publicly available electric vehicle supply equipment regarding payment methods, interoperability, and the sale of electricity as a vehicle fuel.
 - Establishes registration fees and penalties related to electric vehicle supply equipment.

SHB 1170 – BUILDING ECONOMIC STRENGTH THROUGH MANUFACTURING

- Passed
 - House: 96-0
 - Senate: 48-0
- Enacted
 - [SHB 1170](#)
 - Governor signed April 16, 2021
 - See [LAWS OF 2021, ch. 64](#)
- Effective: July 25, 2021
- Objective: Provides a state goal to double the state's manufacturing employment base, the number of small manufacturing businesses, and the number of women and minority-owned manufacturing businesses in 10 years
- Impacts:
 - Requires the Department of Commerce to:
 - Prepare a biennial report to the Legislature on the state of the manufacturing and research and development in Washington;
 - Convene a manufacturing council to advise and consult on the biennial report and its recommendations; and
 - Appoint a workforce innovation sector lead.

EHB 1199 – DNR LEASES

- Passed
 - House: 96-0
 - Senate: 49-0
- Enacted
 - [EHB 1199](#)
 - Governor signed April 14, 2021
 - See [LAWS OF 2021, ch. 36](#)
- Effective: July 25, 2021
- Impacts:
 - Requires the Department of Natural Resources (DNR) to compensate lessees in the event that the DNR exercises a nondefault or early termination provision in a state land lease for agricultural or grazing purposes.
 - Establishes compensation formulas for agricultural leases and for grazing leases.
 - Creates certain additional obligations for the DNR in the event that the DNR exercises a nondefault or early termination provision in a state land lease for agricultural or grazing purposes.

SHB 1424 – SALE OF DOGS & CATS

- Passed
 - House: 68-30
 - Senate: 31-18
- Enacted
 - [SHB 1424](#)
 - Governor signed April 16, 2021
 - See [LAWS OF 2021, ch. 76](#)
- Effective: July 25, 2021
- Impacts:
 - Prohibits a retail pet store from selling cats.
 - Prohibits a retail pet store from selling dogs unless the pet store sold dogs prior to the effective date of the act.

BILLS THAT WOULD HAVE IMPACTED CONTRACTS, BUT DID NOT PASS

CATEGORIES

Goods & Services

HB 1489

SSB 5302

HB 1518

SB 5458

SHB 1204

Public Works

SSB 5333

SB 5366

HB 1280

HB 1308

Other

SSB 5116

HB 1489 – WASHINGTON INNOVATES NEW PERSONAL PROTECTIVE EQUIPMENT ACT (WIN PPE)

- [HB 1489](#)
- Sponsors:
 - Boehnke, et al.
- Status
 - [Original Bill](#)
(Feb. 5, 2021)
- Would amend [RCW 43.330](#)
[Department of Commerce]
- Objective: Direct Commerce to
 - Maintain a web page listing Washington state PPE producers
 - Report to Legislature:
 - Percentage of ‘pandemic response supplies’ that are WA-made
 - Procurement challenges
 - PPE product preferences

SSB 5302 – PPE VENDOR DATABASE

- [SSB 5302](#)
- Sponsors:
 - Cleveland, Conway, Wilson
- Status
 - [Original Bill](#)
(Jan. 20, 2021)
 - [Substitute](#)
(Jan. 29, 2021)
- *Notes:*
 - Enterprise Services provided testimony
- Would amend [RCW 43.19](#)
[Department of Enterprise Services]
- Objective:
 - Require Enterprise Services to establish a Personal Protective Equipment (PPE) vendor/product database & public-facing website.

HB 1518 – ENVIRONMENTAL STANDARDS FOR STATE PURCHASED PAPER FOR COPIERS/PRINTERS

- [HB 1513](#)
- Sponsors:
 - Stonier & Ormsby
- Status
 - [Original Bill](#)
(Feb. 10, 2021)
- Would amend [RCW 43.19A](#)
[Recycled Product Procurement]
- Objective:
 - Enable state agencies, as an alternative to 100% recycled content office copier and printer paper, to purchase any paper that is produced in a process that results in at least 40% less carbon dioxide.
 - Require Enterprise Services to identify paper products that are “are produced in a process that yields at least 40 percent less carbon dioxide than standard copy paper.”

SB 5458 – PUBLIC CONTRACTS & SMALL BUSINESSES

- [SB 5458](#)
- Sponsors:
 - Wagoner
- Status
 - [Original Bill](#)
(Feb. 15, 2021)
- Would amend [RCW 43.19.725](#), [.727](#) & [RCW 39.26](#)
- Objective:
 - Expand RCW 43.19 to all state/public contracts
 - Report percentage of contracts awarded to small businesses
 - Creates Small Business Procurement Preference (add new section to [RCW 39.24](#)): 3% of all public contracts that are exempt from competitive bidding requirements
 - Amends [RCW 28B.10](#) (HigherEd); [RCW 39.04](#) (Public Works); [RCW 39.26](#) (Goods/Services); and [RCW 39.80](#) (A&E)

SHB 1204 – TRANSPORTATION ELECTRIFICATION

- [HB 1204](#)
- Sponsors:
 - Macri, et al.
- Status
 - [Original Bill](#)
(Jan. 14, 2021)
 - [Substitute](#)
(Feb. 22, 2021)
- *Notes:*
 - Similar bill was introduced last session. See [HB 2515](#)
- Would create a new statute
- Objective: Change the demand curve for electric vehicles.
 - Original Bill – Regulatory Approach:
 - Require that all passenger & light-duty vehicles sold or registered in Washington be electric vehicles by 2030.
 - Applies to private and publicly-owned vehicles.
 - Substitute Bill – Aspirational:
 - Establish a goal for the state that publicly and privately owned passenger and light-duty vehicles of model year 2030 and later sold, purchased, or registered in Washington be electric vehicles.

SSB 5333 – VOID & UNENFORCEABLE CLAUSES IN PUBLIC WORKS CONTRACTS RELATING TO DELAYS CAUSED BY COVID-19 PANDEMIC EMERGENCY PROCLAMATIONS

- [SB 5333](#)
- Sponsors:
 - Holy & Wilson
- Status
 - [Original Bill](#)
(Jan. 22, 2021)
 - [Substitute Bill](#)
(Feb. 12, 2021)
- Notes:
 - Enterprise Services provided testimony. WSDOT also testified.
- Would amend [RCW 4.24.360](#)
[Void & unenforceable construction contract provisions]
- Objective:
 - Declare that, as to public works contracts, any contract provision that purports to waive, release, or extinguish a contractor/ subcontractor/ supplier's rights to damages or an equitable adjustment rising out of a delay in performance caused by the Covid-19 pandemic emergency proclamations is against public policy and is void & unenforceable.

SB 5366 - BUY CLEAN & BUY FAIR WASHINGTON ACT

- [SB 5366](#) & [HB 1103](#)
- Sponsors:
 - Stanford, et al.
- Status
 - [Original Bill](#)
(Jan. 28, 2021)
- Notes
 - Similar bill was introduced last session. See [SSB 2744](#).
- Would create the 'Buy Clean & Buy Fair Washington Act'
- Objective:
 - Beginning July 1, 2021, would require 'awarding authorities' (including Enterprise Services) to require their contractors on 'covered projects' to submit certain specified data, including an Environmental Product Declaration (EPD) and labor rights data for each 'covered product' used.

HB 1280 – GHG EMISSION REDUCTIONS IN PUBLIC FACILITIES

- [HB 1280](#)
- Sponsors:
 - Ramel, et al.
- Status
 - [Original Bill](#)
(Jan. 19, 2021)
- Would amend [RCW 39.35](#)
[Energy Conservation in the Design of Public Facilities]
- Objective:
 - Require GHG emission reductions to be considered in the design phase of constructing public facilities.
 - Must consider the use of all-electric energy systems and at least one renewable energy or combined heat and power system.

HB 1308 – EXPANDING APPRENTICESHIP UTILIZATION REQUIREMENTS

- HB 1308
- Sponsors:
 - Riccelli, et al.
- Status
 - Original Bill
(Jan. 19, 2021)
- Would amend [RCW 39.04.320](#)
- Objective:
 - Require municipal public works contracts over \$1 million to include 15% apprenticeship utilization requirement.
 - Require subcontractors, on public works contracts over \$200,000 or more, to include 15% apprenticeship utilization requirement
 - Require municipalities to monitor and report their apprentice utilization hours by contractor.

SSB 5116 – PROCUREMENT & USE OF AUTOMATED DECISION SYSTEMS

- [SSB 5116](#)
- Sponsors:
 - Hasegawa, et al.
- Status
 - [Original Bill](#) (Jan. 8, 2021)
 - [Substitute Bill](#) (Feb. 8, 2021)
- Notes:
 - Similar bill was introduced last session. See [SHB 1655](#) & [SB 5527](#)
- Would amend [RCW 49.60](#) [Discrimination] & [RCW 43.386.901](#) [Facial Recognition]
- Objective:
 - Require the Washington state CIO to adopt rules regarding the development, procurement, and use of automated decision systems by a public agency.
 - Require public agencies to develop an algorithmic accountability report that meet certain requirements on the use of automated decision systems.
 - Expand Washington's Law Against Discrimination (RCW 49.60) to prohibit discrimination by automated decision systems.
 - Delay effective date of last year's Facial Recognition Act (RCW 43.386) to July 1, 2026.

ADDITIONAL RESOURCES

ENTERPRISE SERVICES – CONTRACTS & PROCUREMENT

- Contracts & Procurement
Enterprise Services
 - Current Contracts
 - Enterprise Procurement Policies
 - Contracts & Procurement Training



Contracts & Procurement
WA Dep't of Enterprise Services
PO Box 41408
Olympia, WA 98504-1408
360-407-2210

USEFUL BILL INFO

- Bill Numbers
 - House Bills: 1000 – 3999
 - Senate Bills: 5000 – 7999
- Abbreviations
 - HB: House Bill
 - SB: Senate Bill
 - SHB: Substitute House Bill
(SSB – Substitute Senate Bill)
 - 2SSB: Second Substitute Senate Bill
(2SHB – Second Substitute House Bill)
 - EHB: Engrossed House Bill



USEFUL BILL INFO, CONT.

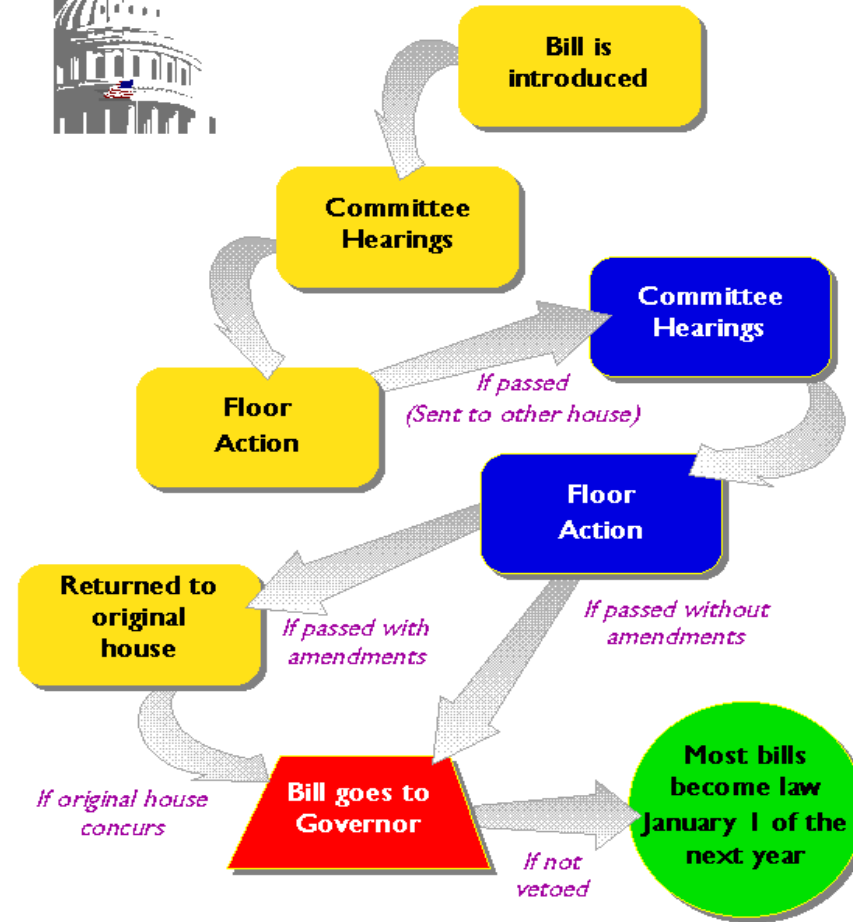
- *Bill*: A proposed law presented to the Legislature for consideration
- *Pre-filed Bill*: A bill which is submitted for introduction/first reading before the legislative session begins (pre-filed bills are introduced on the first day of the session)
- *Companion Bill*: A bill introduced with the same language in both the House and the Senate
- *Substitute Bill*: A version of a bill offered by a committee in the first chamber. If adopted, the substitute replaces the original bill or resolution
- *Striker or Striking Amendment*: Amendment removing everything after the title and inserting a whole new bill
- *Engrossed Bill*: A bill which reflects all amendments made in the house of its origin
- *Enrolled Bill*: A bill passed by both houses, which incorporates all amendments, and to which has been attached a certificate of enrollment indicating the date passed, votes cast on the bill, and the certifying officers' signatures. It is presented to the Governor for signature
- *Act*: A bill adopted by the Legislature

HOW A BILL BECOMES A LAW

- A bill may be introduced in either the Senate or House of Representatives by a member.
- The bill is referred to a committee for a hearing. The committee studies the bill and may hold public hearings on it. It can then pass, reject, or take no action on the bill.
- The committee report on the passed bill is read in open session of the House or Senate, and the bill is then referred to the Rules Committee.
- The Rules Committee can either place the bill on the second reading calendar for debate before the entire body, or take no action.
- At the second reading, a bill is subject to debate and amendment before being placed on the third reading calendar for final passage.
- After passing one house, the bill goes through the same procedure in the other house.
- If amendments are made in the other house, the first house must approve the changes.
- When the bill is accepted in both houses, it is signed by the respective leaders and sent to the governor.
- The governor signs the bill into law or may veto all or part of it. If the governor fails to act on the bill, it may become law without a signature.



How a Bill Becomes a Law



WEBSITES – LEGISLATION TRACKING

- [LegiScan – Washington State](#)
- [Washington State Legislature – Bill Tracking](#)
- [National Conference of State Legislatures](#) – Bill Tracking & Subscription Services



WEBSITES — LEGISLATIVE PROCESS

- Legislative Process Resources
Washington State Legislature
- Legislative Process & Terms
University of Washington, Office of Planning & Budgeting
- Televised Public Hearings, Legislative Review, & Inside Olympia
TVW — www.tvw.org

WEBSITES – BILLS PASSED & SIGNED

- [2021 Session Cutoff Calendar](#)
Washington State Legislature
- [Final Summary of Legislation Passed by the Washington State Legislature – 2021 Regular Legislative Session](#) (May 27, 2021)
Office of Program Research, Washington House of Representatives
- [Bill Action Table](#)
Governor's Office

WEBSITES – BUDGET INFORMATION

- [Budget Information](#) – Washington State Fiscal Information
Legislative Evaluation & Accountability Program
LEAP Committee & Office of Financial Management (OFM)
- [A Citizen's Guide to the Washington State Operating Budget \(2021\)](#) – Senate Ways & Means Committee
- [A Citizen's Guide to the Washington State Capital Budget \(2021\)](#) – Senate Ways & Means Committee



REPORTS TO THE LEGISLATURE

- Reports to the Legislature
 - Covers 2008 to present
- Reports by
 - Joint Legislative Audit and Review Committee (JLARC)
 - See Audit & Study Reports
 - State Auditor's Office (SAO)
 - See Other Annual Reports
 - Washington State Institute for Public Policy (WSIPP)
 - See Publications

THANK YOU



Greg Tolbert
Legal Services Manager
Greg.Tolbert@des.wa.gov