

To Whom It May Concern

PROPOSED CHANGES TO REASONS FOR SUSPENSION OF PREQUALIFICATION OF CONTRACTORS

Date: Tuesday September 15, 2020

The Washington State Department of Transportation has proposed revisions to chapter 468-16-180 of the Washington Administrative Code pertaining to suspension of prequalification of WSDOT contractors. This revision allows for an immediate one-year suspension of prequalification for failing to monitor and address harassment on the worksite, and two-year-suspensions for repeated (two or more) violations, in accordance with Title VII of the Civil Rights Act of 1964 and the Washington law against discrimination.

Process for Developing New Rule: WSDOT welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. WSDOT has filed a proposal with the office of the code reviser along with a [preproposal statement of inquiry](#). A copy of the WAC, with the proposed revisions, is attached to this bulletin.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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WAC 468-16-180 Suspension of qualification. (1) A suspension may be ordered for cause or for a period pending the completion of investigation and any ensuing legal action for revocation of qualification.

(2) The secretary may, upon determination from reports, other documents, or through investigation that cause exists to suspend the qualification of a contractor, impose suspension upon a contractor.

(3) The secretary may immediately suspend qualification for:

(a) Incompetency found detrimental to timely project completion or to the safety of the public or employees.

(b) Inadequate performance on one or more projects.

(c) Infractions of rules, regulations, specifications, and instructions which may adversely affect public health, welfare, and safety.

(d) Uncompleted work which might prevent the prompt completion of other work.

(e) A finding of noncompliance and refusal to agree to take corrective action, and/or failure to implement agreed upon corrective action to comply with equal employment opportunity, women's, minority and disadvantaged business enterprise requirements or state apprentice utilization requirements.

(f) Repeated findings of noncompliance (two or more) with equal employment opportunity, women's, minority, and disadvantaged business enterprise requirements or state apprentice utilization requirements.

(g) Debarment or suspension from participation in federal or state projects.

(h) Pending completion of debarment proceedings in federal or state projects.

(i) A finding of noncompliance and refusal to agree to take corrective action, and/or failure to implement agreed upon corrective action to comply with all requirements of Title VII of the Civil Rights Act of 1964 and the Washington law against discrimination.

(j) Repeated findings of noncompliance (two or more) with the requirements set forth in subsection (3)(i) of this section.

(4) The periods of suspension for acts or deficiencies enumerated above are as follows:

(a) For subsection (3)(a) and (e) of this section - Three months.

(b) For subsection (3)(b), (c), (d), and (f) of this section - Six months.

(c) For subsection (3)(g) of this section - For duration of debarment or suspension by the federal or other state agency.

(d) For subsection (3)(h) of this section - Until a determination is made by the federal or other state agency.

(e) For subsection (3)(i) of this section - A minimum of one year.

(f) For subsection (3)(j) of this section - A minimum of two years.

(5) The secretary may reduce the period of suspension upon the contractor's supported request for reasons including, but not limited to:

(a) Newly discovered evidence;

(b) Elimination of causes for which the suspension was imposed.