

SENATE BILL REPORT

SB 5782

AS REPORTED BY COMMITTEE ON EDUCATION, JANUARY 28, 1994

Brief Description: Making school construction and remodeling plans public property.

SPONSORS: Senators Quigley, Pelz, McDonald, Spanel, A. Smith, Drew, Winsley, Talmadge and Bauer

SENATE COMMITTEE ON EDUCATION

Majority Report: That Second Substitute Senate Bill No. 5782 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, M. Rasmussen, Rinehart, Skratek and A. Smith.

Staff: Susan Mielke (786-7439)

Hearing Dates: February 26, 1993; March 1, 1993; January 21, 1994; January 28, 1994

BACKGROUND:

The State Board of Education adopts rules establishing the eligibility requirements that must be met in order to receive state matching funds for school construction. It has been suggested that one way of saving costs in school construction is to establish a file of plans that may be used by any school district in the state.

SUMMARY:

Contracts by school districts for constructing or remodeling schools are required to contain a clause that the design plans are public property and that they may be used by the state or any school district in the state.

Design plans shall be filed by the school districts with the State Board of Education (SBE). The SBE will maintain the plans and make them available to all Washington State school districts.

After January 1, 1999, any school district that does not use a design plan filed with the SBE shall not receive state matching funds for school construction, unless the district receives a waiver from the SBE. The SBE may grant a waiver if the district can demonstrate that it would not be cost effective to use one of the plans on file with the SBE.

EFFECT OF PROPOSED SUBSTITUTE:

Contracts by school districts for constructing schools where the state has contributed matching funds are required to contain a clause that the design plans are the joint property of the originating design professional, the state and the school district and the plans may be reproduced, modified or used by the originating design professional and state or any school districts in the state. The plans shall be filed with the State Board of Education and maintained on file with the Office of the Superintendent of Public Instruction. The State Board of Education shall provide some priority consideration for receipt of state matching funds when a school district substantially duplicates a design plan on file. Any reuse of the design plans by a school district without the input of the originating design professionals shall be done at the risk of the school district reusing the design plans.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

A school district is exempt from statutory requirements for procurement of architectural and engineering services if: (1) the district selects a design plan on file with the Superintendent of Public Instruction; and (2) the original design professional of the selected plan agrees to verify and adapt the plan, and to provide all basic architectural and engineering services for the requesting school district for a cost that is at least 15 percent less than the cost of the original basic services.

When determining whether the total cost to be paid by the requesting school district is at least 15 percent less than the original cost of the basic architectural and engineering services, the original cost may be increased to reflect inflation.

Appropriation: none

Revenue: none

Fiscal Note: requested January 12, 1994

TESTIMONY FOR:

The Office of Superintendent of Public Instruction and the State Board of Education have initiated research on the issue of repeated use of design plans in the construction of school buildings. The study is not yet complete but the raw data compiled thus far indicates that some school districts have saved 18 percent in design costs when the district has reused a design plan. Some districts have saved 1 percent or more of the total construction costs.

TESTIMONY AGAINST:

School districts that reuse design plans may experience an initial cost savings, but that savings may be negated by the cost incurred to adapt the design to the educational program

or to the building site. Exempting districts from the statutory requirements for procuring architectural and engineering services does not allow design professionals to compete in the open market for a school construction project. Thus a school district may experience an increase in costs rather than a decrease. Providing an exemption would undermine public confidence in the public contracting procedure.

TESTIFIED: Senator Kevin Quigley, prime sponsor (pro); CON: Gary Chandler, American Institute of Architects; Anita Smith, Hurley, Atkins & Stewart; John Rankin, Reed, McClure; Dan Broggel, American Institute of Architects; Cliff Webster, Architects & Engineers Legislative Council