

HOUSE BILL REPORT

HB 2548

As Passed House:

February 10, 1998

Title: An act relating to environmental protection change orders in public projects.

Brief Description: Clarifying procedures for environmental protection change orders in public projects.

Sponsors: Representatives K. Schmidt, Fisher, Chandler and Thompson; by request of Department of Transportation.

Brief History:

Committee Activity:

Capital Budget: 1/29/98, 2/3/98 [DP].

Floor Activity:

Passed House: 2/10/98, 96-0.

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: Do pass. Signed by 11 members: Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Sullivan, Assistant Ranking Minority Member; Costa; Hankins; Koster; Lantz; Mitchell; D. Sommers and H. Sommers.

Staff: Bill Robinson (786-7140).

Background: Current bidding laws require the state and other government entities, when inviting public bids for construction projects, to identify and provide copies of all federal, state and local laws and regulations dealing with environmental protection that may be affected by the construction project. These documents are to be provided to all potential bidders as part of the public bidding process. If any new environmental laws or rules are adopted after the award of the construction contract to a successful bidder and if those new requirements require additional work for the project, the governmental entity must compensate the contractor for the additional cost. The cost of the additional work is determined according to the contract provisions or by agreement between two parties. If the parties are unable to reach agreement, the dispute is referred to arbitration.

Summary of Bill: The requirement that governmental entities set forth in all federal, state and local environmental laws and regulations in all invitations to bid for public construction projects is removed. The term arbitration used for resolving disputes over cost of new environmental laws is changed to the term dispute resolution.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Department of Transportation has elevated the Environmental Policy Section within the department to become more pro-active on environmental issues. The changes in this bill will not reduce compliance with environmental laws and regulations just streamline the process. The specifications for each construction project will identify the environmental permits and conditions in the bid documents and the specific process for complying with the environmental protections will be explained to each bidder at the pre-construction conference. The only change is the requirement that all bidding invitations include copies of all laws and regulations is removed.

Testimony Against: None.

Testified: Jerry Alb and Ron Mock, Department of Transportation.