
HOUSE BILL 2548

State of Washington

55th Legislature

1998 Regular Session

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

Read first time 01/15/98. Referred to Committee on Capital Budget.

1 AN ACT Relating to environmental protection change orders in public
2 projects; and amending RCW 39.04.120.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.04.120 and 1973 1st ex.s. c 62 s 1 are each amended
5 to read as follows:

6 ((All invitations for bid proposals for public construction
7 projects issued by the state of Washington, its authorities or
8 agencies, or any political subdivision of the state, shall set forth in
9 the contract documents to the extent they are reasonably obtainable by
10 the public awarding authority those provisions of federal, state and
11 local statutes, ordinances and regulations dealing with the prevention
12 of environmental pollution and the preservation of public natural
13 resources that affect or are affected by the projects.)) If the
14 successful bidder must undertake additional work for public
15 construction projects issued by the state of Washington, its
16 authorities or agencies, or a political subdivision of the state due to
17 the enactment of new environmental protection requirements or the
18 amendment of existing environmental protection statutes, ordinances, or
19 rules ((or regulations)) occurring after the submission of the

1 successful bid, the awarding agency shall issue a change order setting
2 forth the additional work that must be undertaken, which shall not
3 invalidate the contract. The cost of such a change order to the
4 awarding agency shall be determined in accordance with the provisions
5 of the contract for change orders (~~(or force accounts)~~) or, if no such
6 provision is set forth in the contract, then the cost to the awarding
7 agency shall be the contractor's costs for wages, labor costs other
8 than wages, wage taxes, materials, equipment rentals, insurance, and
9 subcontracts attributable to the additional activity plus a reasonable
10 sum for overhead and profit(~~(: PROVIDED, That such)~~). However, the
11 additional costs to undertake work not specified in the contract
12 documents shall not be approved unless written authorization is given
13 the successful bidder prior to his undertaking such additional
14 activity. In the event of a dispute between the awarding agency and
15 the (~~successful bidder, arbitration~~) contractor, dispute resolution
16 procedures may be commenced under the applicable terms of the
17 construction contract, or, if the contract contains no such provision
18 for (~~arbitration~~) dispute resolution, the then obtaining rules of the
19 American arbitration association.

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