

FINAL BILL REPORT

ESSB 5060

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Synopsis as Enacted

Brief Description: Revising alternative public works contracting procedures.

Sponsors: Senate Committee on State & Local Government (originally sponsored by Senators Winsley and Patterson).

Senate Committee on State & Local Government
House Committee on State Government

Background: Differing procedures are established for state agencies and various local governments to award contracts for public works projects.

Several different state agencies and local governments have been authorized to use alternative public works contracting procedures to award contracts on certain public works with a value of over \$10 million. One alternative procedure is the "design-build" procedure. Another alternative procedure is the "general contractor/construction manager" (GCCM) procedure. Authority to use these alternative public works contracting procedures terminates on July 1, 2001.

The GCCM procedure is a multi-step competitive process to award a contract for a single firm to provide services during the design phase, as well as acting as both the construction manager and general contractor during the construction phase, for a public facility that meets certain criteria. The contractor guarantees the project budget under this procedure.

The design-build procedure is a multi-step competitive process to award a contract for a single firm to design and construct a public facility or portion of a public facility that meets certain criteria.

The Department of General Administration, University of Washington, Washington State University, every county with a population greater than 450,000 (King, Pierce, and Snohomish counties), every city with a population greater than 150,000 (Seattle, Tacoma, and Spokane), and any port district with a population greater than 500,000 (Port of Seattle and Port of Tacoma) may use the alternative public works contracting procedures.

A temporary independent oversight committee reviews the use of these alternative public works procedures and makes recommendations to the Legislature on governmental contracting procedures.

Summary: Authority to use the alternative public works contracting procedures is extended for six years until July 1, 2007.

The alternative procedures may be used for public works projects valued over \$12 million.

The temporary independent oversight committee is abolished.

The following entities are authorized to use the alternative public works contracting procedures:

- The minimum population of a city eligible to use these procedures is reduced from 150,000 to 70,000, adding Vancouver, Bellevue, Everett, Federal Way, and Kent.
- Port districts eligible to use these procedures are expanded by changing the class of eligible port districts from a port district with a population of 500,000 or more to a port district with total revenues greater than \$15 million per year (adds the ports of Longview, Vancouver, Everett, and Bellingham).
- Any public utility district with revenues from energy sales of greater than \$23 million per year (adds the PUDs of Snohomish, Clark, Cowlitz, Grant, Benton, Chelan, Clallam, Douglas, Grays Harbor counties, and Mason County #3).
- Any public authority chartered by a city only after receiving specific authorization on a project-by-project basis from the governing body of the city.

Criteria are provided for a general contractor/construction manager to determine the eligibility of subcontractors performing work on the project, including financial resources, history of successful completion of contracts of a similar scope, management and supervision personnel experience on similar projects, current and projected workloads, ability to accurately estimate the subcontractor bid package scope of work, ability to meet subcontractor bid package shop drawing and other coordination procedures, eligibility to receive an award under applicable laws and regulations, and ability to meet subcontract bid package scheduling requirements.

Notice of a determination of eligibility must be published in a legal newspaper of general circulation published in or near to where the work will be done. Evaluation criteria and weighting is supplied to subcontractors requesting eligibility. Results and scoring by the owner and general contractor/construction manager must be supplied to subcontractors requesting eligibility.

Votes on Final Passage:

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|--------|----|----|--------------------|
| Senate | 31 | 18 | |
| House | 92 | 0 | (House amended) |
| Senate | 30 | 16 | (Senate concurred) |

Effective: July 1, 2001