
SENATE BILL 5930

State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson and Horn

Read first time 02/08/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to alternative public works contracting procedures;
2 amending RCW 39.10.065, 39.10.110, 39.10.115, and 39.10.902; amending
3 2000 c 138 s 106 (uncodified); reenacting and amending RCW 39.10.120;
4 providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 39.10.065 and 1997 c 376 s 5 are each amended to read
7 as follows:

8 (1) In addition to the projects authorized in RCW 39.10.050 and
9 39.10.060, public bodies may use the general contractor/construction
10 manager or design-build procedure for demonstration projects valued
11 between three million dollars and ten million dollars as follows:

12 (a) Three demonstration projects by the department of general
13 administration; and

14 (b) One demonstration project by each of the public bodies
15 authorized in RCW 39.10.020(2) other than the department of general
16 administration.

17 (2) Public bodies shall give weight to proposers' experience
18 working on projects valued between three million dollars and ten
19 million dollars in the evaluation process for the selection of a

1 general contractor/construction manager or design-build firm for
2 demonstration projects authorized in subsection (1) of this section.

3 (3) Cities which supply water to over three hundred fifty thousand
4 people may use the design-build procedure for one water system
5 demonstration project valued over ten million dollars. Use of the
6 design-build procedure shall be deemed to effect compliance with the
7 requirement for competitive bids under RCW 43.155.060.

8 (4) All contracts authorized under this section must be entered
9 into before July 1, (~~1999~~) 2005.

10 (5) In the event that a public body determines not to perform a
11 demonstration project using its authority under this section, it may
12 transfer its authority to another public body.

13 **Sec. 2.** RCW 39.10.110 and 1997 c 376 s 6 are each amended to read
14 as follows:

15 (1) There is established a (~~temporary independent oversight~~)
16 public works procurement committee to review the utilization of the
17 alternative public works contracting procedures authorized under this
18 chapter, to evaluate potential future utilization of other alternative
19 contracting procedures, including, but not limited to, contractor
20 prequalification, and, if desired by the committee, to review
21 traditional public works contracting procedures used by state agencies
22 and municipalities. The committee shall also pursue the development of
23 a mentoring program for expansion of the authorities in this chapter to
24 other public bodies. The membership of the committee shall include:
25 Two members of the house of representatives, one from each major
26 caucus, appointed by the speaker of the house of representatives; two
27 members of the senate, one from each major caucus, appointed by the
28 president of the senate; representatives from the appropriate segments
29 of the construction, contracting, subcontracting, and design
30 industries, appointed by the governor; representatives from appropriate
31 labor organizations, appointed by the governor; representatives from
32 public bodies authorized to use the alternative public works
33 contracting procedures under this chapter, appointed by the governor;
34 a representative from the office of minority and women's business
35 enterprises, appointed by the governor; and a representative from the
36 office of financial management, appointed by the governor. The
37 governor shall maintain a balance between representatives from public
38 agencies and the private sector when appointing members to the

1 committee, and shall consider the recommendations of the established
2 organizations representing the construction, contracting,
3 subcontracting, and design industries and organized labor in making the
4 industry and labor appointments.

5 (2) (~~The committee shall meet beginning after July 1, 1994.~~) A
6 chair or cochairs shall be selected from among the committee's
7 membership. Staff support for the committee shall be provided by the
8 agencies and organizations represented on the committee.

9 (3) Public bodies utilizing the alternative contracting procedures
10 authorized under this chapter shall provide any requested information
11 concerning implementation of projects under this chapter to the
12 committee in a timely manner, excepting any trade secrets or
13 proprietary information.

14 (4) The committee shall report to the appropriate standing
15 committees of the legislature by December (~~(10, 2000,)~~) 10th of each
16 year concerning its findings and recommendations.

17 **Sec. 3.** 2000 c 138 s 106 (uncodified) is amended to read as
18 follows:

19 A report on the use of the small works roster shall be made to the
20 (~~(independent oversight)~~) public works procurement committee
21 established under RCW 39.10.110 prior to the 2003 legislative session.

22 **Sec. 4.** RCW 39.10.115 and 2000 c 209 s 4 are each amended to read
23 as follows:

24 (1) The school district project review board is established to
25 review school district proposals submitted by school districts to use
26 alternative public works contracting procedures. The board shall
27 select and approve qualified projects based upon an evaluation of the
28 information submitted by the school district under subsection (2) of
29 this section. The membership of the board shall be selected by the
30 (~~(independent oversight)~~) public works procurement committee as
31 established under RCW 39.10.110 and shall include the following
32 representatives, each having experience with public works or commercial
33 construction: One representative from the office of the superintendent
34 of public instruction; one representative from the office of financial
35 management; two representatives from the construction industry, one of
36 whom works for a construction company with gross annual revenues of
37 twenty million dollars or less; one representative from the specialty

1 contracting industry; one representative from organized labor; one
2 representative from the design industry; one representative from a
3 public body previously authorized under this chapter to use an
4 alternative public works contracting procedure who has experience using
5 such alternative contracting procedures; one representative from school
6 districts with ten thousand or more annual average full-time equivalent
7 pupils; and one representative from school districts with fewer than
8 ten thousand average full-time equivalent pupils. Each member shall be
9 appointed for a term of three years, with the first three-year term
10 commencing after June 8, 2000. Any member of the school district
11 project review board who is directly affiliated with any applicant
12 before the board must recuse him or herself from consideration of the
13 application.

14 (2) A school district seeking to use alternative contracting
15 procedures authorized under this chapter shall file an application with
16 the school district project review board. The application form shall
17 require the district to submit a detailed statement of the proposed
18 project, including the school district's name; student population based
19 upon October full-time equivalents; the current projected total budget
20 for the project, including the estimated construction costs, costs for
21 professional services, equipment and furnishing costs, off-site costs,
22 contract administration costs, and other related project costs; the
23 anticipated project design and construction schedule; a summary of the
24 school district's construction activity for the preceding six years;
25 and an explanation of why the school district believes the use of an
26 alternative contracting procedure is in the public interest and why the
27 school district is qualified to use an alternative contracting
28 procedure, including a summary of the relevant experience of the school
29 district's management team. The applicant shall also provide in a
30 timely manner any other information concerning implementation of
31 projects under this chapter requested by the school district project
32 review board to assist in its consideration.

33 (3) Any school district whose application is approved by the school
34 district project review board shall comply with the public notification
35 and review requirements in RCW 39.10.030.

36 (4) Any school district whose application is approved by the school
37 district project review board shall not use as an evaluation factor
38 whether a contractor submitting a bid for the approved project has had
39 prior general contractor/construction manager procedure experience.

1 (5) The school district project review board shall prepare and
2 issue a report reviewing the use of the alternative public works
3 contracting procedures by school districts. The board shall report to
4 the ~~((independent oversight))~~ public works procurement committee at
5 least sixty days before the ~~((oversight))~~ committee is required to
6 report to the legislature under RCW 39.10.110(4).

7 **Sec. 5.** RCW 39.10.120 and 1997 c 376 s 7 and 1997 c 220 s 404 are
8 each reenacted and amended to read as follows:

9 (1) Except as provided in subsections (2) and (3) of this section,
10 the alternative public works contracting procedures authorized under
11 this chapter are limited to public works contracts signed before July
12 1, ~~((2001))~~ 2007. Methods of public works contracting authorized by
13 RCW 39.10.050 and 39.10.060 shall remain in full force and effect until
14 completion of contracts signed before July 1, ~~((2001))~~ 2007.

15 (2) For the purposes of a baseball stadium as defined in RCW
16 82.14.0485, the design-build contracting procedures under RCW 39.10.050
17 shall remain in full force and effect until completion of contracts
18 signed before December 31, 1997.

19 (3) For the purposes of a stadium and exhibition center, as defined
20 in RCW 36.102.010, the design-build contracting procedures under RCW
21 39.10.050 shall remain in full force and effect until completion of
22 contracts signed before December 31, 2002.

23 **Sec. 6.** RCW 39.10.902 and 1997 c 376 s 8 are each amended to read
24 as follows:

25 The following acts or parts of acts, as now existing or hereafter
26 amended, are each repealed, effective July 1, ~~((2001))~~ 2007:

27 (1) RCW 39.10.010 and 1994 c 132 s 1;

28 (2) RCW 39.10.020 and 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132
29 s 2;

30 (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;

31 (4) RCW 39.10.040 and 1994 c 132 s 4;

32 (5) RCW 39.10.050 and 1997 c 376 s 3 & 1994 c 132 s 5;

33 (6) RCW 39.10.060 and 2000 c 209 s 2, 2000 c 194 s 1, 1997 c 376 s
34 4, 1996 c 18 s 6, & 1994 c 132 s 6;

35 (7) RCW 39.10.065 and section 1 of this act & 1997 c 376 s 5;

36 (8) RCW 39.10.070 and 1994 c 132 s 7;

37 (9) RCW 39.10.080 and 1994 c 132 s 8;

- 1 (10) RCW 39.10.090 and 1994 c 132 s 9;
2 (11) RCW 39.10.100 and 1994 c 132 s 10;
3 (12) RCW 39.10.110 and section 2 of this act, 1997 c 376 s 6, &
4 1994 c 132 s 11;
5 (13) RCW 39.10.900 and 1994 c 132 s 13; and
6 (14) RCW 39.10.901 and 1994 c 132 s 14(~~;~~ ~~and~~
7 ~~(15) RCW 39.10.902 and 1994 c 132 s 15~~)).

8 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 July 1, 2001.

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