
HOUSE BILL 1884

State of Washington

58th Legislature

2003 Regular Session

By Representatives Miloscia and Nixon

Read first time 02/13/2003. Referred to Committee on State Government.

1 AN ACT Relating to allowing agencies to consider fees in the
2 criteria for selecting architectural and engineering services; and
3 amending RCW 39.80.020, 39.80.040, and 39.80.050.

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

5 **Sec. 1.** RCW 39.80.020 and 1999 c 153 s 55 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section shall apply throughout this chapter.

9 (1) "State agency" means any department, agency, commission,
10 bureau, office, or any other entity or authority of the state
11 government.

12 (2) "Local agency" means any city and any town, county, special
13 district, municipal corporation, agency, port district or authority, or
14 political subdivision of any type, or any other entity or authority of
15 local government in corporate form or otherwise.

16 (3) "Special district" means a local unit of government, other than
17 a city, town, or county, authorized by law to perform a single function
18 or a limited number of functions, and including but not limited to,
19 water-sewer districts, irrigation districts, fire districts, school

1 districts, community college districts, hospital districts,
2 transportation districts, and metropolitan municipal corporations
3 organized under chapter 35.58 RCW.

4 (4) "Agency" means both state and local agencies and special
5 districts as defined in subsections (1), (2), and (3) of this section.

6 (5) "Architectural and engineering services" or "professional
7 services" means professional services, other than professional land
8 surveying services, rendered by any person, other than as an employee
9 of the agency, contracting to perform activities within the scope of
10 the general definition of professional practice in chapters 18.08,
11 18.43, or 18.96 RCW.

12 (6) "Person" means any individual, organization, group,
13 association, partnership, firm, joint venture, corporation, or any
14 combination thereof.

15 (7) "Consultant" means any person providing professional services
16 who is not an employee of the agency for which the services are
17 provided.

18 (8) "Application" means a completed statement of qualifications
19 together with a request to be considered for the award of one or more
20 contracts for professional services.

21 **Sec. 2.** RCW 39.80.040 and 1981 c 61 s 4 are each amended to read
22 as follows:

23 In the procurement of architectural and engineering services, the
24 agency shall encourage firms engaged in the lawful practice of their
25 profession to submit annually a statement of qualifications and
26 performance data. The agency shall evaluate current statements of
27 qualifications and performance data on file with the agency, together
28 with those that may be submitted by other firms regarding the proposed
29 project, and shall conduct discussions with one or more firms regarding
30 anticipated concepts and the relative utility of alternative methods of
31 approach for furnishing the required services and then shall select
32 therefrom, based upon criteria established by the agency, ~~((the))~~ firms
33 deemed to be ~~((the most highly))~~ qualified to provide the services
34 required for the proposed project. Such agency procedures and
35 guidelines shall include a plan to insure that minority and women-owned
36 firms are afforded the maximum practicable opportunity to compete for

1 and obtain public contracts for services. The level of participation
2 by minority and women-owned firms shall be consistent with their
3 general availability within the professional communities involved.

4 **Sec. 3.** RCW 39.80.050 and 1981 c 61 s 5 are each amended to read
5 as follows:

6 ((~~1~~)) The agency shall negotiate a contract with ((~~the most~~)) a
7 qualified firm for architectural and engineering services at a price
8 which the agency determines is fair and reasonable to the agency. In
9 making its determination, the agency may use fee information solicited
10 from firms determined to be qualified to provide services after such
11 designation has been made, and shall take into account the estimated
12 value of the services to be rendered as well as the scope, complexity,
13 and professional nature thereof.

14 ((~~2~~)) ~~If the agency is unable to negotiate a satisfactory contract~~
15 ~~with the firm selected at a price the agency determines to be fair and~~
16 ~~reasonable, negotiations with that firm shall be formally terminated~~
17 ~~and the agency shall select other firms in accordance with RCW~~
18 ~~39.80.040 and continue in accordance with this section until an~~
19 ~~agreement is reached or the process is terminated.))~~

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