

# SENATE BILL REPORT

## ESSB 5770

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As Amended by House, April 9, 2007

**Title:** An act relating to work performed by institutions of higher education.

**Brief Description:** Changing public works provisions for institutions of higher education.

**Sponsors:** Senate Committee on Higher Education (originally sponsored by Senators Shin, Schoesler and Kilmer).

**Brief History:**

**Committee Activity:** Higher Education: 2/19/07, 2/21/07 [DPS].

Passed Senate: 3/12/07, 48-1.

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### SENATE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass.

Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Ranking Minority Member; Berkey, Schoesler and Sheldon.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Currently, when the cost of any building, construction, renovation, remodeling, or demolition other than maintenance or repairs will equal or exceed \$35,000 at The Evergreen State College, regional universities, or state universities, complete plans and specifications for the work must be prepared, the work must be put out for public bids and the contract must be awarded to the lowest responsible bidder. However, if the work involves one trade or craft area and the estimated cost exceeds \$15,000 the public bid process must also be conducted. The public bid process does not apply when a contract is awarded by the small works roster procedure or under any other procedure authorized for an institution of higher education. The institutions may require a project to be put to public bid even when it is not required by statute.

**Summary of Engrossed Substitute Bill:** Community college projects must also comply with the statutory public bid process. The threshold monetary values for determining whether building, construction, renovation, remodeling, or demolition must be put out for bid, are raised to \$55,000 generally and \$35,000 if the work involves one trade or craft area.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The cost of construction is going up fast. This is just an adjustment to account for the escalating costs. Community colleges are public facilities, so their inclusion is appropriate. This will simplify the process for many jobs and make it cheaper to perform routine matters. The bill will not require institutions to do anything differently, it just provides more flexibility. The institutions have skilled workers in place to perform these routine tasks.

CON: The private sector should have the opportunity to bid on all construction contracts. Construction work should all be contracted out, not performed by government workers.

**Persons Testifying:** PRO: Senator Shin, prime sponsor; Remignus Biciunas, Washington Federation of State Employees Local 1381; Eric Norold, Public School Electrical Engineers of Washington; Tom Henderson, State Board for Community and Technical Colleges; David Crook, Public School Employees of Washington; Matt Zwich, Washington Federation of State Employees; Tom Lopp, Puget Sound Energy.

CON: Larry Stevens, Mechanical Contractor's Association, National Electrical Contractor's Association.

**House Amendment(s):** For The Evergreen State College and the regional and state universities, the dollar amounts for prevailing rate of wage and publication requirements are changed to conform to the new bid limits. Clarification is made that prevailing wage laws apply to any project that is publicly bid. A technical correction is made to change a statute citation.