

HB 1690 - H AMD 1739

By Representative Dammeier

ADOPTED 4/10/2010

1
2 Strike everything after the enacting clause and insert the
3 following:

4
5 "NEW SECTION. **Sec. 1.** The establishment of alternative public
6 works contracting procedures authorized for use by public bodies has
7 been a complex, controversial, and challenging undertaking, but it has
8 been successful. The key to the successful adoption and consideration
9 of these procedures has depended, in great part, on the review and
10 oversight mechanisms put in place by the legislature in chapter 39.10
11 RCW, as well as the countless hours of dedicated work by numerous
12 stakeholders over many years. It is the intent of the legislature to
13 clarify that, unless otherwise specifically provided for in law,
14 public bodies that want to use an alternative public works contracting
15 procedure may use only those procedures specifically authorized in
16 chapter 39.10 RCW.

17
18 **Sec. 2.** RCW 39.10.200 and 2007 c 494 s 1 are each amended to read
19 as follows:

20 The legislature finds that the traditional process of awarding
21 public works contracts in lump sum to the lowest responsible bidder is
22 a fair and objective method of selecting a contractor. However, under
23 certain circumstances, alternative public works contracting procedures
24 may best serve the public interest if such procedures are implemented
25 in an open and fair process based on objective and equitable criteria.
26 The purpose of this chapter is to authorize the use of certain
27 supplemental alternative public works contracting procedures, to

1 prescribe appropriate requirements to ensure that such contracting
2 procedures serve the public interest, and to establish a process for
3 evaluation of such contracting procedures. It is the intent of the
4 legislature to establish that, unless otherwise specifically provided
5 for in law, public bodies may use only those alternative public works
6 contracting procedures specifically authorized in this chapter,
7 subject to the requirements of this chapter.

8
9 **Sec. 3.** RCW 39.10.230 and 2009 c 75 s 1 are each amended to read
10 as follows:

- 11 The board has the following powers and duties:
- 12 (1) Develop and recommend to the legislature policies to further
13 enhance the quality, efficiency, and accountability of capital
14 construction projects through the use of traditional and alternative
15 delivery methods in Washington, and make recommendations regarding
16 expansion, continuation, elimination, or modification of the
17 alternative public works contracting methods;
 - 18 (2) Evaluate the use of existing contracting procedures and the
19 potential future use of other alternative contracting procedures
20 including competitive negotiation contracts;
 - 21 (3) (~~Develop guidelines to be used by the committee for the~~
22 ~~review and approval of design build demonstration projects that~~
23 ~~procure operations and maintenance services~~) Submit recommendations
24 to the appropriate committees of the legislature evaluating
25 alternative contracting procedures that are not authorized under this
26 chapter;
 - 27 (4) Appoint members of the committee; and
 - 28 (5) Develop and administer questionnaires designed to provide
29 quantitative and qualitative data on alternative public works
30 contracting procedures on which evaluations are based.

31
32 **Sec. 4.** RCW 43.131.408 and 2007 c 494 s 507 are each amended to
33 read as follows:

1 The following acts or parts of acts, as now existing or hereafter
2 amended, are each repealed, effective June 30, 2014:

3 (1) RCW 39.10.200 and section 2 of this act, 2007 c 494 s 1, &
4 1994 c 132 s 1;

5 (2) RCW 39.10.210 and 2007 c 494 s 101 & 2005 c 469 s 3;

6 (3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

7 (4) RCW 39.10.230 and section 3 of this act, 2009 c 75 s 1, 2007 c
8 494 s 103, & 2005 c 377 s 2;

9 (5) RCW 39.10.240 and 2007 c 494 s 104;

10 (6) RCW 39.10.250 and 2007 c 494 s 105;

11 (7) RCW 39.10.260 and 2007 c 494 s 106;

12 (8) RCW 39.10.270 and 2007 c 494 s 107;

13 (9) RCW 39.10.280 and 2007 c 494 s 108;

14 (10) RCW 39.10.290 and 2007 c 494 s 109;

15 (11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c
16 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;

17 (~~(12)~~) (~~RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;~~

18 ~~RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;~~

19 ~~(13)~~) (13) RCW 39.10.330 and 2007 c 494 s 204;

20 ~~(14)~~) (14) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3,
21 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;

22 ~~(15)~~) (15) RCW 39.10.350 and 2007 c 494 s 302;

23 ~~(16)~~) (16) RCW 39.10.360 and 2007 c 494 s 303;

24 ~~(17)~~) (17) RCW 39.10.370 and 2007 c 494 s 304;

25 ~~(18)~~) (18) RCW 39.10.380 and 2007 c 494 s 305;

26 ~~(19)~~) (19) RCW 39.10.390 and 2007 c 494 s 306;

27 ~~(20)~~) (20) RCW 39.10.400 and 2007 c 494 s 307;

28 ~~(21)~~) (21) RCW 39.10.410 and 2007 c 494 s 308;

29 ~~(22)~~) (22) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;

30 ~~(23)~~) (23) RCW 39.10.430 and 2007 c 494 s 402;

31 ~~(24)~~) (24) RCW 39.10.440 and 2007 c 494 s 403;

32 ~~(25)~~) (25) RCW 39.10.450 and 2007 c 494 s 404;

33 ~~(26)~~) (26) RCW 39.10.460 and 2007 c 494 s 405;

34

1 ~~((28))~~ (27) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s
2 10;
3 ~~((29))~~ (28) RCW 39.10.480 and 1994 c 132 s 9;
4 ~~((30))~~ (29) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;
5 ~~((31))~~ (30) RCW 39.10.500 and 2007 c 494 s 502;
6 ~~((32))~~ (31) RCW 39.10.510 and 2007 c 494 s 503;
7 ~~((33))~~ (32) RCW 39.10.900 and 1994 c 132 s 13;
8 ~~((34))~~ (33) RCW 39.10.901 and 1994 c 132 s 14; and
9 ~~((35))~~ (34) RCW 39.10.903 and 2007 c 494 s 510."

10

11 Correct the title.

EFFECT: Removes direction given to the University of Washington Board of Regents to receive approval from the Capital Projects Advisory Review Board prior to adopting new alternative public works contracting methods. Removes authority of Capital Projects Advisory Review Board to approve demonstration projects, and submit reports.

--- END ---