

HB 1690 - S COMM AMD

By Committee on Government Operations & Elections

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

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

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

17 The legislature finds that the traditional process of awarding
18 public works contracts in lump sum to the lowest responsible bidder is
19 a fair and objective method of selecting a contractor. However, under
20 certain circumstances, alternative public works contracting procedures
21 may best serve the public interest if such procedures are implemented
22 in an open and fair process based on objective and equitable criteria.
23 The purpose of this chapter is to authorize the use of certain
24 supplemental alternative public works contracting procedures, to
25 prescribe appropriate requirements to ensure that such contracting
26 procedures serve the public interest, and to establish a process for
27 evaluation of such contracting procedures. It is the intent of the
28 legislature to establish that, unless otherwise specifically provided

1 for in law, public bodies may use only those alternative public works
2 contracting procedures specifically authorized in this chapter, subject
3 to the requirements of this chapter.

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

6 The board has the following powers and duties:

7 (1) Develop and recommend to the legislature policies to further
8 enhance the quality, efficiency, and accountability of capital
9 construction projects through the use of traditional and alternative
10 delivery methods in Washington, and make recommendations regarding
11 expansion, continuation, elimination, or modification of the
12 alternative public works contracting methods;

13 (2) Evaluate the use of existing contracting procedures and the
14 potential future use of other alternative contracting procedures
15 including competitive negotiation contracts;

16 (3) (~~Develop guidelines to be used by the committee for the review~~
17 ~~and approval of design build demonstration projects that procure~~
18 ~~operations and maintenance services)) Submit recommendations to the
19 appropriate committees of the legislature evaluating alternative
20 contracting procedures that are not authorized under this chapter;~~

21 (4) Appoint members of the committee; and

22 (5) Develop and administer questionnaires designed to provide
23 quantitative and qualitative data on alternative public works
24 contracting procedures on which evaluations are based.

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

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

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

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

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

33 (4) RCW 39.10.230 and section 3 of this act, 2009 c 75 s 1, 2007 c
34 494 s 103, & 2005 c 377 s 2;

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

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

1 (7) RCW 39.10.260 and 2007 c 494 s 106;
2 (8) RCW 39.10.270 and 2007 c 494 s 107;
3 (9) RCW 39.10.280 and 2007 c 494 s 108;
4 (10) RCW 39.10.290 and 2007 c 494 s 109;
5 (11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300
6 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;
7 (~~(12)~~) (~~RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;~~
8 ~~(13)~~) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;
9 (~~(14)~~) (13) RCW 39.10.330 and 2007 c 494 s 204;
10 (~~(15)~~) (14) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3,
11 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;
12 (~~(16)~~) (15) RCW 39.10.350 and 2007 c 494 s 302;
13 (~~(17)~~) (16) RCW 39.10.360 and 2007 c 494 s 303;
14 (~~(18)~~) (17) RCW 39.10.370 and 2007 c 494 s 304;
15 (~~(19)~~) (18) RCW 39.10.380 and 2007 c 494 s 305;
16 (~~(20)~~) (19) RCW 39.10.390 and 2007 c 494 s 306;
17 (~~(21)~~) (20) RCW 39.10.400 and 2007 c 494 s 307;
18 (~~(22)~~) (21) RCW 39.10.410 and 2007 c 494 s 308;
19 (~~(23)~~) (22) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;
20 (~~(24)~~) (23) RCW 39.10.430 and 2007 c 494 s 402;
21 (~~(25)~~) (24) RCW 39.10.440 and 2007 c 494 s 403;
22 (~~(26)~~) (25) RCW 39.10.450 and 2007 c 494 s 404;
23 (~~(27)~~) (26) RCW 39.10.460 and 2007 c 494 s 405;
24 (~~(28)~~) (27) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;
25 (~~(29)~~) (28) RCW 39.10.480 and 1994 c 132 s 9;
26 (~~(30)~~) (29) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;
27 (~~(31)~~) (30) RCW 39.10.500 and 2007 c 494 s 502;
28 (~~(32)~~) (31) RCW 39.10.510 and 2007 c 494 s 503;
29 (~~(33)~~) (32) RCW 39.10.900 and 1994 c 132 s 13;
30 (~~(34)~~) (33) RCW 39.10.901 and 1994 c 132 s 14; and
31 (~~(35)~~) (34) RCW 39.10.903 and 2007 c 494 s 510."

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1 On page 1, line 2 of the title, after "procedures;" strike the
2 remainder of the title and insert "amending RCW 39.10.200, 39.10.230,
3 and 43.131.408; and creating a new section."

EFFECT: Clarifies that public bodies may only use alternative public works contracting procedures specifically authorized in chapter 39.10 RCW. Removes language that permitted CPARB to act as a regulatory authority. Removes language specifically requiring the University of Washington's board of regents to submit any alternative public works contracting procedure not authorized in chapter 39.10 RCW to CPARB for review and approval.

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