

HB 1690 - S AMD 465
By Senator Regala

ADOPTED 4/12/2010

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

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

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

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

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

10 The board has the following powers and duties:

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

17 (2) Evaluate the use of existing contracting procedures and the
18 potential future use of other alternative contracting procedures
19 including competitive negotiation contracts;

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

26 (4) Appoint members of the committee; and

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

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33 **"Sec. 4.** RCW 35.82.200 and 1965 c 7 s 35.82.200 are each amended
34 to read as follows:

1 (1) In addition to the powers conferred upon an authority by other
2 provisions of this chapter, an authority is empowered to borrow money
3 or accept contributions, grants or other financial assistance from the
4 federal government for or in aid of any housing project within its
5 area of operation, to take over or lease or manage any housing project
6 or undertaking constructed or owned by the federal government, and to
7 these ends, to comply with such conditions and enter into such
8 mortgages, trust indentures, leases or agreements as may be necessary,
9 convenient or desirable. It is the purpose and intent of this chapter
10 to authorize every authority to do any and all things necessary or
11 desirable to secure the financial aid or cooperation of the federal
12 government in the undertaking, construction, maintenance or operation
13 of any housing project by such authority.

14 (2) All housing authorities shall be subject to the provisions of
15 chapter 39.10 RCW except where alternative requirements or procedures
16 of federal law or federal regulation are authorized.

17 (3) The requirements of chapter 39.12 RCW regarding prevailing
18 wages shall apply to housing authority public works except where
19 specifically preempted by federal law or federal regulation."

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23 **Sec. 5.** RCW 43.131.408 and 2007 c 494 s 507 are each amended to
24 read as follows:

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

- 27 (1) RCW 39.10.200 and section 2 of this act, 2007 c 494 s 1, &
28 1994 c 132 s 1;
- 29 (2) RCW 39.10.210 and 2007 c 494 s 101 & 2005 c 469 s 3;
- 30 (3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;
- 31 (4) RCW 39.10.230 and section 3 of this act, 2009 c 75 s 1, 2007 c
32 494 s 103, & 2005 c 377 s 2;
- 33 (5) RCW 39.10.240 and 2007 c 494 s 104;
- 34 (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
6 300 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
25 10;
26 ~~((29))~~ (28) RCW 39.10.480 and 1994 c 132 s 9;
27 ~~((30))~~ (29) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;
28 ~~((31))~~ (30) RCW 39.10.500 and 2007 c 494 s 502;
29 ~~((32))~~ (31) RCW 39.10.510 and 2007 c 494 s 503;
30 ~~((33))~~ (32) RCW 39.10.900 and 1994 c 132 s 13;
31 ~~((34))~~ (33) RCW 39.10.901 and 1994 c 132 s 14; and
32 ~~((35))~~ (34) RCW 39.10.903 and 2007 c 494 s 510."

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Renumber the sections consecutively and correct any internal references accordingly.

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On page 1, line 1 of the title, strike the title, and insert "an act relating to public works projects; and amending RCW 35.82.070, 39.10.200, 39.10.230, and 43.131.408; and creating a new section."

Renumber the sections consecutively and correct any internal references accordingly.

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.

Clarifies that all housing authorities are subject to the provisions of chapter 39.10 RCW (CPARB) except where alternative requirements or procedures of federal law or federal regulation are authorized.

Clarifies that prevailing wage requirements (chapter 39.12 RCW) apply to housing authority public works projects unless specifically preempted by federal law or regulation.

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