
ENGROSSED HOUSE BILL 1690

State of Washington

61st Legislature

2010 Regular Session

By Representatives Hasegawa, Hunt, Hudgins, Anderson, and Kenney

Read first time 01/27/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to authorizing alternative public works contracting
2 procedures; amending RCW 39.10.200, 39.10.230, and 43.131.408; and
3 creating a new section.

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

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

1 The legislature finds that the traditional process of awarding
2 public works contracts in lump sum to the lowest responsible bidder is
3 a fair and objective method of selecting a contractor. However, under
4 certain circumstances, alternative public works contracting procedures
5 may best serve the public interest if such procedures are implemented
6 in an open and fair process based on objective and equitable criteria.
7 The purpose of this chapter is to authorize the use of certain
8 supplemental alternative public works contracting procedures, to
9 prescribe appropriate requirements to ensure that such contracting
10 procedures serve the public interest, and to establish a process for
11 evaluation of such contracting procedures. It is the intent of the
12 legislature to establish that, unless otherwise specifically provided
13 for in law, public bodies may use only those alternative public works
14 contracting procedures specifically authorized in this chapter, subject
15 to the requirements of this chapter.

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

18 The board has the following powers and duties:

19 (1) Develop and recommend to the legislature policies to further
20 enhance the quality, efficiency, and accountability of capital
21 construction projects through the use of traditional and alternative
22 delivery methods in Washington, and make recommendations regarding
23 expansion, continuation, elimination, or modification of the
24 alternative public works contracting methods;

25 (2) Evaluate the use of existing contracting procedures and the
26 potential future use of other alternative contracting procedures
27 including competitive negotiation contracts;

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

33 (4) Appoint members of the committee; and

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

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

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

- 5 (1) RCW 39.10.200 and section 2 of this act, 2007 c 494 s 1, & 1994
6 c 132 s 1;
- 7 (2) RCW 39.10.210 and 2007 c 494 s 101 & 2005 c 469 s 3;
- 8 (3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;
- 9 (4) RCW 39.10.230 and section 3 of this act, 2009 c 75 s 1, 2007 c
10 494 s 103, & 2005 c 377 s 2;
- 11 (5) RCW 39.10.240 and 2007 c 494 s 104;
- 12 (6) RCW 39.10.250 and 2007 c 494 s 105;
- 13 (7) RCW 39.10.260 and 2007 c 494 s 106;
- 14 (8) RCW 39.10.270 and 2007 c 494 s 107;
- 15 (9) RCW 39.10.280 and 2007 c 494 s 108;
- 16 (10) RCW 39.10.290 and 2007 c 494 s 109;
- 17 (11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300
18 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;
- 19 (~~(12)~~) (~~RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;~~
20 ~~(13)~~) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;
- 21 (~~(14)~~) (13) RCW 39.10.330 and 2007 c 494 s 204;
- 22 (~~(15)~~) (14) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3,
23 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;
- 24 (~~(16)~~) (15) RCW 39.10.350 and 2007 c 494 s 302;
- 25 (~~(17)~~) (16) RCW 39.10.360 and 2007 c 494 s 303;
- 26 (~~(18)~~) (17) RCW 39.10.370 and 2007 c 494 s 304;
- 27 (~~(19)~~) (18) RCW 39.10.380 and 2007 c 494 s 305;
- 28 (~~(20)~~) (19) RCW 39.10.390 and 2007 c 494 s 306;
- 29 (~~(21)~~) (20) RCW 39.10.400 and 2007 c 494 s 307;
- 30 (~~(22)~~) (21) RCW 39.10.410 and 2007 c 494 s 308;
- 31 (~~(23)~~) (22) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;
- 32 (~~(24)~~) (23) RCW 39.10.430 and 2007 c 494 s 402;
- 33 (~~(25)~~) (24) RCW 39.10.440 and 2007 c 494 s 403;
- 34 (~~(26)~~) (25) RCW 39.10.450 and 2007 c 494 s 404;
- 35 (~~(27)~~) (26) RCW 39.10.460 and 2007 c 494 s 405;
- 36 (~~(28)~~) (27) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;
- 37 (~~(29)~~) (28) RCW 39.10.480 and 1994 c 132 s 9;
- 38 (~~(30)~~) (29) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;

1 (~~(31)~~) (30) RCW 39.10.500 and 2007 c 494 s 502;
2 (~~(32)~~) (31) RCW 39.10.510 and 2007 c 494 s 503;
3 (~~(33)~~) (32) RCW 39.10.900 and 1994 c 132 s 13;
4 (~~(34)~~) (33) RCW 39.10.901 and 1994 c 132 s 14; and
5 (~~(35)~~) (34) RCW 39.10.903 and 2007 c 494 s 510.

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