

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2328**

Chapter 102, Laws of 2012

62nd Legislature  
2012 Regular Session

JOB ORDER CONTRACTING

EFFECTIVE DATE: 06/07/12

Passed by the House February 14, 2012  
Yeas 98 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 1, 2012  
Yeas 48 Nays 0

BRAD OWEN

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**President of the Senate**

Approved March 29, 2012, 1:28 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2328** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

March 29, 2012

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 2328

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Passed Legislature - 2012 Regular Session

State of Washington                      62nd Legislature                      2012 Regular Session

By Representatives Dammeier, Haigh, and Hunt

Read first time 01/11/12. Referred to Committee on State Government & Tribal Affairs.

1            AN ACT Relating to job order contracting; and amending RCW  
2 39.10.420, 39.10.450, 39.10.460, and 43.131.408.

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

4            **Sec. 1.** RCW 39.10.420 and 2009 c 75 s 7 are each amended to read  
5 as follows:

6            (1) The following public bodies are authorized to use the job order  
7 contracting procedure:

8            (a) The department of (~~general — administration~~) enterprise  
9 services;

10            (b) The (~~University of Washington~~) state universities, regional  
11 universities, and The Evergreen State College;

12            (c) (~~Washington State University~~) Sound transit (central Puget  
13 Sound regional transit authority);

14            (d) Every city with a population greater than seventy thousand and  
15 any public authority chartered by such city under RCW 35.21.730 through  
16 35.21.755;

17            (e) Every county with a population greater than four hundred fifty  
18 thousand;

1 (f) Every port district with total revenues greater than fifteen  
2 million dollars per year;

3 (g) Every public utility district with revenues from energy sales  
4 greater than twenty-three million dollars per year;

5 (h) Every school district; and

6 (i) The state ferry system.

7 (2)(a) The department of (~~general-administration~~) enterprise  
8 services may issue job order contract work orders for Washington state  
9 parks department projects.

10 (b) The department of (~~general-administration~~) enterprise  
11 services, the University of Washington, and Washington State University  
12 may issue job order contract work orders for the state regional  
13 universities and The Evergreen State College.

14 (3) Public bodies may use a job order contract for public works  
15 projects when a determination is made that the use of job order  
16 contracts will benefit the public by providing an effective means of  
17 reducing the total lead-time and cost for the construction of public  
18 works projects for repair and renovation required at public facilities  
19 through the use of unit price books and work orders by eliminating  
20 time-consuming, costly aspects of the traditional public works process,  
21 which require separate contracting actions for each small project.

22 **Sec. 2.** RCW 39.10.450 and 2007 c 494 s 404 are each amended to  
23 read as follows:

24 (1) The maximum dollar amount for a work order is three hundred  
25 fifty thousand dollars. (~~For each job order contract, public bodies~~  
26 ~~shall not issue more than two work orders equal to or greater than~~  
27 ~~three hundred thousand dollars in a twelve month contract period.))~~

28 (2) All work orders issued for the same project shall be treated as  
29 a single work order for purposes of the dollar limit on work orders.

30 (3) No more than twenty percent of the dollar value of a work order  
31 may consist of items of work not contained in the unit price book.

32 (4) Any new permanent, enclosed building space constructed under a  
33 work order shall not exceed two thousand gross square feet.

34 (5) A public body may issue no work orders under a job order  
35 contract until it has approved, in consultation with the office of  
36 minority and women's business enterprises or the equivalent local  
37 agency, a plan prepared by the job order contractor that equitably

1 spreads certified women and minority business enterprise subcontracting  
2 opportunities, to the extent permitted by the Washington state civil  
3 rights act, RCW 49.60.400, among the various subcontract disciplines.

4 (6) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW,  
5 each work order issued shall be treated as a separate contract. The  
6 alternate filing provisions of RCW 39.12.040(2) apply to each work  
7 order that otherwise meets the eligibility requirements of RCW  
8 39.12.040(2).

9 (7) The job order contract shall not be used for the procurement of  
10 architectural or engineering services not associated with specific work  
11 orders. Architectural and engineering services shall be procured in  
12 accordance with RCW 39.80.040.

13 **Sec. 3.** RCW 39.10.460 and 2007 c 494 s 405 are each amended to  
14 read as follows:

15 Each year, a public body shall provide to the board the following  
16 information for each job order contract ((at the end of each contract  
17 year)) for the period July 1st through June 30th:

- 18 (1) A list of work orders issued;
- 19 (2) The cost of each work order;
- 20 (3) A list of subcontractors hired under each work order;
- 21 (4) If requested by the board, a copy of the intent to pay  
22 prevailing wage and the affidavit of wages paid for each work order  
23 subcontract; and
- 24 (5) Any other information requested by the board.

25 **Sec. 4.** RCW 43.131.408 and 2010 1st sp.s. c 21 s 5 are each  
26 amended to 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 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, &  
30 1994 c 132 s 1;
- 31 (2) RCW 39.10.210 and 2010 1st sp.s. c 36 s 6014, 2007 c 494 s 101,  
32 & 2005 c 469 s 3;
- 33 (3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;
- 34 (4) RCW 39.10.230 and 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007  
35 c 494 s 103, & 2005 c 377 s 2;
- 36 (5) RCW 39.10.240 and 2007 c 494 s 104;

1 (6) RCW 39.10.250 and 2009 c 75 s 2 & 2007 c 494 s 105;  
2 (7) RCW 39.10.260 and 2007 c 494 s 106;  
3 (8) RCW 39.10.270 and 2009 c 75 s 3 & 2007 c 494 s 107;  
4 (9) RCW 39.10.280 and 2007 c 494 s 108;  
5 (10) RCW 39.10.290 and 2007 c 494 s 109;  
6 (11) RCW 39.10.300 and 2009 c 75 s 4 & 2007 c 494 s 201(~~(, 2003-c~~  
7 ~~352 s 2, 2003-c 300 s 4, 2002-c 46 s 1, & 2001-c 328 s 2))~~);  
8 (12) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;  
9 (13) RCW 39.10.330 and 2009 c 75 s 5 & 2007 c 494 s 204;  
10 (14) RCW 39.10.340 and 2007 c 494 s 301(~~(, 2003-c 352 s 3, 2003-c~~  
11 ~~300 s 5, 2002-c 46 s 2, & 2001-c 328 s 3))~~);  
12 (15) RCW 39.10.350 and 2007 c 494 s 302;  
13 (16) RCW 39.10.360 and 2009 c 75 s 6 & 2007 c 494 s 303;  
14 (17) RCW 39.10.370 and 2007 c 494 s 304;  
15 (18) RCW 39.10.380 and 2007 c 494 s 305;  
16 (19) RCW 39.10.385 and 2010 c 163 s 1;  
17 (20) RCW 39.10.390 and 2007 c 494 s 306;  
18 ~~((+20))~~ (21) RCW 39.10.400 and 2007 c 494 s 307;  
19 ~~((+21))~~ (22) RCW 39.10.410 and 2007 c 494 s 308;  
20 ~~((+22))~~ (23) RCW 39.10.420 and 2012 c ... s 1 (section 1 of this  
21 act), 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;  
22 ~~((+23))~~ (24) RCW 39.10.430 and 2007 c 494 s 402;  
23 ~~((+24))~~ (25) RCW 39.10.440 and 2007 c 494 s 403;  
24 ~~((+25))~~ (26) RCW 39.10.450 and 2012 c ... s 2 (section 2 of this  
25 act) & 2007 c 494 s 404;  
26 ~~((+26))~~ (27) RCW 39.10.460 and 2012 c ... s 3 (section 3 of this  
27 act) & 2007 c 494 s 405;  
28 ~~((+27))~~ (28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;  
29 ~~((+28))~~ (29) RCW 39.10.480 and 1994 c 132 s 9;  
30 ~~((+29))~~ (30) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;  
31 ~~((+30))~~ (31) RCW 39.10.500 and 2007 c 494 s 502;  
32 ~~((+31))~~ (32) RCW 39.10.510 and 2007 c 494 s 503;  
33 ~~((+32))~~ (33) RCW 39.10.900 and 1994 c 132 s 13;  
34 ~~((+33))~~ (34) RCW 39.10.901 and 1994 c 132 s 14; ((and  
35 +34)) (35) RCW 39.10.903 and 2007 c 494 s 510(~~(-))~~);  
36 (36) RCW 39.10.904 and 2007 c 494 s 512; and

1        (37) RCW 39.10.905 and 2007 c 494 s 513.  
Passed by the House February 14, 2012.  
Passed by the Senate March 1, 2012.  
Approved by the Governor March 29, 2012.  
Filed in Office of Secretary of State March 29, 2012.