

**HB 1768** - S COMM AMD

By Committee on Transportation

ADOPTED 04/17/2013

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

3 "Sec. 1. RCW 39.10.420 and 2012 c 102 s 1 are each amended to read  
4 as follows:

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

7 (a) The department of enterprise services;

8 (b) The state universities, regional universities, and The  
9 Evergreen State College;

10 (c) Sound transit (central Puget Sound regional transit authority);

11 (d) Every city with a population greater than seventy thousand and  
12 any public authority chartered by such city under RCW 35.21.730 through  
13 35.21.755;

14 (e) Every county with a population greater than four hundred fifty  
15 thousand;

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

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

20 (h) Every school district; ~~((and))~~

21 (i) The state ferry system; and

22 (j) The Washington state department of transportation, for the  
23 administration of building improvement, replacement, and renovation  
24 projects only.

25 (2)(a) The department of enterprise services may issue job order  
26 contract work orders for Washington state parks department projects.

27 (b) The department of enterprise services, the University of  
28 Washington, and Washington State University may issue job order  
29 contract work orders for the state regional universities and The  
30 Evergreen State College.

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

9 **Sec. 2.** RCW 39.10.440 and 2007 c 494 s 403 are each amended to  
10 read as follows:

11 (1) The maximum total dollar amount that may be awarded under a job  
12 order contract is four million dollars per year for a maximum of three  
13 years.

14 (2) Job order contracts may be executed for an initial contract  
15 term of not to exceed two years, with the option of extending or  
16 renewing the job order contract for one year. All extensions or  
17 renewals must be priced as provided in the request for proposals. The  
18 extension or renewal must be mutually agreed to by the public body and  
19 the job order contractor.

20 (3) A public body may have no more than two job order contracts in  
21 effect at any one time, with the exception of the department of  
22 (~~general administration~~) enterprise services, which may have four job  
23 order contracts in effect at any one time.

24 (4) At least ninety percent of work contained in a job order  
25 contract must be subcontracted to entities other than the job order  
26 contractor. The job order contractor must distribute contracts as  
27 equitably as possible among qualified and available subcontractors  
28 including minority and woman-owned subcontractors to the extent  
29 permitted by law.

30 (5) The job order contractor shall publish notification of intent  
31 to perform public works projects at the beginning of each contract year  
32 in a statewide publication and in a legal newspaper of general  
33 circulation in every county in which the public works projects are  
34 anticipated.

35 (6) Job order contractors shall pay prevailing wages for all work  
36 that would otherwise be subject to the requirements of chapter 39.12

1 RCW. Prevailing wages for all work performed pursuant to each work  
2 order must be the rates in effect at the time the individual work order  
3 is issued.

4 (7) If, in the initial contract term, the public body, at no fault  
5 of the job order contractor, fails to issue the minimum amount of work  
6 orders stated in the public request for proposals, the public body  
7 shall pay the contractor an amount equal to the difference between the  
8 minimum work order amount and the actual total of the work orders  
9 issued multiplied by an appropriate percentage for overhead and profit  
10 contained in the contract award coefficient for services as specified  
11 in the request for proposals. This is the contractor's sole remedy.

12 (8) All job order contracts awarded under this section must be  
13 signed before July 1, (~~2013~~) 2021; however the job order contract may  
14 be extended or renewed as provided for in this section.

15 (9) Public bodies may amend job order contracts awarded prior to  
16 July 1, 2007, in accordance with this chapter.

17 **Sec. 3.** RCW 39.10.490 and 2007 c 494 s 501 are each amended to  
18 read as follows:

19 The alternative public works contracting procedures authorized  
20 under this chapter are limited to public works contracts signed before  
21 July 1, (~~2013~~) 2021. Methods of public works contracting authorized  
22 under this chapter shall remain in full force and effect until  
23 completion of contracts signed before July 1, (~~2013~~) 2021.

24 **Sec. 4.** RCW 43.131.407 and 2007 c 494 s 506 are each amended to  
25 read as follows:

26 The alternative (~~public~~) public works contracting procedures  
27 under chapter 39.10 RCW shall be terminated June 30, (~~2013~~) 2021, as  
28 provided in RCW 43.131.408.

29 **Sec. 5.** RCW 43.131.408 and 2012 c 102 s 4 are each amended to read  
30 as follows:

31 The following acts or parts of acts, as now existing or hereafter  
32 amended, are each repealed, effective June 30, (~~2014~~) 2022:

33 (1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, &  
34 1994 c 132 s 1;

1 (2) RCW 39.10.210 and 2010 1st sp.s. c 36 s 6014, 2007 c 494 s 101,  
2 & 2005 c 469 s 3;  
3 (3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;  
4 (4) RCW 39.10.230 and 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007  
5 c 494 s 103, & 2005 c 377 s 2;  
6 (5) RCW 39.10.240 and 2007 c 494 s 104;  
7 (6) RCW 39.10.250 and 2009 c 75 s 2 & 2007 c 494 s 105;  
8 (7) RCW 39.10.260 and 2007 c 494 s 106;  
9 (8) RCW 39.10.270 and 2009 c 75 s 3 & 2007 c 494 s 107;  
10 (9) RCW 39.10.280 and 2007 c 494 s 108;  
11 (10) RCW 39.10.290 and 2007 c 494 s 109;  
12 (11) RCW 39.10.300 and 2009 c 75 s 4 & 2007 c 494 s 201;  
13 (12) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;  
14 (13) RCW 39.10.330 and 2009 c 75 s 5 & 2007 c 494 s 204;  
15 (14) RCW 39.10.340 and 2007 c 494 s 301;  
16 (15) RCW 39.10.350 and 2007 c 494 s 302;  
17 (16) RCW 39.10.360 and 2009 c 75 s 6 & 2007 c 494 s 303;  
18 (17) RCW 39.10.370 and 2007 c 494 s 304;  
19 (18) RCW 39.10.380 and 2007 c 494 s 305;  
20 (19) RCW 39.10.385 and 2010 c 163 s 1;  
21 (20) RCW 39.10.390 and 2007 c 494 s 306;  
22 (21) RCW 39.10.400 and 2007 c 494 s 307;  
23 (22) RCW 39.10.410 and 2007 c 494 s 308;  
24 (23) RCW 39.10.420 and 2013 c . . . s 1 (section 1 of this act),  
25 2012 c 102 s 1, 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;  
26 (24) RCW 39.10.430 and 2007 c 494 s 402;  
27 (25) RCW 39.10.440 and 2013 c . . . s 2 (section 2 of this act) &  
28 2007 c 494 s 403;  
29 (26) RCW 39.10.450 and 2012 c 102 s 2 & 2007 c 494 s 404;  
30 (27) RCW 39.10.460 and 2012 c 102 s 3 & 2007 c 494 s 405;  
31 (28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;  
32 (29) RCW 39.10.480 and 1994 c 132 s 9;  
33 (30) RCW 39.10.490 and 2013 c . . . s 3 (section 3 of this act),  
34 2007 c 494 s 501, & 2001 c 328 s 5;  
35 (31) RCW 39.10.500 and 2007 c 494 s 502;  
36 (32) RCW 39.10.510 and 2007 c 494 s 503;  
37 (33) RCW 39.10.900 and 1994 c 132 s 13;  
38 (34) RCW 39.10.901 and 1994 c 132 s 14;

1 (35) RCW 39.10.903 and 2007 c 494 s 510;  
2 (36) RCW 39.10.904 and 2007 c 494 s 512; and  
3 (37) RCW 39.10.905 and 2007 c 494 s 513."

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4 On page 1, line 2 of the title, after "transportation;" strike the  
5 reminder of the title and insert "and amending RCW 39.10.420,  
6 39.10.440, 39.10.490, 43.131.407, and 43.131.408."

EFFECT: The job order contracting statute expiration date is  
extended from July 2013 to July 2021.

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