

SENATE BILL REPORT

HB 2555

As Reported by Senate Committee On:
Governmental Operations, February 24, 2014

Title: An act relating to alternative contracting performance goals.

Brief Description: Concerning alternative contracting performance goals.

Sponsors: Representatives Dunshee and Tarleton.

Brief History: Passed House: 2/18/14, 97-0.

Committee Activity: Governmental Operations: 2/24/14 [DPA].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Conway and McCoy.

Staff: Karen Epps (786-7424)

Background: The Capital Projects Advisory Review Board (CPARB) provides an evaluation of public capital project construction processes, including the impact of contracting methods on project outcomes, and advises the Legislature on policies related to public works delivery methods. Public works contracts of a large dollar amount that meet certain criteria and are approved by CPARB may be awarded through an alternative contracting procedure in which the selection of a contractor is based on factors other than low bid. There are three alternative procedures authorized by law: design-build (DB), job order contracting, and general contractor/construction manager. The authorization to use alternative public works procedures expires June 30, 2021.

DB is an alternative contracting method that melds design and construction activities into a single contract. The government agency contracts with a single firm to both design and construct the facility based on the needs identified by the agency. Selection of the firm is based on a weighted scoring of factors, including firms' qualifications and experience, project proposals, and bid prices. In addition to projects that are highly specialized or repetitive in nature, DB may be used for construction of parking garages and the erection of pre-engineered metal buildings or prefabricated modular buildings.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Upon selection of the finalists, the public agency must issue a request for proposals to the finalists, and provide the following information:

- a detailed description of the project including programmatic, performance, and technical requirements and specifications; functional and operational elements; minimum and maximum net and gross areas of any building; and, at the discretion of the public body, preliminary engineering and architectural drawings; and
- the target budget for the DB portion of the project.

The Public Records Act, enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Generally, all proceedings, records, contracts, and other public records relating to alternative public works transactions are public records and available for public inspection and copying. However, trade secrets or other proprietary information submitted by a bidder, offeror, or contractor are not subject to public disclosure if the bidder, offeror, or contractor specifically states in writing why protection is necessary.

Summary of Bill (Recommended Amendments): Upon selection of the finalists for a DB project, the public agency must issue a request for proposals to the finalists and provide certain information, including building performance goals and validation requirements.

Proposals submitted in response to a competitive solicitation and related evaluation documents for projects using the DB contracting method are exempt from public disclosure until either the public body notifies the highest scoring finalist for the bid or the selection process is terminated.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Amendments): Exempts proposals of finalists for DB contracts from public disclosure until the highest scoring finalist is notified or until the selection process is terminated.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: No public hearing was held.

Persons Testifying: N/A.