

ESSB 5997 - H COMM AMD

By Committee on Transportation

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

3 "Sec. 1. RCW 47.20.785 and 2006 c 37 s 1 are each amended to
4 read as follows:

5 (1) The department of transportation (~~may~~) is authorized and
6 strongly encouraged to use the design-build procedure for public
7 works projects over ten million dollars (~~where~~) when:

8 (a) The construction activities are highly specialized and a
9 design-build approach is critical in developing the construction
10 methodology; or

11 (b) The projects selected provide opportunity for greater
12 innovation and efficiencies between the designer and the builder; or

13 (c) Significant savings in project delivery time would be
14 realized.

15 (2) To test the applicability of the design-build procedure on
16 smaller projects and specialty projects, the department may conduct
17 up to five pilot projects on projects that cost between two and ten
18 million dollars. The department shall evaluate these pilot projects
19 with respect to cost, time to complete, efficiencies gained, if any,
20 and other pertinent information to facilitate analysis regarding the
21 further use of the design-build process on projects of this size.
22 This subsection expires upon the completion of the five pilot
23 projects authorized under this subsection.

24 NEW SECTION. **Sec. 2.** (1) The joint transportation committee
25 must convene a design-build contracting review panel to examine the
26 department's implementation and use of design-build contracting under
27 RCW 47.20.785.

28 (2) The design-build contracting review panel must provide a
29 report detailing any recommended changes or improvements that the
30 department of transportation should make to the design-build process
31 in order to maximize cost and schedule efficiencies and ensure that
32 design risk is borne by the appropriate party. The report is due to

1 the transportation committees of the legislature and the governor by
2 December 1, 2016.

3 (3) The design-build contracting review panel must be comprised
4 of six members, two of which are nationally recognized experts in the
5 field of design-build project delivery, a representative from the
6 association of general contractors, a representative from the
7 American council of engineering companies of Washington, a
8 representative of the professional and technical employees local 17,
9 and a representative from the department of transportation. The two
10 nationally recognized experts must be selected cooperatively by the
11 chairs and ranking members of the senate and house transportation
12 committees from of a list of five to seven proposed candidates
13 provided by the secretary of transportation and the governor. The
14 chair of the design-build contracting review panel must be designated
15 by the appointing authorities. The two experts serving on the panel
16 must be compensated at a rate commensurate with their experience,
17 including reimbursement for expenses according to RCW 43.03.050 and
18 43.03.060. The joint transportation committee will provide staff
19 support to the design-build contracting review panel.

20 (4) This section expires June 30, 2017.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.01
22 RCW to read as follows:

23 (1) The department must develop a construction program business
24 plan that incorporates findings of the report required in section 2
25 of this act and also outlines a sustainable staffing level of state-
26 employed engineering staff, adjusted as necessary by additional
27 sustainable revenue and modeled and optimized to address long-term
28 needs in preservation and improvement programs through multiple
29 biennia.

30 (2) The sustainable staffing level recognizes that it is in the
31 state's interest that periodic increases in workload due to increases
32 in construction funding are best addressed through the use of
33 contract engineering resources in conjunction with limited and
34 flexible augmentations to department staffing levels as necessary for
35 project oversight, accountability, and delivery.

36 (3) To provide the appropriate management oversight and
37 accountability of the use of contracted services, the plan must also
38 make recommendations on the development of a strong owner strategy

1 that addresses state employee training, career development, and
2 competitive compensation.

3 (4) The department must submit the plan to the office of
4 financial management and appropriate committees of the legislature
5 one hundred eighty days after the report in section 2 of this act is
6 completed. The department must submit progress reports on
7 implementation of the plan biennially beginning September 30, 2018,
8 until September 30, 2030. The elements of the plan must include:

9 (a) Sustainable staffing levels to address long-term needs in
10 preservation and improvement programs;

11 (b) Employee recruitment, retention, training, and compensation
12 status;

13 (c) Project delivery methods for design and construction; and

14 (d) A comparison of Washington state to national trends and
15 methods.

16 (5) To assist in the development of the plan, the department must
17 convene an advisory group to be comprised of the following members:

18 (a) One representative of the professional and technical
19 employees local 17 to represent the nonmanagement engineering and
20 technical employees of the department;

21 (b) One member of the managerial engineering and technical staff
22 of the department, who must serve as chair of the advisory group;

23 (c) One member appointed by the American council of engineering
24 companies of Washington to represent the private design industry; and

25 (d) One member appointed by the associated general contractors of
26 Washington to represent the private construction industry.

27 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect July 1, 2015.

31 NEW SECTION. **Sec. 5.** This act takes effect only if chapter ...
32 (Engrossed Substitute Senate Bill No. 5987), Laws of 2015 is enacted
33 by June 30, 2015."

34 Correct the title.

EFFECT: Requires the Washington state department of
transportation (WSDOT) to develop a construction program business
plan that: (1) Incorporates the findings of the joint transportation

committee (JTC) study; (2) outlines a sustainable staffing level of state-employed engineering staff; and (3) makes recommendations on the development of a strong owner strategy. The report must be submitted to the office of financial management and the transportation committees of the legislature no longer than one hundred eighty days after the JTC study is complete, and a progress report must be submitted biennially until 2030. Requires the creation of an advisory group to assist in the development of the business plan consisting of the following members: One representative from professional and technical employees local 17, one representative of the managerial engineering and technical staff at WSDOT, one member appointed by the American council of engineering companies of Washington, and one member appointed by the associated general contractors of Washington. Removes the requirement that the provisions in the bill apply only to projects identified as connecting Washington projects.

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