

SB 6180 - H COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 3/3/2016

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the importance
4 of supporting the development of and providing opportunities for
5 disadvantaged business enterprises in state contracting with the
6 Washington state department of transportation. With the recent
7 passage of an historic sixteen-year investment in the state's
8 transportation system creating new opportunities for minority
9 contracting, it is critical that existing programs and processes at
10 the department of transportation are strengthened and better
11 positioned to ensure greater participation among disadvantaged
12 business enterprises. Many of these business enterprises have
13 historically experienced discrimination in the contracting process
14 and are justly worried about whether these new projects will bring
15 about an equal share of prosperity. The legislature finds that the
16 department of transportation could improve its efforts to engage
17 disadvantaged business enterprises in a manner that would increase
18 trust in the contracting community. As such, it is the intent of the
19 legislature to create a disadvantaged business enterprise advisory
20 committee that will provide leadership in advancing opportunities for
21 minority and disadvantaged contractors in state transportation
22 projects, and provide recommendations for improvements to the
23 legislature. The legislature also intends to consider advisory
24 committee recommendations to increase the number of disadvantaged
25 business enterprise firms, to increase minority workers in
26 construction trades, and to create economic opportunities for
27 minority communities. Furthermore, the legislature intends for the
28 department of transportation to develop goals specific to
29 disadvantaged business enterprises and to the connecting Washington
30 account projects funded in the 2015 transportation revenue package
31 with input from the advisory committee.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.01
2 RCW to read as follows:

3 (1) The disadvantaged business enterprise advisory committee is
4 created within the commission with the intent to advise the
5 commission on issues and concerns from the disadvantaged business
6 enterprise community and to increase the level of accountability and
7 transparency regarding disadvantaged business enterprise inclusion
8 spending levels, goal setting, and overall participation on both
9 state-only funded transportation projects and procurement services
10 and transportation projects and procurement services that include
11 federal funds. The advisory committee must create a mission and
12 vision and must provide the following data, analysis, and
13 recommendations to the transportation committees of the legislature:

14 (a) A review of the department's nonminority women's business
15 waiver request to the federal highway administration and the United
16 States department of transportation, including identification of key
17 issues, an analysis of the impact of the waiver on nonminority
18 women's businesses, and recommended solutions that would lead to
19 waiver approval;

20 (b) An analysis of the impact, if any, chapter 3, Laws of 1999
21 (Initiative Measure No. 200) has had on disadvantaged business
22 enterprise participation in transportation projects and procurement
23 services and recommendations on improvements;

24 (c) An analysis of the implementation of the results of existing
25 disparity studies conducted by the department and recommendations on
26 how the department can build on the existing studies to achieve
27 better results in disadvantaged business enterprise inclusion;

28 (d) An outreach to the existing minority contracting community to
29 collect information and gather feedback from the community on the
30 perceptions of the current disadvantaged business enterprise
31 contracting process, procedures, and results;

32 (e) An analysis of current disadvantaged business enterprise
33 support services and the certification process overseen by the office
34 of minority and women's business enterprises and provide
35 recommendations on how the office and the department can increase the
36 pool of eligible businesses, improve support services, respond to
37 contractor needs, and increase overall participation in
38 transportation projects. Any resulting recommendations from this
39 subsection must also be reported to the technology and economic

1 development committee in the house of representatives and the trade
2 and economic development committee in the senate;

3 (f) A review of the types and manners of oversight the department
4 provides to prime contractors to ensure that established
5 disadvantaged business enterprise goals on federally funded projects
6 are met, including the means, methods, and results of such oversight,
7 and recommend improvements to the oversight process; and

8 (g) Any other recommendations or issues identified that will
9 provide improved access to transportation projects and procurement
10 services by disadvantaged business enterprises and increase
11 transparency and accountability of the department's efforts to the
12 legislature, including a recommendation on if the advisory
13 committee's termination date should be moved to 2020.

14 (2) The advisory committee must provide a progress report to the
15 joint transportation committee by December 2016 and provide
16 recommendations for the items listed in subsection (1) of this
17 section to the joint transportation committee and the house of
18 representatives and senate transportation committees by July 1, 2017.
19 The advisory committee must continually monitor the department's
20 efforts and provide an evaluative report on the department's efforts,
21 identify any gaps or continuing issues, and provide further
22 recommendations to the transportation committees of the legislature
23 by December 1, 2018.

24 (3) The department, office of minority and women's business
25 enterprises, department of labor and industries, department of
26 enterprise services, and other relevant state agencies must be
27 available to assist in supplying necessary data and information to
28 fulfill the advisory committee's purposes. The department must
29 provide the past three years of contract awards, total funding
30 available to contractors and awarded contracts, support services
31 programmatic funding, work plans, and end-of-year reports. This data
32 and information must be provided to the advisory committee before the
33 first meeting, and the department must continually work with the
34 advisory committee to respond to ongoing data requests.

35 (4) To the extent possible, the advisory committee must
36 coordinate with the governor's subcabinet on business diversity.

37 (5)(a) The advisory committee must consist of seventeen members,
38 which must meet at least two times in the 2015-2017 fiscal biennium
39 and regularly thereafter or as needed. The advisory committee members

1 must be jointly appointed by the speaker of the house of
2 representatives and the president of the senate who must appoint:

3 (i) Representatives from the commission on Hispanic affairs,
4 commission on African-American affairs, commission on Asian Pacific
5 American affairs, and office of Indian affairs, with at least two
6 representatives from each commission or office being appointed, a
7 representative from the civil rights coalition, and a representative
8 from Tabor 100; and

9 (ii) One member from each of the two largest caucuses in the
10 house of representatives and the senate.

11 (b) Additionally, the advisory committee must include two
12 disadvantaged business enterprise representatives selected by the
13 office of minority and women's business enterprises and one
14 representative from the department of transportation's office of
15 equal opportunity.

16 (c) The advisory committee must elect from its membership a chair
17 and vice chair.

18 (6) Advisory committee members are eligible for travel and per
19 diem reimbursement.

20 (7) The commission must, to the extent possible, hire a
21 consultant experienced with supporting, managing, and improving
22 disadvantaged business enterprise goals in a public sector setting to
23 organize and facilitate the advisory committee's work.

24 (8) The advisory committee terminates December 31, 2018.

25 **Sec. 3.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to
26 read as follows:

27 The transportation commission shall have the following functions,
28 powers, and duties:

29 (1) To propose policies to be adopted by the governor and the
30 legislature designed to assure the development and maintenance of a
31 comprehensive and balanced statewide transportation system which will
32 meet the needs of the people of this state for safe and efficient
33 transportation services. Wherever appropriate, the policies shall
34 provide for the use of integrated, intermodal transportation systems.
35 The policies must be aligned with the goals established in RCW
36 47.04.280. To this end the commission shall:

37 (a) Develop transportation policies which are based on the
38 policies, goals, and objectives expressed and inherent in existing
39 state laws;

1 (b) Inventory the adopted policies, goals, and objectives of the
2 local and area-wide governmental bodies of the state and define the
3 role of the state, regional, and local governments in determining
4 transportation policies, in transportation planning, and in
5 implementing the state transportation plan;

6 (c) Establish a procedure for review and revision of the state
7 transportation policy and for submission of proposed changes to the
8 governor and the legislature; and

9 (d) Integrate the statewide transportation plan with the needs of
10 the elderly and persons with disabilities, and coordinate federal and
11 state programs directed at assisting local governments to answer such
12 needs;

13 (2) To provide for the effective coordination of state
14 transportation planning with national transportation policy, state
15 and local land use policies, and local and regional transportation
16 plans and programs;

17 (3) In conjunction with the provisions under RCW 47.01.075, to
18 provide for public involvement in transportation designed to elicit
19 the public's views both with respect to adequate transportation
20 services and appropriate means of minimizing adverse social,
21 economic, environmental, and energy impact of transportation
22 programs;

23 (4) By December 2010, to prepare a comprehensive and balanced
24 statewide transportation plan consistent with the state's growth
25 management goals and based on the transportation policy goals
26 provided under RCW 47.04.280 and applicable state and federal laws.
27 The plan must reflect the priorities of government developed by the
28 office of financial management and address regional needs, including
29 multimodal transportation planning. The plan must, at a minimum: (a)
30 Establish a vision for the development of the statewide
31 transportation system; (b) identify significant statewide
32 transportation policy issues; and (c) recommend statewide
33 transportation policies and strategies to the legislature to fulfill
34 the requirements of subsection (1) of this section. The plan must be
35 the product of an ongoing process that involves representatives of
36 significant transportation interests and the general public from
37 across the state. Every four years, the plan shall be reviewed and
38 revised, and submitted to the governor and the house of
39 representatives and senate standing committees on transportation.

1 The plan shall take into account federal law and regulations
2 relating to the planning, construction, and operation of
3 transportation facilities;

4 (5) By December 2007, the office of financial management shall
5 submit a baseline report on the progress toward attaining the policy
6 goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By
7 October 1, 2008, beginning with the development of the 2009-2011
8 biennial transportation budget, and by October 1st biennially
9 thereafter, the office of financial management shall submit to the
10 legislature and the governor a report on the progress toward the
11 attainment by state transportation agencies of the state
12 transportation policy goals and objectives prescribed by statute,
13 appropriation, and governor directive. The report must, at a minimum,
14 include the degree to which state transportation programs have
15 progressed toward the attainment of the policy goals established
16 under RCW 47.04.280, as measured by the objectives and performance
17 measures established by the office of financial management under RCW
18 47.04.280;

19 (6) To propose to the governor and the legislature prior to the
20 convening of each regular session held in an odd-numbered year a
21 recommended budget for the operations of the commission as required
22 by RCW 47.01.061;

23 (7) To adopt such rules as may be necessary to carry out
24 reasonably and properly those functions expressly vested in the
25 commission by statute;

26 (8) To contract with the office of financial management or other
27 appropriate state agencies for administrative support, accounting
28 services, computer services, and other support services necessary to
29 carry out its other statutory duties;

30 (9) To conduct transportation-related studies and policy analysis
31 to the extent directed by the legislature or governor in the biennial
32 transportation budget act, or as otherwise provided in law, and
33 subject to the availability of amounts appropriated for this specific
34 purpose; (~~and~~)

35 (10) To administer the disadvantaged business enterprise advisory
36 committee created in section 2 of this act; and

37 (11) To exercise such other specific powers and duties as may be
38 vested in the transportation commission by this or any other
39 provision of law."

1 Correct the title.

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