

HOUSE BILL REPORT

HB 1079

As Reported by House Committee On: State Government

Title: An act relating to contracts providing for the joint utilization of architectural or engineering services.

Brief Description: Allowing public agencies to enter into contracts providing for the joint utilization of architectural or engineering services.

Sponsors: Representatives Kochmar, Takko, Pike, Springer, Fitzgibbon, S. Hunt, Gregerson and Stanford.

Brief History:

Committee Activity:

State Government: 1/21/15, 1/29/15 [DPS].

Brief Summary of Substitute Bill

- Allows for joint agreements for architectural or engineering services under the Interlocal Agreement Act.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Appleton, Gregory and Hawkins.

Staff: Marsha Reilly (786-7135).

Background:

The Interlocal Agreement Act (Act) was established in 1967 and permits two or more public agencies to enter into joint agreements. Public agencies entering into inter-local agreements may supply property, as well as personnel and services, to the joint undertaking.

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.

A "public agency," for purposes of interlocal agreements, includes any agency, political subdivision, or unit of local government in this state including, but not limited to: municipal corporations; quasi-municipal corporations; special purpose districts; local service districts; and any state agency, federal agency, federally recognized Indian tribe, and political subdivision of another state.

Interlocal agreements must be filed with the county auditor before they take effect and must specify the following:

- duration of the agreement;
- the precise organization, composition, and nature of any separate legal or administrative entity, including delegated powers;
- its purpose;
- financing and budget provisions;
- methods for termination and disposal of property; and
- other necessary information.

For public agencies that purchase or contract through a bid, proposal, or contract awarded by another public agency or group of public agencies, the obligation to provide notice for bids or proposals is satisfied if the public agency awarding the bid, proposal, or contract complied with its own statutory requirements and either: (a) posted the bid or solicitation notice on a web site established and maintained by a public agency, purchasing cooperative, or similar service provider, for purposes of posting public notice of bid or proposal solicitations; or (b) provided an access link on the state's web portal to the notice.

Summary of Substitute Bill:

Two or more public agencies may enter into a contract under the Act providing for the joint utilization of architectural or engineering services if the contracting agency complies with the statutory requirements for contracting for architectural and engineering services, and the services to be provided to the other agency or agencies are related to, and within the general scope of, the services the architectural or engineering firm was selected to perform. A joint agreement must be for a specific project and must be entered into prior to contract award.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that joint agreements for architectural and engineering services must be project specific and entered into prior to contract award.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a common sense bill. An Attorney General opinion a few years ago questioned whether architectural and engineering services could be jointly exercised. It is imperative that architectural and engineering services be coordinated. It has been coordinated in the past for road work or storm work. It is efficient and costs less to coordinate this work.

The need for this bill arises from a 2011 Attorney General opinion. The opinion states each agency must select and retain its own architectural and engineering services because the Legislature has not expressly authorized it. Public agencies across the state are allowed to purchase materials, supplies, and equipment together, which creates a tremendous savings. This bill will allow agencies to maximize efficiencies.

(With concerns) There are unintended consequences on joint agreements. An amendment would clarify that agencies must coordinate on a specific project and that an agreement be in place before they contract with an architectural and engineering firm.

(Opposed) None.

Persons Testifying: (In support) Representative Kochmar, prime sponsor; Joe Daniels, Washington Association of Sewer and Water Districts; and Steve Pritchett, Lakehaven Utility District.

(With concerns) Cliff Webster, Architects and Engineers Legislative Council.

Persons Signed In To Testify But Not Testifying: None.