

# HOUSE BILL REPORT

## SSB 5348

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**As Passed House:**  
April 15, 2015

**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:** Senate Committee on Government Operations & Security (originally sponsored by Senators Miloscia and Chase).

**Brief History:**

**Committee Activity:**

State Government: 3/12/15, 3/19/15 [DP].

**Floor Activity:**

Passed House: 4/15/15, 86-12.

**Brief Summary of Substitute Bill**

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

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** 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 Cooperation Act (Act) was established in 1967 and permits two or more public agencies to enter into joint agreements. Public agencies entering into interlocal agreements may supply property, as well as personnel and services, to the joint undertaking.

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*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; 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 website 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 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. An agreement must be executed for a scope of work detailed in the agreement and entered into prior to the procurement process.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) The bill would improve the efficiencies in local capital projects by recognizing the current practice for sewer districts and cities to use the same contracts for engineering services that involve joint participation. An Attorney General opinion had declared that there was no express authorization for such agreements because of different bidding processes.

(Opposed) None.

**Persons Testifying:** Joe Daniels, Washington Association of Sewer and Water Districts.

**Persons Signed In To Testify But Not Testifying:** None.