

SENATE BILL REPORT

SB 5348

As Reported by Senate Committee On:
Government Operations & Security, February 10, 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: Senators Miloscia and Chase.

Brief History:

Committee Activity: Government Operations & Security: 1/29/15, 2/10/15 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: That Substitute Senate Bill No. 5348 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Liias, Ranking Minority Member; Habib and McCoy.

Staff: Karen Epps (786-7424)

Background: Under the Interlocal Cooperation Act, public agencies are authorized to contract with one another to provide services either through cooperative action or when one or more agencies pay another agency for a service. Any power, privilege, or authority held by a public agency may be exercised jointly with one or more other public agencies having the same power, privilege, or authority.

A public agency, for purposes of interlocal agreements, includes any agency, political subdivision, or unit of local government. The term specifically includes municipal corporations, special purpose districts, local service districts, state agencies, federal agencies, recognized Indian tribes, and other states' political subdivisions.

Summary of Bill (Recommended Substitute): Two or more public agencies may enter into a contract providing for the joint utilization of architectural or engineering services if the agency complies with the requirements for contracting for those services and the services

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provided to the other agency are related to the services the architectural or engineering firm is selected to perform.

Any agreement providing for the joint utilization of architectural or engineering services must be executed for a scope of work specifically detailed in the agreement and must be entered into prior to commencement of procurement of the services.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & SECURITY COMMITTEE (Recommended Substitute): Requires that any agreement providing for the joint utilization of architectural or engineering services must be executed for a scope of work specifically detailed in the agreement and must be entered into prior to commencement of procurement of the services.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill was brought to address a situation in which a water and sewer district and a city want to use a single architect or engineer for efficiency purposes. Currently there is no express provision in the statute about jointly acquiring these services. When roadway improvements are proposed, it sometimes involves the relocation of the underground infrastructure, including water and wastewater infrastructure. Jurisdictions often coordinate with one jurisdiction's engineers to relocate facilities so there are no conflicts between the work of the two jurisdictions. There is an Attorney General's Opinion that calls into question whether jurisdictions can jointly share these services. The AGO says that jointly obtaining these services is an impermissible shortcut. This bill is intended to fix the shortcut to allow for efficiencies. This is a good government bill that promotes efficiencies, provides accountability, and establishes a way for the public to save money.

OTHER: When these agreements for joint utilization occur, they should be for a specific project or projects and the agreement for joint utilization of services should be in place before the procurement of architectural or engineering services are undertaken.

Persons Testifying: PRO: Joe Daniels, WA Assn. of Sewer & Waters; John Bowman, Lakehaven Utility District; Steve Pritchett, Lakehaven Water District.

OTHER: Cliff Webster, Architects & Engineers Legislative Council.