
HOUSE BILL 2953

State of Washington

64th Legislature

2016 Regular Session

By Representatives Tarleton, Moscoso, Bergquist, Gregerson, and Stanford

Read first time 02/01/16. Referred to Committee on Local Government.

1 AN ACT Relating to the limitations on the use of public employees
2 by first-class cities on public works projects; and amending RCW
3 35.22.620.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35.22.620 and 2012 1st sp.s. c 5 s 1 are each
6 amended to read as follows:

7 (1) As used in this section, the term "public works" means as
8 defined in RCW 39.04.010.

9 (2) A first-class city may have public works performed by
10 contract pursuant to public notice and call for competitive bids. As
11 limited by subsection (3) of this section, a first-class city may
12 have public works performed by city employees in any annual or
13 biennial budget period equal to a dollar value not exceeding ten
14 percent of the public works construction budget, including any amount
15 in a supplemental public works construction budget, over the budget
16 period. The amount of public works that a first-class city has a
17 county perform for it under RCW 35.77.020 shall be included within
18 this ten percent limitation.

19 If a first-class city has public works performed by public
20 employees in any budget period that are in excess of this ten percent
21 limitation, the amount in excess of the permitted amount shall be

1 reduced from the otherwise permitted amount of public works that may
2 be performed by public employees for that city in its next budget
3 period. Twenty percent of the motor vehicle fuel tax distributions to
4 that city shall be withheld if two years after the year in which the
5 excess amount of work occurred, the city has failed to so reduce the
6 amount of public works that it has performed by public employees. The
7 amount so withheld shall be distributed to the city when it has
8 demonstrated in its reports to the state auditor that the amount of
9 public works it has performed by public employees has been so
10 reduced.

11 Whenever a first-class city has had public works performed in any
12 budget period up to the maximum permitted amount for that budget
13 period, all remaining public works within that budget period shall be
14 done by contract pursuant to public notice and call for competitive
15 bids.

16 The state auditor shall report to the state treasurer any
17 first-class city that exceeds this amount and the extent to which the
18 city has or has not reduced the amount of public works it has
19 performed by public employees in subsequent years.

20 (3) In addition to the percentage limitation provided in
21 subsection (2) of this section, a first-class city shall not have
22 public employees perform a public works project in excess of
23 (~~ninety~~) one hundred fifty thousand dollars if more than a single
24 craft or trade is involved with the public works project, or a public
25 works project in excess of (~~forty-five~~) ninety thousand dollars if
26 only a single craft or trade is involved with the public works
27 project or the public works project is street signalization or street
28 lighting. A public works project means a complete project. The
29 restrictions in this subsection do not permit the division of the
30 project into units of work or classes of work to avoid the
31 restriction on work that may be performed by day labor on a single
32 project.

33 (4) In addition to the accounting and recordkeeping requirements
34 contained in RCW 39.04.070, every first-class city annually may
35 prepare a report for the state auditor indicating the total public
36 works construction budget and supplemental public works construction
37 budget for that year, the total construction costs of public works
38 performed by public employees for that year, and the amount of public
39 works that is performed by public employees above or below ten
40 percent of the total construction budget. However, if a city budgets

1 on a biennial basis, this annual report may indicate the amount of
2 public works that is performed by public employees within the current
3 biennial period that is above or below ten percent of the total
4 biennial construction budget.

5 Each first-class city with a population of one hundred fifty
6 thousand or less shall use the form required by RCW 43.09.205 to
7 account and record costs of public works in excess of five thousand
8 dollars that are not let by contract.

9 (5) The cost of a separate public works project shall be the
10 costs of materials, supplies, equipment, and labor on the
11 construction of that project. The value of the public works budget
12 shall be the value of all the separate public works projects within
13 the budget.

14 (6) The competitive bidding requirements of this section may be
15 waived by the city legislative authority pursuant to RCW 39.04.280 if
16 an exemption contained within that section applies to the work or
17 contract.

18 (7) In lieu of the procedures of subsections (2) and (6) of this
19 section, a first-class city may let contracts using the small works
20 roster process in RCW 39.04.155.

21 Whenever possible, the city shall invite at least one proposal
22 from a minority or woman contractor who shall otherwise qualify under
23 this section.

24 (8) The allocation of public works projects to be performed by
25 city employees shall not be subject to a collective bargaining
26 agreement.

27 (9) This section does not apply to performance-based contracts,
28 as defined in RCW 39.35A.020(4), that are negotiated under chapter
29 39.35A RCW.

30 (10) Nothing in this section shall prohibit any first-class city
31 from allowing for preferential purchase of products made from
32 recycled materials or products that may be recycled or reused.

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