
SENATE BILL 5203

State of Washington

64th Legislature

2015 Regular Session

By Senators Warnick, Hasegawa, and Keiser; by request of Department of Enterprise Services

Read first time 01/15/15. Referred to Committee on Ways & Means.

1 AN ACT Relating to job order contracting requirements; and
2 amending RCW 39.10.440.

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

4 **Sec. 1.** RCW 39.10.440 and 2013 c 222 s 19 are each amended to
5 read as follows:

6 (1) The maximum total dollar amount that may be awarded under a
7 job order contract is four million dollars per year for a maximum of
8 three years. The maximum total dollar amount that may be awarded
9 under a job order contract for the department of enterprise services
10 and counties with a population of more than one million is six
11 million dollars per year for a maximum of three years.

12 (2) Job order contracts may be executed for an initial contract
13 term of not to exceed two years, with the option of extending or
14 renewing the job order contract for one year. All extensions or
15 renewals must be priced as provided in the request for proposals. The
16 extension or renewal must be mutually agreed to by the public body
17 and the job order contractor.

18 (3) A public body may have no more than two job order contracts
19 in effect at any one time, with the exception of the department of
20 enterprise services, which may have (~~four~~) six job order contracts
21 in effect at any one time.

1 (4) At least ninety percent of work contained in a job order
2 contract must be subcontracted to entities other than the job order
3 contractor. The job order contractor must distribute contracts as
4 equitably as possible among qualified and available subcontractors
5 including minority and woman-owned subcontractors to the extent
6 permitted by law.

7 (5) The job order contractor shall publish notification of intent
8 to perform public works projects at the beginning of each contract
9 year in a statewide publication and in a legal newspaper of general
10 circulation in every county in which the public works projects are
11 anticipated.

12 (6) Job order contractors shall pay prevailing wages for all work
13 that would otherwise be subject to the requirements of chapter 39.12
14 RCW. Prevailing wages for all work performed pursuant to each work
15 order must be the rates in effect at the time the individual work
16 order is issued.

17 (7) If, in the initial contract term, the public body, at no
18 fault of the job order contractor, fails to issue the minimum amount
19 of work orders stated in the public request for proposals, the public
20 body shall pay the contractor an amount equal to the difference
21 between the minimum work order amount and the actual total of the
22 work orders issued multiplied by an appropriate percentage for
23 overhead and profit contained in the contract award coefficient for
24 services as specified in the request for proposals. This is the
25 contractor's sole remedy.

26 (8) All job order contracts awarded under this section must be
27 signed before July 1, 2021; however the job order contract may be
28 extended or renewed as provided for in this section.

29 (9) Public bodies may amend job order contracts awarded prior to
30 July 1, 2007, in accordance with this chapter.

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