
SUBSTITUTE SENATE BILL 5348

State of Washington

64th Legislature

2015 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Miloscia and Chase)

READ FIRST TIME 02/11/15.

1 AN ACT Relating to contracts providing for the joint utilization
2 of architectural or engineering services; and amending RCW 39.34.030.

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

4 **Sec. 1.** RCW 39.34.030 and 2009 c 202 s 6 are each amended to
5 read as follows:

6 (1) Any power or powers, privileges or authority exercised or
7 capable of exercise by a public agency of this state may be exercised
8 and enjoyed jointly with any other public agency of this state having
9 the power or powers, privilege or authority, and jointly with any
10 public agency of any other state or of the United States to the
11 extent that laws of such other state or of the United States permit
12 such joint exercise or enjoyment. Any agency of the state government
13 when acting jointly with any public agency may exercise and enjoy all
14 of the powers, privileges and authority conferred by this chapter
15 upon a public agency.

16 (2) Any two or more public agencies may enter into agreements
17 with one another for joint or cooperative action pursuant to the
18 provisions of this chapter, except that any such joint or cooperative
19 action by public agencies which are educational service districts
20 and/or school districts shall comply with the provisions of RCW
21 28A.320.080. Appropriate action by ordinance, resolution or otherwise

1 pursuant to law of the governing bodies of the participating public
2 agencies shall be necessary before any such agreement may enter into
3 force.

4 (3) Any such agreement shall specify the following:

5 (a) Its duration;

6 (b) The precise organization, composition and nature of any
7 separate legal or administrative entity created thereby together with
8 the powers delegated thereto, provided such entity may be legally
9 created. Such entity may include a nonprofit corporation organized
10 pursuant to chapter 24.03 or 24.06 RCW whose membership is limited
11 solely to the participating public agencies or a partnership
12 organized pursuant to chapter 25.04 or 25.05 RCW whose partners are
13 limited solely to participating public agencies, or a limited
14 liability company organized under chapter 25.15 RCW whose membership
15 is limited solely to participating public agencies, and the funds of
16 any such corporation, partnership, or limited liability company shall
17 be subject to audit in the manner provided by law for the auditing of
18 public funds;

19 (c) Its purpose or purposes;

20 (d) The manner of financing the joint or cooperative undertaking
21 and of establishing and maintaining a budget therefor;

22 (e) The permissible method or methods to be employed in
23 accomplishing the partial or complete termination of the agreement
24 and for disposing of property upon such partial or complete
25 termination; and

26 (f) Any other necessary and proper matters.

27 (4) In the event that the agreement does not establish a separate
28 legal entity to conduct the joint or cooperative undertaking, the
29 agreement shall contain, in addition to provisions specified in
30 subsection (3)(a), (c), (d), (e), and (f) of this section, the
31 following:

32 (a) Provision for an administrator or a joint board responsible
33 for administering the joint or cooperative undertaking. In the case
34 of a joint board, public agencies that are party to the agreement
35 shall be represented; and

36 (b) The manner of acquiring, holding and disposing of real and
37 personal property used in the joint or cooperative undertaking. Any
38 joint board is authorized to establish a special fund with a state,
39 county, city, or district treasurer servicing an involved public
40 agency designated "Operating fund of joint board".

1 (5) No agreement made pursuant to this chapter relieves any
2 public agency of any obligation or responsibility imposed upon it by
3 law except that:

4 (a) To the extent of actual and timely performance thereof by a
5 joint board or other legal or administrative entity created by an
6 agreement made pursuant to this chapter, the performance may be
7 offered in satisfaction of the obligation or responsibility; and

8 (b) With respect to one or more public agencies purchasing or
9 otherwise contracting through a bid, proposal, or contract awarded by
10 another public agency or by a group of public agencies, any statutory
11 obligation to provide notice for bids or proposals that applies to
12 the public agencies involved is satisfied if the public agency or
13 group of public agencies that awarded the bid, proposal, or contract
14 complied with its own statutory requirements and either (i) posted
15 the bid or solicitation notice on a web site established and
16 maintained by a public agency, purchasing cooperative, or similar
17 service provider, for purposes of posting public notice of bid or
18 proposal solicitations, or (ii) provided an access link on the
19 state's web portal to the notice.

20 (6)(a) Any two or more public agencies may enter into a contract
21 providing for the joint utilization of architectural or engineering
22 services if:

23 (i) The agency contracting with the architectural or engineering
24 firm complies with the requirements for contracting for such services
25 under chapter 39.80 RCW; and

26 (ii) The services to be provided to the other agency or agencies
27 are related to, and within the general scope of, the services the
28 architectural or engineering firm was selected to perform.

29 (b) Any agreement providing for the joint utilization of
30 architectural or engineering services under this subsection must be
31 executed for a scope of work specifically detailed in the agreement
32 and must be entered into prior to commencement of procurement of such
33 services under chapter 39.80 RCW.

34 (7) Financing of joint projects by agreement shall be as provided
35 by law.

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