
HOUSE BILL 1256

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By Representatives Hill, Ormsby, Ramel, Macri, Nance, and Parshley

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1 AN ACT Relating to products manufactured in the United States for
2 the purposes of public works projects; amending RCW 39.04.010; adding
3 new sections to chapter 39.04 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 39.04.010 and 2023 c 395 s 2 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Authorized local government" means a political subdivision
10 of the state, school district, or special purpose district with
11 public works authority.

12 (2) "Award" means the formal decision by the state or
13 municipality notifying a responsible bidder with the lowest
14 responsive bid of the state's or municipality's acceptance of the bid
15 and intent to enter into a contract with the bidder.

16 (3) "Contract" means a contract in writing for the execution of
17 public work for a fixed or determinable amount duly awarded after
18 advertisement and competitive bid, or a contract awarded under the
19 small works roster process in RCW 39.04.151 through 39.04.154.

20 (4) "Manufactured product" means: Articles, materials, or
21 supplies that have been: (i) Processed into a specific form and

1 shape; or (ii) combined with other articles, materials, or supplies
2 to create a product with different properties that the individual
3 articles, materials, or supplies. If an item is classified as an iron
4 or steel product, a construction material, or a section 70917(c)
5 material as defined in Title 2, Part 184 of the Code of Federal
6 Regulations as it existed on December 1, 2024, then it is not a
7 manufactured product for the purposes of this chapter. However, an
8 article, material, or supply classified as a manufactured product may
9 include components that are construction materials, iron or steel
10 products, or section 70917(c) materials.

11 (5) "Manufactured in the United States" means: (a) For iron or
12 steel products, all manufacturing processes, from the initial melting
13 stage through the application of coatings, took place in the United
14 States; and (b) for a manufactured product: (i) The product was
15 manufactured in the United States; and (ii) the cost of the
16 components of the product that are mined, produced, or manufactured
17 in the United States is greater than 55 percent of the total cost of
18 all components of the manufactured product, unless another standard
19 that meets or exceeds this standard has been established under
20 applicable law or regulation for determining the minimum amount of
21 domestic content of the manufactured product.

22 (6) "Municipality" means every city, county, town, port district,
23 district, or other public agency authorized by law to require the
24 execution of public work, except drainage districts, diking
25 districts, diking and drainage improvement districts, drainage
26 improvement districts, diking improvement districts, consolidated
27 diking and drainage improvement districts, consolidated drainage
28 improvement districts, consolidated diking improvement districts,
29 irrigation districts, or other districts authorized by law for the
30 reclamation or development of waste or undeveloped lands.

31 ~~((5))~~ (7) "Public work" means all work, construction,
32 alteration, repair, or improvement other than ordinary maintenance,
33 executed at the cost of the state or of any municipality, or which is
34 by law a lien or charge on any property therein. All public works,
35 including maintenance when performed by contract shall comply with
36 chapter 39.12 RCW. "Public work" does not include work, construction,
37 alteration, repair, or improvement performed under contracts entered
38 into under RCW 36.102.060(4) or under development agreements entered
39 into under RCW 36.102.060(7) or leases entered into under RCW
40 36.102.060(8).

1 (~~(6)~~) (8) "Responsible bidder" means a contractor who meets the
2 criteria in RCW 39.04.350.

3 (~~(7)~~) (9) "Small business" means a business meeting
4 certification criteria for size, ownership, control, and personal net
5 worth adopted by the office of minority and women's business
6 enterprises in accordance with RCW 39.19.030.

7 (~~(8)~~) (10) "State" means the state of Washington and all
8 departments, supervisors, commissioners, and agencies of the state.

9 (~~(9)~~) (11) "State agency" means the department of enterprise
10 services, the state parks and recreation commission, the department
11 of natural resources, the department of fish and wildlife, the
12 department of transportation, any institution of higher education as
13 defined under RCW 28B.10.016, and any other state agency delegated
14 authority by the department of enterprise services to engage in
15 construction, building, renovation, remodeling, alteration,
16 improvement, or repair activities.

17 (12) "United States" means the United States of America,
18 including all territories, continental or insular, subject to the
19 jurisdiction of the United States.

20 NEW SECTION. Sec. 2. A new section is added to chapter 39.04
21 RCW to read as follows:

22 (1) The state, a school district, or a municipality entering into
23 a contract for the construction, reconstruction, alteration, repair,
24 improvement, or maintenance of a public building or other public
25 works project receiving more than \$500,000 of state funds in a state
26 capital budget or financed through a financing contract as defined in
27 RCW 39.94.020, must require that the iron, steel, aluminum, and
28 manufactured products used or supplied in the performance of the
29 contract or any subcontract be manufactured in the United States,
30 unless otherwise exempted under this section.

31 (2)(a) The requirements of subsection (1) of this section may be
32 waived by the director of the office of financial management on
33 behalf of the state, a school district superintendent on behalf of a
34 school district, or the executive head of a municipality on behalf of
35 a municipality, if he or she determines that:

36 (i) Meeting the requirements would be inconsistent with the
37 public interest;

1 (ii) Such materials and products are not produced in the United
2 States in sufficient or reasonably available quantities and of
3 satisfactory quality; or

4 (iii) Inclusion of domestically produced material will increase
5 the cost of the overall project contract by more than 25 percent.

6 (b)(i) Prior to issuing a waiver under this subsection, the
7 director, superintendent, or executive head must provide public
8 notice on the agency website of the proposed waiver and an
9 opportunity for public comment on the proposal for at least 30 days
10 before making a final determination. The public notice must include
11 information used in making the decision to propose a waiver and the
12 public must be given the opportunity to provide comments
13 electronically.

14 (ii) The director, superintendent, or executive head must publish
15 on the agency website a detailed justification of the decision made
16 that addresses the public comments received. The publication must
17 take place prior to the waiver taking effect.

18 (3) This section applies to public works projects advertised for
19 bids after the effective date of this section.

20 (4) For the purposes of this section, "municipality" means every
21 city, county, town, port district, district, or other public agency
22 authorized by law to require the execution of public work.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.04
24 RCW to read as follows:

25 (1) A contract for a public works project must contain a
26 provision that if a court or a federal or state agency determines
27 that a party to the contract or subcontract intentionally:

28 (a) Affixed a label bearing a "Made in America" inscription, or
29 any inscription with the same meaning, to any iron, steel, aluminum,
30 or manufactured product used in public works projects subject to RCW
31 39.04.010, that was not manufactured in the United States, as defined
32 in RCW 39.04.010; or

33 (b) Represented that any iron, steel, aluminum, or manufactured
34 product used in public works projects subject to RCW 39.04.010 that
35 was not manufactured in the United States, was manufactured in the
36 United States;

37 that party shall be ineligible to bid or enter into any public works
38 contract or subcontract pursuant to debarment provisions provided
39 under this title.

