
SENATE BILL 5349

State of Washington 63rd Legislature 2013 Regular Session

By Senators Dammeier, Hasegawa, Hewitt, Keiser, Rivers, Hobbs, and Kline

Read first time 01/28/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to revisions to alternative public works
2 contracting procedures; amending RCW 39.10.220, 39.10.230, 39.10.240,
3 39.10.250, 39.10.260, 39.10.270, 39.10.280, 39.10.300, 39.10.320,
4 39.10.330, 39.10.340, 39.10.380, 39.10.385, 39.10.390, 39.10.400,
5 39.10.420, 39.10.440, 39.10.490, 43.131.407, and 43.131.408; reenacting
6 and amending RCW 39.10.210; adding a new section to chapter 43.131 RCW;
7 repealing RCW 39.10.500 and 39.10.510; providing an effective date;
8 providing a contingent effective date; providing an expiration date;
9 and declaring an emergency.

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

11 **Sec. 1.** RCW 39.10.210 and 2010 1st sp.s. c 36 s 6014 are each
12 reenacted and amended to read as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Alternative public works contracting procedure" means the
16 design-build, general contractor/construction manager, and job order
17 contracting procedures authorized in RCW 39.10.300, 39.10.340, and
18 39.10.420, respectively.

19 (2) "Board" means the capital projects advisory review board.

1 (3) "Certified public body" means a public body certified to use
2 design-build or general contractor/construction manager contracting
3 procedures, or both, under RCW 39.10.270.

4 (4) "Committee," unless otherwise noted, means the project review
5 committee.

6 (5) "Design-build procedure" means a contract between a public body
7 and another party in which the party agrees to both design and build
8 the facility, portion of the facility, or other item specified in the
9 contract.

10 (6) "General contractor/construction manager" means a firm with
11 which a public body has selected (~~and negotiated a maximum allowable~~
12 ~~construction cost~~) to provide services during the design phase and
13 negotiated a maximum allowable construction cost to act as construction
14 manager and general contractor during the construction phase.

15 (7) "Job order contract" means a contract in which the contractor
16 agrees to a fixed period, indefinite quantity delivery order contract
17 which provides for the use of negotiated, definitive work orders for
18 public works as defined in RCW 39.04.010.

19 (8) "Job order contractor" means a registered or licensed
20 contractor awarded a job order contract.

21 (9) "Maximum allowable construction cost" means the maximum cost of
22 the work to construct the project including a percentage for risk
23 contingency, negotiated support services, and approved change orders.

24 (10) "Negotiated support services" means items a general contractor
25 would normally manage or perform on a construction project including,
26 but not limited to surveying, hoisting, safety enforcement, provision
27 of toilet facilities, temporary heat, cleanup, and trash removal, and
28 that are negotiated as part of the maximum allowable construction cost.

29 (11) "Percent fee" means the percentage amount to be earned by the
30 general contractor/construction manager as overhead and profit.

31 (12) "Public body" means any general or special purpose government
32 in the state of Washington, including but not limited to state
33 agencies, institutions of higher education, counties, cities, towns,
34 ports, school districts, and special purpose districts(~~(, provided that~~
35 ~~for the 2009-2011 fiscal biennium, the definition of public body for~~
36 ~~this chapter does not include public bodies funded in section 1012,~~
37 ~~chapter 36, Laws of 2010 1st sp. sess. if alternative requirements or~~
38 ~~procedures of federal law or regulations are authorized)).~~

1 (13) "Public works project" means any work for a public body within
2 the definition of "public work" in RCW 39.04.010.

3 (14) "Total contract cost" means the fixed amount for the detailed
4 specified general conditions work, the negotiated maximum allowable
5 construction cost, and the percent fee on the negotiated maximum
6 allowable construction cost.

7 (15) "Total project cost" means the cost of the project less
8 financing and land acquisition costs.

9 (16) "Unit price book" means a book containing specific prices,
10 based on generally accepted industry standards and information, where
11 available, for various items of work to be performed by the job order
12 contractor. The prices may include: All the costs of materials;
13 labor; equipment; overhead, including bonding costs; and profit for
14 performing the items of work. The unit prices for labor must be at the
15 rates in effect at the time the individual work order is issued.

16 (17) "Work order" means an order issued for a definite scope of
17 work to be performed pursuant to a job order contract.

18 **Sec. 2.** RCW 39.10.220 and 2007 c 494 s 102 are each amended to
19 read as follows:

20 (1) The board is created in the department of (~~general~~
21 ~~administration~~) enterprise services to provide an evaluation of public
22 capital projects construction processes, including the impact of
23 contracting methods on project outcomes, and to advise the legislature
24 on policies related to public works delivery methods.

25 (2) Members of the board are appointed as follows:

26 (a) (~~The board shall consist of the following members appointed by~~
27 ~~the governor~~)) Two representatives from construction general
28 contracting; one representative from the architectural profession; one
29 representative from the engineering profession; two representatives
30 from construction specialty subcontracting; two representatives from
31 construction trades labor organizations; one representative from the
32 office of minority and women's business enterprises; one representative
33 from a higher education institution; one representative from the
34 department of (~~general administration~~) enterprise services; one
35 individual representing Washington cities; two representatives from
36 private industry; and one representative of a domestic insurer
37 authorized to write surety bonds for contractors in Washington state,

1 each appointed by the governor. All appointed members must be
2 knowledgeable about public works contracting procedures. If a vacancy
3 occurs, the governor shall fill the vacancy for the unexpired term;

4 ~~(b) ((Three members shall be positions representing different local~~
5 ~~public owners, selected by the association of Washington cities,))~~ One
6 member representing counties, selected by the Washington state
7 association of counties~~((, and the Washington public ports association,~~
8 ~~respectively.))~~;

9 ~~(c) ((One member shall be a representative from the public hospital~~
10 ~~districts, selected by the association of Washington public hospital~~
11 ~~districts.~~

12 ~~(d))~~ One member representing public ports, selected by the
13 Washington public ports association;

14 (d) One member representing public hospital districts, selected by
15 the association of Washington public hospital districts;

16 (e) One member ~~((shall be a representative from))~~ representing
17 school districts, selected by the Washington state school directors'
18 association~~((-))~~; and

19 ~~((e) The board shall include))~~ (f) Two members of the house of
20 representatives, one from each major caucus, appointed by the speaker
21 of the house of representatives, and two members of the senate, one
22 from each major caucus, appointed by the president of the senate.
23 Legislative members are nonvoting.

24 (3) Members selected under subsection (2)(a) of this section shall
25 serve for terms of four years, with the terms expiring on June 30th on
26 the fourth year of the term.

27 (4) The board chair is selected from among the appointed members by
28 the majority vote of the voting members.

29 (5) Legislative members of the board shall be reimbursed for travel
30 expenses in accordance with RCW 44.04.120. Nonlegislative members of
31 the board, project review committee members, and ~~((subcommittee))~~
32 committee chairs shall be reimbursed for travel expenses as provided in
33 RCW 43.03.050 and 43.03.060.

34 ~~(6) ((If a vacancy occurs of the appointive members of the board,~~
35 ~~the governor shall fill the vacancy for the unexpired term.))~~ Vacancies
36 are filled in the same manner as appointed. Members of the board may
37 be removed for malfeasance or misfeasance in office, upon specific
38 written charges by the governor, under chapter 34.05 RCW.

1 (7) The board shall meet as often as necessary.

2 (8) Board members are expected to consistently attend board
3 meetings. The chair of the board may ask the governor to remove any
4 member who misses more than two meetings in any calendar year without
5 cause.

6 (9) The department of (~~general administration~~) enterprise
7 services shall provide staff support as may be required for the proper
8 discharge of the function of the board.

9 (10) The board may establish (~~subcommittees~~) committees as it
10 desires and may invite nonmembers of the board to serve as committee
11 members.

12 (11) The board shall encourage participation from persons and
13 entities not represented on the board.

14 **Sec. 3.** RCW 39.10.230 and 2010 1st sp.s. c 21 s 3 are each amended
15 to read as follows:

16 The board has the following powers and duties:

17 (1) Develop and recommend to the legislature policies to further
18 enhance the quality, efficiency, and accountability of capital
19 construction projects through the use of traditional and alternative
20 delivery methods in Washington, and make recommendations regarding
21 expansion, continuation, elimination, or modification of the
22 alternative public works contracting methods;

23 (2) Evaluate the use of existing contracting procedures and the
24 potential future use of other alternative contracting procedures
25 including competitive negotiation contracts;

26 (3) Submit recommendations to the appropriate committees of the
27 legislature evaluating alternative contracting procedures that are not
28 authorized under this chapter;

29 (4) Appoint members of (~~the~~) committees; and

30 (5) Develop and administer questionnaires designed to provide
31 quantitative and qualitative data on alternative public works
32 contracting procedures on which evaluations are based.

33 **Sec. 4.** RCW 39.10.240 and 2007 c 494 s 104 are each amended to
34 read as follows:

35 (1) The board shall establish a project review committee to review
36 and approve public works projects using the design-build and general

1 contractor/construction manager contracting procedures authorized in
2 RCW 39.10.300 and 39.10.340 and to certify public bodies as provided in
3 RCW 39.10.270.

4 (2) The board shall, by a majority vote of the board, appoint
5 persons to the committee who are knowledgeable in the use of the
6 design-build and general contractor/construction manager contracting
7 procedures. Appointments must represent a balance among the industries
8 and public owners on the board listed in RCW 39.10.220.

9 ~~(a) ((When making initial appointments to the committee, the board
10 shall consider for appointment former members of the school district
11 project review board and the public hospital district project review
12 board.~~

13 ~~(b))~~ Each member of the committee shall be appointed for a term of
14 three years. However, for initial appointments, the board shall
15 stagger the appointment of committee members so that the first members
16 are appointed to serve terms of one, two, or three years from the date
17 of appointment. Appointees may be reappointed to serve more than one
18 term.

19 ~~((e))~~ (b) The committee shall, by a majority vote, elect a chair
20 and vice chair for the committee.

21 ~~((d))~~ (c) The committee chair may select a person or persons on
22 a temporary basis as a nonvoting member if project specific expertise
23 is needed to assist in a review.

24 (3) The chair of the committee, in consultation with the vice
25 chair, may appoint one or more panels of at least six committee members
26 to carry out the duties of the committee. Each panel shall have
27 balanced representation of the private and public sector
28 representatives serving on the committee.

29 (4) Any member of the committee directly or indirectly affiliated
30 with a submittal before the committee must recuse himself or herself
31 from the committee consideration of that submittal.

32 (5) Any person who sits on the committee or panel is not precluded
33 from subsequently bidding on or participating in projects that have
34 been reviewed by the committee.

35 (6) The committee shall meet as often as necessary to ensure that
36 certification and approvals are completed in a timely manner.

1 **Sec. 5.** RCW 39.10.250 and 2009 c 75 s 2 are each amended to read
2 as follows:

3 The committee shall:

4 (1) Certify, or ~~((recertify))~~ renew certification for, public
5 bodies ~~((for a period of three years))~~ to use ~~((the))~~ design-build or
6 general contractor/construction manager contracting procedures, or
7 both~~((, contracting procedures for projects with a total project cost~~
8 ~~of ten million dollars or more))~~;

9 (2) Review and approve the use of the design-build or general
10 contractor/construction manager contracting procedures on a project by
11 project basis for public bodies that are not certified under RCW
12 39.10.270;

13 ~~((Review and approve the use of the general~~
14 ~~contractor/construction manager contracting procedure by certified~~
15 ~~public bodies for projects with a total project cost under ten million~~
16 ~~dollars;~~

17 ~~(4))~~ Review and approve not more than ~~((ten))~~ fifteen projects
18 using the design-build contracting procedure by ~~((certified and))~~
19 noncertified public bodies for projects that have a total project cost
20 between two million and ten million dollars. Projects must meet the
21 criteria in RCW 39.10.300(1). Where possible, the committee shall
22 approve projects among multiple public bodies. ~~((In June 2010))~~ At
23 least annually, the committee shall report to the board regarding the
24 committee's review procedure of these projects and its recommendations
25 for further use; and

26 ~~((5))~~ (4) Review and approve not more than two design-build
27 demonstration projects that include procurement of operations and
28 maintenance services for a period longer than three years.

29 **Sec. 6.** RCW 39.10.260 and 2007 c 494 s 106 are each amended to
30 read as follows:

31 (1) The committee shall hold regular public meetings to carry out
32 its duties as described in RCW 39.10.250. Committee meetings are
33 subject to chapter 42.30 RCW.

34 (2) The committee shall publish notice of its public meetings at
35 least twenty days before the meeting in a legal newspaper circulated in
36 the area where the public body seeking certification is located, or

1 where each of the proposed projects under consideration will be
2 constructed. All meeting notices must be posted on the committee's web
3 site.

4 (3) The meeting notice must identify the public body that is
5 seeking certification or project approval, and where applicable, a
6 description of projects to be considered at the meeting. The notice
7 must indicate when, where, and how the public may present comments
8 regarding the committee's certification of a public body or approval of
9 a project. Information submitted by a public body to be reviewed at
10 the meeting shall be available on the committee's web site at the time
11 the notice is published.

12 (4) The committee must allow for public comment on the
13 appropriateness of certification of a public body or on the
14 appropriateness of the use of the proposed contracting procedure and
15 the qualifications of a public body to use the contracting procedure.
16 The committee shall receive and record both written and oral comments
17 at the public ((hearing)) meeting.

18 **Sec. 7.** RCW 39.10.270 and 2009 c 75 s 3 are each amended to read
19 as follows:

20 (1) A public body may apply for certification to use the design-
21 build or general contractor/construction manager contracting procedure,
22 or both. Once certified, a public body may use the contracting
23 procedure for which it is certified on individual projects ((with a
24 total project cost over ten million dollars)) without seeking committee
25 approval((. The certification period is)) for a period of three years.
26 Public bodies certified to use the design-build procedure are limited
27 to no more than five projects with a total project cost between two and
28 ten million dollars during the certification period. A public body
29 seeking certification must submit to the committee an application in a
30 format and manner as prescribed by the committee. The application must
31 include a description of the public body's qualifications, its capital
32 plan during the certification period, and its intended use of
33 alternative contracting procedures.

34 (2) A public body seeking certification for the design-build
35 procedure must demonstrate successful management of at least one
36 design-build project within the previous five years. A public body
37 seeking certification for the general contractor/construction manager

1 procedure must demonstrate successful management of at least one
2 general contractor/construction manager project within the previous
3 five years.

4 (3) To certify a public body, the committee shall determine that
5 the public body:

6 (a) Has the necessary experience and qualifications to determine
7 which projects are appropriate for using alternative contracting
8 procedures;

9 (b) Has the necessary experience and qualifications to carry out
10 the alternative contracting procedure including, but not limited to:

11 (i) Project delivery knowledge and experience; (ii) personnel with
12 appropriate construction experience; (iii) a management plan and
13 rationale for its alternative public works projects; (iv) demonstrated
14 success in managing public works projects; (v) the ability to properly
15 manage its capital facilities plan including, but not limited to,
16 appropriate project planning and budgeting experience; and (vi) the
17 ability to meet requirements of this chapter; and

18 (c) Has resolved any audit findings on previous public works
19 projects in a manner satisfactory to the committee.

20 (4) The committee shall, if practicable, make its determination at
21 the public meeting during which an application for certification is
22 reviewed. Public comments must be considered before a determination is
23 made. Within ten business days of the public meeting, the committee
24 shall provide a written determination to the public body, and make its
25 determination available to the public on the committee's web site.

26 (5) The committee may revoke any public body's certification upon
27 a finding, after a public hearing, that its use of design-build or
28 general contractor/construction manager contracting procedures no
29 longer serves the public interest.

30 (6) The committee may renew the certification of a public body for
31 ~~((one))~~ additional three-year periods. The public body must submit an
32 application for recertification at least three months before the
33 initial certification expires. The application shall include updated
34 information on the public body's ~~((capital plan for the next three
35 years, its intended use of the procedures))~~ experience and current
36 staffing with the procedure it is applying to renew, and any other
37 information requested in advance by the committee. The committee must
38 review the application for recertification at a meeting held before

1 expiration of the applicant's initial certification period. A public
2 body must reapply for certification under the process described in
3 subsection (1) of this section once the period of recertification
4 expires.

5 (7) Certified public bodies must submit project data information as
6 required in RCW 39.10.320 and 39.10.350.

7 **Sec. 8.** RCW 39.10.280 and 2007 c 494 s 108 are each amended to
8 read as follows:

9 (1) A public body not certified under RCW 39.10.270 must apply for
10 approval from the committee to use the design-build or general
11 contractor/construction manager contracting procedure on a project. A
12 public body seeking approval must submit to the committee an
13 application in a format and manner as prescribed by the committee. The
14 application must include a description of the public body's
15 qualifications, a description of the project, and its intended use of
16 alternative contracting procedures.

17 (2) To approve a proposed project, the committee shall determine
18 that:

19 (a) The alternative contracting procedure will provide a
20 substantial fiscal benefit or the use of the traditional method of
21 awarding contracts in lump sum to the low responsive bidder is not
22 practical for meeting desired quality standards or delivery schedules;

23 (b) The proposed project meets the requirements for using the
24 alternative contracting procedure as described in RCW 39.10.300 or
25 39.10.340;

26 (c) The public body has the necessary experience or qualified team
27 to carry out the alternative contracting procedure including, but not
28 limited to: (i) Project delivery knowledge and experience; (ii)
29 sufficient personnel with construction experience to administer the
30 contract; (iii) a written management plan that shows clear and logical
31 lines of authority; (iv) the necessary and appropriate funding and time
32 to properly manage the job and complete the project; (v) continuity of
33 project management team, including personnel with experience managing
34 projects of similar scope and size to the project being proposed; and
35 (vi) necessary and appropriate construction budget;

36 (d) For design-build projects, (~~construction~~) public body

1 personnel (~~independent of the design-build team~~) or consultants are
2 knowledgeable in the design-build process and are able to oversee and
3 administer the contract; and

4 (e) The public body has resolved any audit findings related to
5 previous public works projects in a manner satisfactory to the
6 committee.

7 (3) The committee shall, if practicable, make its determination at
8 the public meeting during which a submittal is reviewed. Public
9 comments must be considered before a determination is made.

10 (4) Within ten business days after the public meeting, the
11 committee shall provide a written determination to the public body, and
12 make its determination available to the public on the committee's web
13 site. If the committee fails to make a written determination within
14 ten business days of the public meeting, the request of the public body
15 to use the alternative contracting procedure on the requested project
16 shall be deemed approved.

17 (~~(5) ((The requirements of subsection (1) of this section also apply
18 to certified public bodies seeking to use the general
19 contractor/construction manager contracting procedure on projects with
20 a total project cost of less than ten million dollars.~~

21 ~~(6))~~ Failure of the committee to meet within sixty calendar days
22 of a public body's application to use an alternative contracting
23 procedure on a project shall be deemed an approval of the application.

24 **Sec. 9.** RCW 39.10.300 and 2009 c 75 s 4 are each amended to read
25 as follows:

26 (1) Subject to the (~~process~~) requirements in RCW 39.10.250,
27 39.10.270, or 39.10.280, public bodies may utilize the design-build
28 procedure for public works projects in which the total project cost is
29 over ten million dollars and where:

30 (a) The (~~design and construction activities, technologies, or
31 schedule to be used are highly specialized and a design-build approach
32 is critical in developing the construction methodology or implementing
33 the proposed technology~~) construction activities are highly
34 specialized and a design-build approach is critical in developing the
35 construction methodology; or

36 (b) The (~~project design is repetitive in nature and is an~~

1 ~~incidental part of the installation or construction))~~ projects selected
2 provide opportunity for greater innovation or efficiencies between the
3 designer and the builder; or

4 (c) ~~((Regular interaction with and feedback from facilities users~~
5 ~~and operators during design is not critical to an effective facility~~
6 ~~design.))~~ Significant savings in project delivery time would be
7 realized.

8 (2) Subject to the process in RCW 39.10.270 or 39.10.280, public
9 bodies may use the design-build procedure for parking garages,
10 regardless of cost.

11 (3) The design-build procedure may be used for the construction or
12 erection of portable facilities as defined in WAC 392-343-018,
13 preengineered metal buildings, or not more than ten prefabricated
14 modular buildings per installation site, regardless of cost and is not
15 subject to approval by the committee.

16 (4) Except for utility projects and approved demonstration
17 projects, the design-build procedure may not be used to procure
18 operations and maintenance services for a period longer than three
19 years. State agency projects that propose to use the design-build-
20 operate-maintain procedure shall submit cost estimates for the
21 construction portion of the project consistent with the office of
22 financial management's capital budget requirements. Operations and
23 maintenance costs must be shown separately and must not be included as
24 part of the capital budget request.

25 (5) Subject to the process in RCW 39.10.280, public bodies may use
26 the design-build procedure for public works projects in which the total
27 project cost is between two million and ten million dollars and that
28 meet one of the criteria in subsection (1)(a), (b), or (c) of this
29 section.

30 (6) Subject to the process in RCW 39.10.280, a public body may seek
31 committee approval for a design-build demonstration project that
32 includes procurement of operations and maintenance services for a
33 period longer than three years.

34 **Sec. 10.** RCW 39.10.320 and 2007 c 494 s 203 are each amended to
35 read as follows:

36 (1) A public body utilizing the design-build contracting procedure
37 shall provide ~~((for))~~:

1 (a) Reasonable budget contingencies totaling not less than five
2 percent of the anticipated contract value;

3 (b) (~~Employment of~~) Staff or consultants with expertise and prior
4 experience in the management of comparable projects;

5 (c) Contract documents that include alternative dispute resolution
6 procedures to be attempted prior to the initiation of litigation;

7 (d) Submission of project information, as required by the board;
8 and

9 (e) Contract documents that require the contractor, subcontractors,
10 and designers to submit project information required by the board.

11 (2) A public body utilizing the design-build contracting procedure
12 may provide incentive payments to contractors for early completion,
13 cost savings, or other goals if such payments are identified in the
14 request for proposals.

15 **Sec. 11.** RCW 39.10.330 and 2009 c 75 s 5 are each amended to read
16 as follows:

17 (1) Contracts for design-build services shall be awarded through a
18 competitive process using public solicitation of proposals for design-
19 build services. The public body shall publish at least once in a legal
20 newspaper of general circulation published in, or as near as possible
21 to, that part of the county in which the public work will be done, a
22 notice of its request for qualifications from proposers for design-
23 build services, and the availability and location of the request for
24 proposal documents. The request for qualifications documents shall
25 include:

26 (a) A general description of the project that provides sufficient
27 information for proposers to submit qualifications;

28 (b) The reasons for using the design-build procedure;

29 (c) A description of the qualifications to be required of the
30 proposer including, but not limited to, submission of the proposer's
31 accident prevention program;

32 (d) A description of the process the public body will use to
33 evaluate qualifications and finalists' proposals, including evaluation
34 factors and the relative weight of factors and any specific forms to be
35 used by the proposers;

36 (i) Evaluation factors for request for qualifications shall
37 include, but not be limited to, technical qualifications, such as

1 specialized experience and technical competence; capability to perform;
2 past performance of the proposers' team, including the architect-
3 engineer and construction members; and other appropriate factors. Cost
4 or price-related factors are not permitted in the request for
5 qualifications phase;

6 (ii) Evaluation factors for finalists' proposals shall include, but
7 not be limited to, the factors listed in (d)(i) of this subsection, as
8 well as technical approach design concept; (~~proposal price~~) ability
9 of professional personnel; past performance on similar projects;
10 ability to meet time and budget requirements; ability to provide a
11 performance and payment bond for the project; recent, current, and
12 projected workloads of the firm; (~~and~~) location; and cost or price-
13 related factors. Alternatively, if the public body determines that all
14 finalists will be capable of producing a design that adequately meets
15 project requirements, the public body may award the contract to the
16 firm that submits the responsive proposal with the lowest price;

- 17 (e) The form of the contract to be awarded;
- 18 (f) The (~~amount~~) honorarium to be paid to finalists submitting
19 responsive proposals and who are not awarded a design-build contract;
- 20 (g) The schedule for the procurement process and the project; and
- 21 (h) Other information relevant to the project.

22 (2) The public body shall establish an evaluation committee to
23 evaluate the responses to the request for qualifications based solely
24 on the factors, weighting, and process identified in the request for
25 qualifications and any addenda issued by the public body. Based on the
26 evaluation committee's findings, the public body shall select not more
27 than five responsive and responsible finalists to submit proposals.
28 The public body may, in its sole discretion, reject all proposals and
29 shall provide its reasons for rejection in writing to all proposers.

30 (3) Upon selection of the finalists, the public body shall issue a
31 request for proposals to the finalists, which shall provide the
32 following information:

- 33 (a) A detailed description of the project including programmatic,
34 performance, and technical requirements and specifications; functional
35 and operational elements; minimum and maximum net and gross areas of
36 any building; and, at the discretion of the public body, preliminary
37 engineering and architectural drawings; and
- 38 (b) The target budget for the design-build portion of the project.

1 (4) The public body shall establish an evaluation committee to
2 evaluate the proposals submitted by the finalists. Design-build
3 contracts shall be awarded using the procedures in (a) or (b) of this
4 subsection. The public body must identify in the request for
5 qualifications which procedure will be used.

6 (a) The finalists' proposals shall be evaluated and scored based
7 solely on the factors, weighting, and process identified in the initial
8 request for qualifications and in any addenda published by the public
9 body. Public bodies may request best and final proposals from
10 finalists. The public body (~~shall~~) may initiate negotiations with
11 the firm submitting the highest scored proposal. If the public body is
12 unable to execute a contract with the firm submitting the highest
13 scored proposal, negotiations with that firm may be suspended or
14 terminated and the public body may proceed to negotiate with the next
15 highest scored firm. Public bodies shall continue in accordance with
16 this procedure until a contract agreement is reached or the selection
17 process is terminated.

18 (b) If the public body determines that all finalists are capable of
19 producing a design that adequately meets project requirements, the
20 public body may award the contract to the firm that submits the
21 responsive proposal with the lowest price.

22 (5) The firm awarded the contract shall provide a performance and
23 payment bond for the contracted amount.

24 (6) The public body shall provide appropriate honorarium payments
25 to finalists submitting responsive proposals that are not awarded a
26 design-build contract. Honorarium payments shall be sufficient to
27 generate meaningful competition among potential proposers on design-
28 build projects. In determining the amount of the honorarium, the
29 public body shall consider the level of effort required to meet the
30 selection criteria.

31 **Sec. 12.** RCW 39.10.340 and 2007 c 494 s 301 are each amended to
32 read as follows:

33 Subject to the process in RCW 39.10.270 or 39.10.280, public bodies
34 may utilize the general contractor/construction manager procedure for
35 public works projects where at least one of the following is met:

36 (1) Implementation of the project involves complex scheduling,
37 phasing, or coordination;

1 (2) The project involves construction at an occupied facility which
2 must continue to operate during construction;

3 (3) The involvement of the general contractor/construction manager
4 during the design stage is critical to the success of the project;

5 (4) The project encompasses a complex or technical work
6 environment; or

7 (5) The project requires specialized work on a building that has
8 historic significance.

9 **Sec. 13.** RCW 39.10.380 and 2007 c 494 s 305 are each amended to
10 read as follows:

11 (1) All subcontract work and equipment and material purchases shall
12 be competitively bid with public bid openings. Subcontract bid
13 packages and equipment and materials purchases shall be awarded to the
14 responsible bidder submitting the lowest responsive bid. In preparing
15 subcontract bid packages, the general contractor/construction manager
16 shall not be required to violate or waive terms of a collective
17 bargaining agreement.

18 (2) All subcontract bid packages in which bidder eligibility was
19 not determined in advance shall include the specific objective criteria
20 that will be used by the general contractor/construction manager and
21 the public body to evaluate bidder responsibility. If the lowest
22 bidder submitting a responsive bid is determined by the general
23 contractor/construction manager and the public body not to be
24 responsible, the general contractor/construction manager and the public
25 body must provide written documentation to that bidder explaining their
26 intent to reject the bidder as not responsible and afford the bidder
27 the opportunity to establish that it is a responsible bidder.
28 Responsibility shall be determined in accordance with criteria listed
29 in the bid documents. Protests concerning bidder responsibility
30 determination by the general contractor/construction manager and the
31 public body shall be in accordance with subsection (4) of this section.

32 (3) All subcontractors who bid work over three hundred thousand
33 dollars shall post a bid bond. All subcontractors who are awarded a
34 contract over three hundred thousand dollars shall provide a
35 performance and payment bond for the contract amount. All other
36 subcontractors shall provide a performance and payment bond if required
37 by the general contractor/construction manager.

1 (4) If the general contractor/construction manager receives a
2 written protest from a subcontractor bidder or an equipment or material
3 supplier, the general contractor/construction manager shall not execute
4 a contract for the subcontract bid package or equipment or material
5 purchase order with anyone other than the protesting bidder without
6 first providing at least two full business days' written notice to all
7 bidders of the intent to execute a contract for the subcontract bid
8 package. The protesting bidder must submit written notice of its
9 protest no later than two full business days following the bid opening.
10 Intermediate Saturdays, Sundays, and legal holidays are not counted.

11 (5) A low bidder who claims error and fails to enter into a
12 contract is prohibited from bidding on the same project if a second or
13 subsequent call for bids is made for the project.

14 (6) The general contractor/construction manager may negotiate with
15 the lowest responsible and responsive bidder to negotiate an adjustment
16 to the lowest bid or proposal price based upon agreed changes to the
17 contract plans and specifications under the following conditions:

18 (a) All responsive bids or proposal prices exceed the available
19 funds(~~(, as certified by an appropriate fiscal officer)~~);

20 (b) The apparent low responsive bid or proposal does not exceed the
21 available funds by the greater of one hundred twenty-five thousand
22 dollars or two percent for projects valued over ten million dollars;
23 and

24 (c) The negotiated adjustment will bring the bid or proposal price
25 within the amount of available funds.

26 (7) If the negotiation is unsuccessful, the subcontract work or
27 equipment or material purchases must be rebid.

28 (8) The general contractor/construction manager must provide a
29 written explanation if all bids are rejected.

30 **Sec. 14.** RCW 39.10.385 and 2010 c 163 s 1 are each amended to read
31 as follows:

32 As an alternative to the subcontractor selection process outlined
33 in RCW 39.10.380, a general contractor/construction manager may, with
34 the approval of the public body, select ~~((a))~~ mechanical
35 subcontractors, ~~((an))~~ electrical subcontractors, or both, using the
36 process outlined in this section. This alternative selection process
37 may only be used when the anticipated value of the subcontract will

1 exceed three million dollars. When using the alternative selection
2 process, the general contractor/construction manager should select the
3 subcontractor early in the life of the public works project.

4 (1) In order to use this alternative selection process, the general
5 contractor/construction manager and the public body must determine that
6 it is in the best interest of the public. In making this determination
7 the general contractor/construction manager and the public body must:

8 (a) Publish a notice of intent to use this alternative selection
9 process in a legal newspaper published in or as near as possible to
10 that part of the county where the public work will be constructed.
11 Notice must be published at least fourteen calendar days before
12 conducting a public hearing. The notice must include the date, time,
13 and location of the hearing; a statement justifying the basis and need
14 for the alternative selection process; ~~((and))~~ how interested parties
15 may, prior to the hearing, obtain the evaluation criteria and
16 applicable weight given to each criteria that will be used for
17 evaluation; and protest procedures including time limits for filing a
18 protest, which may in no event, limit the time to file a protest to
19 fewer than four business days from the date the proposer was notified
20 of the selection decision;

21 (b) Conduct a hearing and provide an opportunity for any interested
22 party to submit written and verbal comments regarding the justification
23 for using this selection process, the evaluation criteria, ~~((and))~~
24 weights for each criteria, and protest procedures;

25 (c) After the public hearing, consider the written and verbal
26 comments received and determine if using this alternative selection
27 process is in the best interests of the public; and

28 (d) Issue a written final determination to all interested parties.
29 All protests of the decision to use the alternative selection process
30 must be in writing and submitted to the public body within seven
31 calendar days of the final determination. Any modifications to the
32 criteria ~~((and))~~, weights, and protest procedures based on comments
33 received during the public hearing process must be included in the
34 final determination.

35 (2) Contracts for the services of a subcontractor under this
36 section must be awarded through a competitive process requiring a
37 public solicitation of proposals. Notice of the public solicitation of

1 proposals must be provided to the office of minority and women's
2 business enterprises. The public solicitation of proposals must
3 include:

4 (a) A description of the project, including programmatic,
5 performance, and technical requirements and specifications when
6 available;

7 (b) The reasons for using the alternative selection process;

8 (c) A description of the minimum qualifications required of the
9 firm;

10 (d) A description of the process used to evaluate qualifications
11 and proposals, including evaluation factors and the relative weight of
12 factors;

13 (e) Protest procedures;

14 (f) The form of the contract, including any contract for
15 preconstruction services, to be awarded;

16 ~~((f))~~ (g) The estimated maximum allowable subcontract cost; and

17 ~~((g))~~ (h) The bid instructions to be used by the finalists.

18 (3) Evaluation factors for selection of the subcontractor must
19 include, but not be limited to:

20 (a) Ability of the firm's professional personnel;

21 (b) The firm's past performance on similar projects;

22 (c) The firm's ability to meet time and budget requirements;

23 (d) The scope of work the firm proposes to perform with its own
24 forces and its ability to perform that work;

25 (e) The firm's plan for outreach to minority and women-owned
26 businesses;

27 (f) The firm's proximity to the project location;

28 (g) The firm's capacity to successfully complete the project;

29 (h) The firm's approach to executing the project;

30 (i) The firm's approach to safety on the project;

31 (j) The firm's safety history; and

32 (k) If the firm is selected as one of the most qualified finalists,
33 the firm's fee and cost proposal.

34 (4) The general contractor/construction manager shall establish a
35 committee to evaluate the proposals. At least one representative from
36 the public body shall serve on the committee. Final proposals,
37 including sealed bids for the percent fee on the estimated maximum

1 allowable subcontract cost, and the fixed amount for the subcontract
2 general conditions work specified in the request for proposal, will be
3 requested from the most qualified firms.

4 (5) The general contractor/construction manager must notify all
5 proposers of the most qualified firms that will move to the next phase
6 of the selection process. The process may not proceed to the next
7 phase until two business days after all proposers are notified of the
8 committee's selection decision. At the request of a proposer, the
9 general contractor/construction manager must provide the requesting
10 proposer with a scoring summary of the evaluation factors for its
11 proposal. Proposers filing a protest on the selection of the most
12 qualified finalists must file the protest with the public body in
13 accordance with the published protest procedures. The selection
14 process may not advance to the next phase of selection until two
15 business days after the final protest decision issued by the public
16 body is transmitted to the protestor.

17 (6) The general contractor/construction manager and the public body
18 shall select the firm submitting the highest scored final proposal
19 using the evaluation factors and the relative weight of factors
20 identified in the solicitation of proposals. The scoring of the
21 nonprice factors must be made available at the opening of the fee and
22 cost proposals. The general contractor/construction manager shall
23 notify all proposers of the selection decision and make a selection
24 summary of the final proposals, which shall be available to all
25 proposers within two business days of such notification. The general
26 contractor/construction manager may not evaluate or disqualify a
27 proposal based on the terms of a collective bargaining agreement.

28 ~~((+5))~~ (7) If the public body receives a timely written protest
29 from a "most qualified firm," the general contractor/construction
30 manager may not execute a contract for the protested subcontract work
31 until two business days after the final protest decision issued by the
32 public body is transmitted to the protestor. The protestor must submit
33 its protest in accordance with the published protest procedures.

34 (8) If the general contractor/construction manager is unable to
35 negotiate a satisfactory maximum allowable subcontract cost with the
36 firm selected deemed by public body and the general
37 contractor/construction manager to be fair, reasonable, and within the
38 available funds, negotiations with that firm must be formally

1 terminated and the general contractor/construction manager may
2 negotiate with the next highest scored firm until an agreement is
3 reached or the process is terminated.

4 ~~((6) If the general contractor/construction manager receives a~~
5 ~~written protest from a bidder, it may not execute a contract for the~~
6 ~~subject work with anyone other than the protesting bidder, without~~
7 ~~first providing at least two full business days' written notice to all~~
8 ~~bidders of the intent to execute a contract for the subcontract bid~~
9 ~~package. The protesting bidder must submit written notice to the~~
10 ~~general contractor/construction manager of its protest no later than~~
11 ~~two full business days following the bid opening.~~

12 (+7)) (9) With the approval of the public body, the general
13 contractor/construction manager may contract with the selected firm to
14 provide preconstruction services during the design phase that may
15 include life-cycle cost design considerations, value engineering,
16 scheduling, cost estimating, constructability, alternative construction
17 options for cost savings, and sequencing of work; and to act as the
18 mechanical or electrical subcontractor during the construction phase.

19 ((+8)) (10) The maximum allowable subcontract cost must be used to
20 establish a total subcontract cost for purposes of a performance and
21 payment bond. Total subcontract cost means the fixed amount for the
22 detailed specified general conditions work, the negotiated maximum
23 allowable subcontract cost, and the percent fee on the negotiated
24 maximum allowable subcontract cost. Maximum allowable subcontract cost
25 means the maximum cost to complete the work specified for the
26 subcontract, including the estimated cost of work to be performed by
27 the subcontractor's own forces, a percentage for risk contingency,
28 negotiated support services, and approved change orders. The maximum
29 allowable subcontract cost must be negotiated between the general
30 contractor/construction manager and the selected firm when the
31 construction documents and specifications are at least ninety percent
32 complete. Final agreement on the maximum allowable subcontract cost is
33 subject to the approval of the public body.

34 ((+9)) (11) If the work of the mechanical contractor or electrical
35 contractor is completed for less than the maximum allowable subcontract
36 cost, any savings not otherwise negotiated as part of an incentive
37 clause becomes part of the risk contingency included in the general
38 contractor/construction manager's maximum allowable construction cost.

1 If the work of the mechanical contractor or the electrical contractor
2 is completed for more than the maximum allowable subcontract cost, the
3 additional cost is the responsibility of that subcontractor. An
4 independent audit, paid for by the public body, must be conducted
5 (~~upon completion of the contract~~) to confirm the proper accrual of
6 costs as outlined in the contract.

7 ~~((+10))~~ (12) A mechanical or electrical contractor selected under
8 this section may perform work with its own forces. In the event it
9 elects to subcontract some of its work, it must select a subcontractor
10 utilizing the procedure outlined in RCW 39.10.380.

11 **Sec. 15.** RCW 39.10.390 and 2007 c 494 s 306 are each amended to
12 read as follows:

13 (1) Except as provided in this section, bidding on subcontract work
14 or for the supply of equipment or materials by the general
15 contractor/construction manager or its subsidiaries is prohibited.

16 (2) The general contractor/construction manager, or its
17 subsidiaries, may bid on subcontract work or for the supply of
18 equipment or materials if:

19 (a) The work within the subcontract bid package or equipment or
20 materials is customarily performed or supplied by the general
21 contractor/construction manager;

22 (b) The bid opening is managed by the public body and is in
23 compliance with RCW 39.10.380; and

24 (c) Notification of the general contractor/construction manager's
25 intention to bid is included in the public solicitation of bids for the
26 bid package or for the equipment or materials.

27 (3) In no event may the general contractor/construction manager or
28 its subsidiaries (~~(purchase equipment or materials for assignment to
29 subcontract bid package bidders for installation or warranty)~~) assign
30 warranty responsibility or the terms of its contract or purchase order
31 with vendors for equipment or material purchases to subcontract bid
32 package bidders or subcontractors who have been awarded a contract.

33 The value of subcontract work performed and equipment and materials
34 supplied by the general contractor/construction manager may not exceed
35 thirty percent of the negotiated maximum allowable construction cost.
36 Negotiated support services performed by the general

1 contractor/construction manager shall not be considered subcontract
2 work for purposes of this subsection.

3 **Sec. 16.** RCW 39.10.400 and 2007 c 494 s 307 are each amended to
4 read as follows:

5 (1) If determination of subcontractor eligibility prior to seeking
6 bids is in the best interest of the project and critical to the
7 successful completion of a subcontract bid package, the general
8 contractor/construction manager and the public body may determine
9 subcontractor eligibility to bid. The general contractor/construction
10 manager and the public body must:

11 (a) Conduct a hearing and provide an opportunity for any interested
12 party to submit written and verbal comments regarding the justification
13 for conducting bidder eligibility, the evaluation criteria, and weights
14 for each criteria and subcriteria;

15 (b) Publish a notice of intent to evaluate and determine bidder
16 eligibility in a legal newspaper published in or as near as possible to
17 that part of the county where the public work will be constructed at
18 least fourteen calendar days before conducting a public hearing;

19 (c) Ensure the public hearing notice includes the date, time, and
20 location of the hearing, a statement justifying the basis and need for
21 performing eligibility analysis before bid opening, and how interested
22 parties may, at least five days before the hearing, obtain the specific
23 eligibility criteria and applicable weights given to each criteria and
24 subcriteria that will be used during evaluation;

25 (d) After the public hearing, consider written and verbal comments
26 received and determine if establishing bidder eligibility in advance of
27 seeking bids is in the best interests of the project and critical to
28 the successful completion of a subcontract bid package; and

29 (e) Issue a written final determination to all interested parties.
30 All protests of the decision to establish bidder eligibility before
31 issuing a subcontractor bid package must be filed with the superior
32 court within seven calendar days of the final determination. Any
33 modifications to the eligibility criteria and weights shall be based on
34 comments received during the public hearing process and shall be
35 included in the final determination.

36 (2) Determinations of bidder eligibility shall be in accordance
37 with the evaluation criteria and weights for each criteria established

1 in the final determination and shall be provided to interested persons
2 upon request. Any potential bidder determined not to meet eligibility
3 criteria must be afforded ((the)) one opportunity to establish its
4 eligibility. Protests concerning bidder eligibility determinations
5 shall be in accordance with subsection (1) of this section.

6 **Sec. 17.** RCW 39.10.420 and 2012 c 102 s 1 are each amended to read
7 as follows:

8 (1) The following public bodies of the state of Washington are
9 authorized to award job order contracts and use the job order
10 contracting procedure:

11 (a) The department of enterprise services;

12 (b) The state universities, regional universities, and The
13 Evergreen State College;

14 (c) Sound transit (central Puget Sound regional transit authority);

15 (d) Every city with a population greater than seventy thousand and
16 any public authority chartered by such city under RCW 35.21.730 through
17 35.21.755;

18 (e) Every county with a population greater than four hundred fifty
19 thousand;

20 (f) Every port district with total revenues greater than fifteen
21 million dollars per year;

22 (g) Every public utility district with revenues from energy sales
23 greater than twenty-three million dollars per year;

24 (h) Every school district; and

25 (i) The state ferry system.

26 (2)(a) The department of enterprise services may issue job order
27 contract work orders for Washington state parks department projects.

28 (b) The department of enterprise services, the University of
29 Washington, and Washington State University may issue job order
30 contract work orders for the state regional universities and The
31 Evergreen State College.

32 (3) Public bodies may use a job order contract for public works
33 projects when a determination is made that the use of job order
34 contracts will benefit the public by providing an effective means of
35 reducing the total lead-time and cost for the construction of public
36 works projects for repair and renovation required at public facilities

1 through the use of unit price books and work orders by eliminating
2 time-consuming, costly aspects of the traditional public works process,
3 which require separate contracting actions for each small project.

4 **Sec. 18.** RCW 39.10.440 and 2007 c 494 s 403 are each amended to
5 read as follows:

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

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

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

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

27 (5) The job order contractor shall publish notification of intent
28 to perform public works projects at the beginning of each contract year
29 in a statewide publication and in a legal newspaper of general
30 circulation in every county in which the public works projects are
31 anticipated.

32 (6) Job order contractors shall pay prevailing wages for all work
33 that would otherwise be subject to the requirements of chapter 39.12
34 RCW. Prevailing wages for all work performed pursuant to each work
35 order must be the rates in effect at the time the individual work order
36 is issued.

1 (7) If, in the initial contract term, the public body, at no fault
2 of the job order contractor, fails to issue the minimum amount of work
3 orders stated in the public request for proposals, the public body
4 shall pay the contractor an amount equal to the difference between the
5 minimum work order amount and the actual total of the work orders
6 issued multiplied by an appropriate percentage for overhead and profit
7 contained in the contract award coefficient for services as specified
8 in the request for proposals. This is the contractor's sole remedy.

9 (8) All job order contracts awarded under this section must be
10 signed before July 1, 2013; however the job order contract may be
11 extended or renewed as provided for in this section.

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

14 **Sec. 19.** RCW 39.10.490 and 2007 c 494 s 501 are each amended to
15 read as follows:

16 The alternative public works contracting procedures authorized
17 under this chapter are limited to public works contracts signed before
18 July 1, (~~2013~~) 2021. Methods of public works contracting authorized
19 under this chapter shall remain in full force and effect until
20 completion of contracts signed before July 1, (~~2013~~) 2021.

21 **Sec. 20.** RCW 43.131.407 and 2007 c 494 s 506 are each amended to
22 read as follows:

23 The alternative (~~public~~) public works contracting procedures
24 under chapter 39.10 RCW shall be terminated June 30, (~~2013~~) 2021, as
25 provided in RCW 43.131.408.

26 **Sec. 21.** RCW 43.131.408 and 2012 c 102 s 4 are each amended to
27 read as follows:

28 The following acts or parts of acts, as now existing or hereafter
29 amended, are each repealed, effective June 30, (~~2014~~) 2022:

30 (1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, &
31 1994 c 132 s 1;

32 (2) RCW 39.10.210 and 2013 c ... s 1 (section 1 of this act), 2010
33 1st sp.s. c 36 s 6014, 2007 c 494 s 101, & 2005 c 469 s 3;

34 (3) RCW 39.10.220 and 2013 c ... s 2 (section 2 of this act), 2007
35 c 494 s 102, & 2005 c 377 s 1;

1 (4) RCW 39.10.230 and 2013 c ... s 3 (section 3 of this act), 2010
2 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;
3 (5) RCW 39.10.240 and 2013 c ... s 4 (section 4 of this act) & 2007
4 c 494 s 104;
5 (6) RCW 39.10.250 and 2013 c ... s 5 (section 5 of this act), 2009
6 c 75 s 2, & 2007 c 494 s 105;
7 (7) RCW 39.10.260 and 2013 c ... s 6 (section 6 of this act) & 2007
8 c 494 s 106;
9 (8) RCW 39.10.270 and 2013 c ... s 7 (section 7 of this act), 2009
10 c 75 s 3, & 2007 c 494 s 107;
11 (9) RCW 39.10.280 and 2013 c ... s 8 (section 8 of this act) & 2007
12 c 494 s 108;
13 (10) RCW 39.10.290 and 2007 c 494 s 109;
14 (11) RCW 39.10.300 and 2013 c ... s 9 (section 9 of this act), 2009
15 c 75 s 4, & 2007 c 494 s 201;
16 (12) RCW 39.10.320 and 2013 c ... s 10 (section 10 of this act),
17 2007 c 494 s 203, & 1994 c 132 s 7;
18 (13) RCW 39.10.330 and 2013 c ... s 11 (section 11 of this act),
19 2009 c 75 s 5, & 2007 c 494 s 204;
20 (14) RCW 39.10.340 and 2013 c ... s 12 (section 12 of this act) &
21 2007 c 494 s 301;
22 (15) RCW 39.10.350 and 2007 c 494 s 302;
23 (16) RCW 39.10.360 and 2009 c 75 s 6 & 2007 c 494 s 303;
24 (17) RCW 39.10.370 and 2007 c 494 s 304;
25 (18) RCW 39.10.380 and 2013 c ... s 13 (section 13 of this act) &
26 2007 c 494 s 305;
27 (19) RCW 39.10.385 and 2013 c ... s 14 (section 14 of this act) &
28 2010 c 163 s 1;
29 (20) RCW 39.10.390 and 2013 c ... s 15 (section 15 of this act) &
30 2007 c 494 s 306;
31 (21) RCW 39.10.400 and 2013 c ... s 16 (section 16 of this act) &
32 2007 c 494 s 307;
33 (22) RCW 39.10.410 and 2007 c 494 s 308;
34 (23) RCW 39.10.420 and 2013 c ... s 17 (section 17 of this act),
35 2012 c 102 s 1, 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;
36 (24) RCW 39.10.430 and 2007 c 494 s 402;
37 (25) RCW 39.10.440 and 2013 c ... s 18 (section 18 of this act) &
38 2007 c 494 s 403;

1 (26) RCW 39.10.450 and 2012 c 102 s 2 & 2007 c 494 s 404;
2 (27) RCW 39.10.460 and 2012 c 102 s 3 & 2007 c 494 s 405;
3 (28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;
4 (29) RCW 39.10.480 and 1994 c 132 s 9;
5 (30) RCW 39.10.490 and 2013 c ... s 19 (section 19 of this act),
6 2007 c 494 s 501, & 2001 c 328 s 5;
7 (~~(31) ((RCW 39.10.500 and 2007 c 494 s 502;~~
8 ~~(32) RCW 39.10.510 and 2007 c 494 s 503;~~
9 ~~(33))~~) RCW 39.10.900 and 1994 c 132 s 13;
10 ((~~(34)~~)) (32) RCW 39.10.901 and 1994 c 132 s 14;
11 ((~~(35)~~)) (33) RCW 39.10.903 and 2007 c 494 s 510;
12 ((~~(36)~~)) (34) RCW 39.10.904 and 2007 c 494 s 512; and
13 ((~~(37)~~)) (35) RCW 39.10.905 and 2007 c 494 s 513.

14 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
15 each repealed:

- 16 (1) RCW 39.10.500 (Exemptions) and 2007 c 494 s 502; and
17 (2) RCW 39.10.510 (Previously advertised projects) and 2007 c 494
18 s 503.

19 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.131
20 RCW to read as follows:

21 (1) If the sunset review process in RCW 43.131.010 through
22 43.131.150 expires before June 30, 2021, the joint legislative audit
23 and review committee must conduct a program and fiscal review of the
24 alternative public works contracting procedures authorized in chapter
25 39.10 RCW. The review must be completed by June 30, 2021, and findings
26 reported to the office of financial management and any affected
27 entities. The report must be prepared in the manner set forth in RCW
28 44.28.071 and 44.28.075.

29 (2) This section expires July 1, 2022.

30 NEW SECTION. **Sec. 24.** Section 23 of this act takes effect upon
31 the expiration of RCW 43.131.051.

32 NEW SECTION. **Sec. 25.** Sections 1 through 22 of this act are
33 necessary for the immediate preservation of the public peace, health,

1 or safety, or support of the state government and its existing public
2 institutions, and take effect June 30, 2013.

--- END ---