

**RCW 47.29.030 Transportation commission powers and duties.** In addition to the powers it now possesses, the commission shall:

- (1) Approve or review contracts or agreements authorized in this chapter;
- (2) Adopt rules to carry out this chapter and govern the program, which at a minimum must address the following issues:
  - (a) The types of projects allowed; however, all allowed projects must be included in the Washington transportation plan or identified by the authority as being a priority need for the state;
  - (b) The types of contracts allowed, with consideration given to the best practices available;
  - (c) The composition of the team responsible for the evaluation of proposals to include:
    - (i) Washington state department of transportation staff;
    - (ii) An independent representative of a consulting or contracting field with no interests in the project that is prohibited from becoming a project manager for the project and bidding on any part of the project;
    - (iii) An observer from the state auditor's office or the joint legislative audit and review committee;
    - (iv) A person appointed by the commission, if the secretary of transportation is a cabinet member, or appointed by the governor if the secretary of transportation is not a cabinet member; and
    - (v) A financial expert;
  - (d) Minimum standards and criteria required of all proposals;
  - (e) Procedures for the proper solicitation, acceptance, review, and evaluation of projects;
  - (f) Criteria to be considered in the evaluation and selection of proposals that includes:
    - (i) Comparison with the department's internal ability to complete the project that documents the advantages of completing the project as a partnership versus solely as a public venture; and
    - (ii) Factors such as, but not limited to: Priority, cost, risk sharing, scheduling, and management conditions;
  - (g) The protection of confidential proprietary information while still meeting the need for public disclosure that is consistent with RCW 47.29.190;
  - (h) Protection for local contractors to participate in subcontracting opportunities;
  - (i) Specifying that maintenance issues must be resolved in a manner consistent with the personnel system reform act, chapter 41.80 RCW;
  - (j) Specifying that provisions regarding patrolling and law enforcement on a public facility are subject to approval by the Washington state patrol;
- (3) Adopt guidelines to address security and performance issues. Preliminary rules and guidelines developed under this section must be submitted to the chairs and ranking members of both transportation committees by November 30, 2005, for review and comment. All final rules and guidelines must be submitted to the full legislature during the 2006 session for review. [2005 c 317 s 3.]