



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: County Road Administration Board

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: July 29, 1994

(2) Purpose: Amends existing rule regarding CRAB/County contract language. Adds a section for guidance and procedures for combining two or more projects under a single contract.

(3) Citation of existing rules affected by this order:  
Repealed:  
Amended: WAC 136-167 *170*  
Suspended:

(4) Authority for adoption:  
Statute: RCW 36.79.060  
Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 94-13-185 on June 21, 1994 (date)  
Describe any changes other than editing from proposed to adopted version:  
None

**(5.2) EMERGENCY RULE ONLY**

- Pursuant to RCW 34.05.350 the agency for good cause finds:
- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest
  - (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?  
 Yes  No If yes, explain.

(6) Effective date of rule:

<b>Permanent Rules</b>	<b>Emergency Rules</b>
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify) _____

\* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT) VERN E. WAGAR

SIGNATURE *Vern E. Wagar for VEW*

TITLE EXECUTIVE DIRECTOR DATE 7/29/94

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

AUG 02 1994

TIME: 9:51 (11A)

WSR 94-13-185

## EXECUTION OF A CRAB/COUNTY CONTRACT

AMENDATORY SECTION (Amending Order 56 filed 7/30/84)

### **WAC 136-170-010 Purpose.**

RCW 36.79.050 and 36.79.060 (~~(Section 5, chapter 49, Laws of 1983, 1st ex. sess.)~~) provide~~((s that~~  
~~the))~~ for CRABoard (~~(shall)~~) administ((er))ration of the rural arterial program (RAP). This chapter describes the individual project contract between the CRABoard and a county (CRAB/county contract) to be used to administer each approved RAP project.

AMENDATORY SECTION (Amending Order 56 filed 7/30/84)

### **WAC 136-170-030 Terms of CRAB/County Contract.**

(1) For projects for which RATA funds are allocated before July 1, 1995, (~~(F))~~the CRAB/county contract shall include, but not be limited to, the following provisions:

(a)((1)) The (~~(Shall)~~) contract shall be valid and binding (and the county shall be entitled to receive RATA funds) only if such contract is signed and returned to the CRABoard within forty-five days of its mailing to the CRABoard.

(b)((2)) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.

(c)((3)) The project will be constructed in accordance with ~~((a))~~ the scope, design and project limits as described in the final prospectus and in accordance with

~~((information furnished to the CRABoard, and (b)))~~ the plans and specifications approved ~~((prepared))~~ by the county engineer.

~~(d)((4))~~ The county will notify the CRABoard when a construction contract has been awarded and/or when construction has commenced ~~((started))~~, and when the project has been completed.

~~(e)((5))~~ The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRAB office, ~~((and))~~ subject to the availability of RATA funds apportioned to the region ; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.

~~(f)((6))~~ The county will reimburse the RATA in the event a project postaudit reveals improper expenditure of RATA funds.

(2) For projects for which RATA funds are allocated on or after July 1, 1995, the CRAB/County contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding, and the county shall be entitled to receive RATA funding in accordance with the vouchering/payment process as described in WAC 136-180, only if the contract is properly signed and returned to the CRABoard within 45 calendar days of its mailing by the CRABoard.

(b) The county certifies that it is in compliance with the provisions of 136-150 WAC.

(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.

- (d) The county will notify the CRABoard when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.
- (e) The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRAB office, subject to the availability of RATA funds apportioned to the region; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.
- (f) The county will reimburse the RATA in the event a project postaudit reveals improper expenditures of RATA funds.
- (g) The county may be required to reimburse the RATA in the event of early termination in accordance with the provisions of 136-167 WAC.
- (h) The county agrees to amend the contract in cases where: (a) additional RATA funds have been requested and approved under 136-165 WAC; (b) other relief from the original scope, design or project limits has been approved by the CRABoard under 136-165 WAC; or (c) a project has been terminated without full RATA reimbursement under WAC 136-167-030(2).
- (i) The county agrees to provide periodic project development progress reports as requested by the CRABoard.

## NEW SECTION

### **WAC 136-170-040 Combining of CRAB/County Contracts.**

in those cases where a county desires to combine two or more adjacent RATA funded projects into

a single construction contract, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be prosecuted by day labor, may request the CRABoard to combine the projects into a single project, regardless of the applicable maximum project RATA contribution. Upon receipt of a letter of request to combine, a revised CRAB/County contract will be prepared and sent to the county for its execution and return in the same manner as for the original contracts. Projects shall be considered adjacent if they have a common terminus.