

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1830

Chapter 377, Laws of 2005

59th Legislature
2005 Regular Session

CAPITAL PROJECTS ADVISORY REVIEW BOARD

EFFECTIVE DATE: 7/24/05

Passed by the House April 24, 2005
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 23, 2005
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 10, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1830** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 10, 2005 - 9:56 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1830

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on State Government Operations & Accountability
(originally sponsored by Representatives Hunt, Jarrett, Morrell,
McDonald, Pettigrew, Hasegawa, Eickmeyer, Clibborn, Simpson and Ericks)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to alternative public works contracting procedures;
2 adding new sections to chapter 39.10 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 39.10 RCW
5 to read as follows:

6 (1) The capital projects advisory review board is created in the
7 department of general administration to provide an evaluation of public
8 capital projects construction processes, including the impact of
9 contracting methods on project outcomes, and to advise the legislature
10 on policies related to alternative public works delivery methods.

11 (2)(a) The capital projects advisory review board shall consist of
12 the following members appointed by the governor: One representative
13 from construction general contracting; one representative from the
14 design industries; two representatives from construction specialty
15 subcontracting; one representative from a construction trades labor
16 organization; one representative from the office of minority and
17 women's business enterprises; one representative from a higher
18 education institution; one representative from the department of
19 general administration; and one representative of a domestic insurer

1 authorized to write surety bonds for contractors in Washington state.
2 All appointed members must be actively engaged in or authorized to use
3 alternative public works contracting procedures.

4 (b) Two members shall be at-large positions representing local
5 public owners. The two at-large positions shall serve on a rotating
6 basis to be determined and appointed by the association of Washington
7 cities, the Washington state association of counties, and the
8 Washington public ports association.

9 (c) One member shall be a member of the public hospital district
10 project review board, selected by that board, who shall be nonvoting.

11 (d) One member shall be a member of the school district project
12 review board, selected by that board, who shall be nonvoting.

13 (e) The advisory review board shall include two members of the
14 house of representatives, one from each major caucus, appointed by the
15 speaker of the house of representatives, and two members of the senate,
16 one from each major caucus, appointed by the president of the senate.
17 Legislative members are nonvoting.

18 (3) Members selected under subsection (2)(a) of this section shall
19 serve for terms of four years, with the terms expiring on June 30th on
20 the fourth year of the term. However, in the case of the initial
21 members, four members shall serve four-year terms, four members shall
22 serve three-year terms, and three members shall serve a two-year term,
23 with each of the terms expiring on June 30th of the applicable year.
24 Appointees may be reappointed to serve more than one term.

25 (4) The capital projects advisory review board chair is selected
26 from among the appointed members by the majority vote of the voting
27 members.

28 (5) Legislative members of the capital projects advisory review
29 board shall be reimbursed for travel expenses in accordance with RCW
30 44.04.120. Nonlegislative members of the capital projects advisory
31 review board, including any subcommittee members, except those
32 representing an employer or organization, shall be reimbursed for
33 travel expenses as provided in RCW 43.03.050 and 43.03.060.

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

1 (7) The capital projects advisory review board shall convene as
2 soon as practical after July 1, 2005, and may meet as often as
3 necessary thereafter.

4 (8) Capital projects advisory review board members are expected to
5 consistently attend review board meetings. The chair of the capital
6 projects advisory review board may ask the governor to remove any
7 member who misses more than two meetings in any calendar year without
8 cause.

9 (9) The department of general administration shall provide staff
10 support as may be required for the proper discharge of the function of
11 the capital projects advisory review board.

12 (10) The capital projects advisory review board may establish
13 subcommittees as it desires and may invite nonmembers of the capital
14 projects advisory review board to serve as committee members.

15 (11) The board shall encourage participation from persons and
16 entities not represented on the capital projects advisory review board.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.10 RCW
18 to read as follows:

19 The capital projects advisory review board has the following powers
20 and duties:

21 (1) Develop and recommend to the legislature criteria that may be
22 used to determine effective and feasible use of alternative contracting
23 procedures;

24 (2) Develop and recommend to the legislature qualification
25 standards for general contractors bidding on alternative public works
26 projects;

27 (3) Develop and recommend to the legislature policies to further
28 enhance the quality, efficiency, and accountability of capital
29 construction projects through the use of traditional and alternative
30 delivery methods in Washington, and make recommendations regarding
31 expansion, continuation, elimination, or modification of the
32 alternative public works contracting methods;

33 (4) Evaluate the potential future use of other alternative
34 contracting procedures including competitive negotiation contracts.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 39.10 RCW
36 to read as follows:

1 Notwithstanding any other provision of law, and after complying
2 with RCW 39.10.030, any city that: (1) is located in a county
3 authorized under this chapter to use alternative public works
4 procedures or is located in a county that is a member of the Puget
5 Sound regional council; (2) reports in the state auditor's local
6 government financial reporting system combined general fund, special
7 revenue, debt service, capital projects, and enterprise funds revenues
8 that exceed sixty million dollars; and (3) has a population greater
9 than twenty-five thousand but less than forty-five thousand, is
10 authorized to use the general contractor/construction manager or
11 design-build procedure for one demonstration project valued over ten
12 million dollars.

13 All contracts authorized under this section must be entered into
14 before March 1, 2006.

15 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
16 act, referencing this act by bill or chapter number, is not provided by
17 June 30, 2005, in the omnibus appropriations act, sections 1 and 2 of
18 this act are null and void.

Passed by the House April 24, 2005.

Passed by the Senate April 23, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.