

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5770

Chapter 495, Laws of 2007

60th Legislature
2007 Regular Session

HIGHER EDUCATION INSTITUTIONS--PUBLIC WORKS

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 16, 2007
YEAS 45 NAYS 4

BRAD OWEN

President of the Senate

Passed by the House April 9, 2007
YEAS 80 NAYS 18

FRANK CHOPP

Speaker of the House of Representatives

Approved May 15, 2007, 2:36 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5770** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 16, 2007

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5770

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Higher Education (originally sponsored by
Senators Shin, Schoesler and Kilmer)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to work performed by institutions of higher
2 education; and amending RCW 28B.10.350 and 28B.50.330.

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

4 **Sec. 1.** RCW 28B.10.350 and 2001 c 38 s 1 are each amended to read
5 as follows:

6 (1) When the cost to The Evergreen State College((~~r~~)) or any
7 regional ((~~university~~)) or state university((~~r~~)) of any building,
8 construction, renovation, remodeling, or demolition, other than
9 maintenance or repairs, will equal or exceed the sum of ((~~thirty-five~~)
10 fifty-five thousand dollars, or thirty-five thousand dollars if the
11 work involves one trade or craft area, complete plans and
12 specifications for ((~~such~~)) the work shall be prepared ((~~and such~~)),
13 the work shall be put out for public bid((~~s~~)), and the contract shall
14 be awarded to the ((~~lowest~~)) responsible bidder ((~~if in accordance with~~
15 ~~the bid specifications:~~ PROVIDED, That when the estimated cost of such
16 building, construction, renovation, remodeling, or demolition equals or
17 exceeds the sum of twenty five thousand dollars, such project shall be
18 deemed a public works and "the prevailing rate of wage," under chapter
19 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when

1 ~~such building, construction, renovation, remodeling, or demolition~~
2 ~~involves one trade or craft area and the estimated cost exceeds fifteen~~
3 ~~thousand dollars, complete plans and specifications for such work shall~~
4 ~~be prepared and such work shall be put out for public bids, and the~~
5 ~~contract shall be awarded to the lowest responsible bidder if in~~
6 ~~accordance with the bid specifications. This subsection shall not~~
7 ~~apply when a contract is awarded by the small works roster procedure~~
8 ~~authorized in RCW 39.04.155 or under any other procedure authorized for~~
9 ~~an institution of higher education)) who submits the lowest responsive~~
10 bid.

11 (2) Any building, construction, renovation, remodeling, or
12 demolition project that exceeds the dollar amounts in subsection (1) of
13 this section is subject to the provisions of chapter 39.12 RCW.

14 (3) The Evergreen State College((~~τ~~)) or any regional
15 ((~~university~~~~τ~~)) or state university may require a project to be put to
16 public bid even when it is not required to do so under subsection (1)
17 of this section. Any project publicly bid under this subsection is
18 subject to the provisions of chapter 39.12 RCW.

19 ((~~+3~~)) (4) Where the estimated cost ((~~to The Evergreen State~~
20 ~~College, any regional university, or state university~~)) of any
21 building, construction, renovation, remodeling, or demolition is less
22 than ((~~twenty-five~~)) fifty-five thousand dollars or the contract is
23 awarded by the small works roster procedure authorized in RCW
24 39.04.155, the publication requirements of RCW 39.04.020 ((~~shall be~~
25 ~~inapplicable~~)) do not apply.

26 ((~~+4~~)) (5) In the event of any emergency when the public interest
27 or property of The Evergreen State College((~~τ~~)) or a regional
28 ((~~university~~~~τ~~)) or state university would suffer material injury or
29 damage by delay, the president of such college or university may
30 declare the existence of ((~~such~~)) an emergency and, reciting the facts
31 constituting the same, may waive the requirements of this section with
32 reference to any contract in order to correct the condition causing the
33 emergency((~~∴ PROVIDED, That an "emergency,"~~)). For the purposes of
34 this section, "emergency" means a condition likely to result in
35 immediate physical injury to persons or to property of ((~~such~~)) the
36 college or university in the absence of prompt remedial action or a
37 condition which immediately impairs the institution's ability to
38 perform its educational obligations.

1 (6) This section does not apply when a contract is awarded by the
2 small works roster procedure authorized in RCW 39.04.155 or under any
3 other procedure authorized for an institution of higher education.

4 **Sec. 2.** RCW 28B.50.330 and 1993 c 379 s 108 are each amended to
5 read as follows:

6 (1) The boards of trustees of college districts are empowered in
7 accordance with the provisions of this chapter to provide for the
8 construction, reconstruction, erection, equipping, demolition, and
9 major alterations of buildings and other capital assets, and the
10 acquisition of sites, rights-of-way, easements, improvements, or
11 appurtenances for the use of the aforementioned colleges as authorized
12 by the college board in accordance with RCW 28B.50.140; to be financed
13 by bonds payable out of special funds from revenues hereafter derived
14 from income received from such facilities, gifts, bequests, or grants,
15 and such additional funds as the legislature may provide, and payable
16 out of a bond retirement fund to be established by the respective
17 district boards in accordance with rules and regulations of the state
18 board. With respect to building, improvements, or repairs, or other
19 work, where the estimated cost exceeds (~~twenty-five~~) fifty-five
20 thousand dollars, or thirty-five thousand dollars if the work involves
21 one trade or craft area, complete plans and specifications for (~~such~~)
22 the work shall be prepared (~~and such~~), the work shall be put out for
23 a public bid(~~s~~), and the contract shall be awarded to the (~~lowest~~)
24 responsible bidder (~~if in accordance with the bid specifications:~~
25 PROVIDED, That when such building, construction, renovation, remodel
26 ing, or demolition involves one trade or craft area and the estimated
27 cost exceeds ten thousand dollars, complete plans and specifications
28 for such work shall be prepared and such work shall be put out for
29 public bids, and the contract shall be awarded to the lowest
30 responsible bidder if in accordance with the bid specifications)) who
31 submits the lowest responsive bid. Any project regardless of dollar
32 amount may be put to public bid.

33 (2) This (~~subsection shall~~) section does not apply when a
34 contract is awarded by the small works roster procedure authorized in
35 RCW (~~39.04.150: PROVIDED FURTHER, That any project regardless of~~
36 dollar amount may be put to public bid)) 39.04.155.

1 (3) Where the estimated cost to any college of any building,
2 improvements, or repairs, or other work, is less than ((~~twenty-five~~
3 ~~thousand dollars~~)) fifty-five thousand dollars, or thirty-five thousand
4 dollars if the work involves one trade or craft area, the publication
5 requirements of RCW 39.04.020 ((~~shall be inapplicable~~)) do not apply.

Passed by the Senate April 16, 2007.

Passed by the House April 9, 2007.

Approved by the Governor May 15, 2007.

Filed in Office of Secretary of State May 16, 2007.