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HOUSE BILL 1957

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Walkinshaw, Bergquist, Pollet, and Carlyle

Read first time 02/04/15. Referred to Committee on Local Government.

1            AN ACT Relating to job order contracting for certain cities with  
2            populations over four hundred thousand; amending RCW 39.10.440; and  
3            reenacting and amending RCW 43.131.408.

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

5            **Sec. 1.** RCW 39.10.440 and 2013 c 222 s 19 are each amended to  
6            read as follows:

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

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

20           (3) A public body may have no more than two job order contracts  
21           in effect at any one time, with the exception of the department of

1 enterprise services, which may have four job order contracts in  
2 effect at any one time.

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

9 (5) The job order contractor shall publish notification of intent  
10 to perform public works projects at the beginning of each contract  
11 year in a statewide publication and in a legal newspaper of general  
12 circulation in every county in which the public works projects are  
13 anticipated.

14 (6) Job order contractors shall pay prevailing wages for all work  
15 that would otherwise be subject to the requirements of chapter 39.12  
16 RCW. Prevailing wages for all work performed pursuant to each work  
17 order must be the rates in effect at the time the individual work  
18 order is issued.

19 (7) If, in the initial contract term, the public body, at no  
20 fault of the job order contractor, fails to issue the minimum amount  
21 of work orders stated in the public request for proposals, the public  
22 body shall pay the contractor an amount equal to the difference  
23 between the minimum work order amount and the actual total of the  
24 work orders issued multiplied by an appropriate percentage for  
25 overhead and profit contained in the contract award coefficient for  
26 services as specified in the request for proposals. This is the  
27 contractor's sole remedy.

28 (8) All job order contracts awarded under this section must be  
29 signed before July 1, 2021; however the job order contract may be  
30 extended or renewed as provided for in this section.

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

33 **Sec. 2.** RCW 43.131.408 and 2014 c 42 s 8 and 2014 c 19 s 3 are  
34 each reenacted and amended to read as follows:

35 The following acts or parts of acts, as now existing or hereafter  
36 amended, are each repealed, effective June 30, 2022:

37 (1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, &  
38 1994 c 132 s 1;

1 (2) RCW 39.10.210 and 2014 c 42 s 1, 2013 c 222 s 1, 2010 1st  
2 sp.s. c 36 s 6014, 2007 c 494 s 101, & 2005 c 469 s 3;  
3 (3) RCW 39.10.220 and 2013 c 222 s 2, 2007 c 494 s 102, & 2005 c  
4 377 s 1;  
5 (4) RCW 39.10.230 and 2013 c 222 s 3, 2010 1st sp.s. c 21 s 3,  
6 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;  
7 (5) RCW 39.10.240 and 2013 c 222 s 4 & 2007 c 494 s 104;  
8 (6) RCW 39.10.250 and 2013 c 222 s 5, 2009 c 75 s 2, & 2007 c 494  
9 s 105;  
10 (7) RCW 39.10.260 and 2013 c 222 s 6 & 2007 c 494 s 106;  
11 (8) RCW 39.10.270 and 2013 c 222 s 7, 2009 c 75 s 3, & 2007 c 494  
12 s 107;  
13 (9) RCW 39.10.280 and 2014 c 42 s 2, 2013 c 222 s 8, & 2007 c 494  
14 s 108;  
15 (10) RCW 39.10.290 and 2007 c 494 s 109;  
16 (11) RCW 39.10.300 and 2013 c 222 s 9, 2009 c 75 s 4, & 2007 c  
17 494 s 201;  
18 (12) RCW 39.10.320 and 2013 c 222 s 10, 2007 c 494 s 203, & 1994  
19 c 132 s 7;  
20 (13) RCW 39.10.330 and 2014 c 19 s 1, 2013 c 222 s 11, 2009 c 75  
21 s 5, & 2007 c 494 s 204;  
22 (14) RCW 39.10.340 and 2014 c 42 s 3, 2013 c 222 s 12, & 2007 c  
23 494 s 301;  
24 (15) RCW 39.10.350 and 2014 c 42 s 4 & 2007 c 494 s 302;  
25 (16) RCW 39.10.360 and 2014 c 42 s 5, 2013 c 222 s 13, 2009 c 75  
26 s 6, & 2007 c 494 s 303;  
27 (17) RCW 39.10.370 and 2014 c 42 s 6 & 2007 c 494 s 304;  
28 (18) RCW 39.10.380 and 2013 c 222 s 14 & 2007 c 494 s 305;  
29 (19) RCW 39.10.385 and 2013 c 222 s 15 & 2010 c 163 s 1;  
30 (20) RCW 39.10.390 and 2014 c 42 s 7, 2013 c 222 s 16, & 2007 c  
31 494 s 306;  
32 (21) RCW 39.10.400 and 2013 c 222 s 17 & 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 222 s 18, 2013 c 186 s 1, 2012 c  
35 102 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 2015 c ... s 1 (section 1 of this act),  
38 2013 c 222 s 19, & 2007 c 494 s 403;  
39 (26) RCW 39.10.450 and 2012 c 102 s 2 & 2007 c 494 s 404;  
40 (27) RCW 39.10.460 and 2012 c 102 s 3 & 2007 c 494 s 405;

1           (28) RCW 39.10.470 and 2014 c 19 s 2, 2005 c 274 s 275, & 1994 c  
2 132 s 10;  
3           (29) RCW 39.10.480 and 1994 c 132 s 9;  
4           (30) RCW 39.10.490 and 2013 c 222 s 20, 2007 c 494 s 501, & 2001  
5 c 328 s 5;  
6           (31) RCW 39.10.900 and 1994 c 132 s 13;  
7           (32) RCW 39.10.901 and 1994 c 132 s 14;  
8           (33) RCW 39.10.903 and 2007 c 494 s 510;  
9           (34) RCW 39.10.904 and 2007 c 494 s 512; and  
10           (35) RCW 39.10.905 and 2007 c 494 s 513.

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