

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2052

Chapter 211, Laws of 2017

65th Legislature
2017 Regular Session

ALTERNATIVE CONTRACTING METHODS-- RECERTIFICATION--LATE APPLICATIONS

EFFECTIVE DATE: 7/23/2017

Passed by the House March 6, 2017
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2017
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Approved May 5, 2017 10:39 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2052** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 5, 2017

**Secretary of State
State of Washington**

HOUSE BILL 2052

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Representative Buys

Read first time 02/09/17. Referred to Committee on Capital Budget.

1 AN ACT Relating to recertification of public bodies using
2 alternative contracting methods; amending RCW 39.10.270; 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 39.10.270 and 2013 c 222 s 7 are each amended to
6 read as follows:

7 (1) A public body may apply for certification to use the design-
8 build or general contractor/construction manager contracting
9 procedure, or both. Once certified, a public body may use the
10 contracting procedure for which it is certified on individual
11 projects without seeking committee approval for a period of three
12 years. Public bodies certified to use the design-build procedure are
13 limited to no more than five projects with a total project cost
14 between two and ten million dollars during the certification period.
15 A public body seeking certification must submit to the committee an
16 application in a format and manner as prescribed by the committee.
17 The application must include a description of the public body's
18 qualifications, its capital plan during the certification period, and
19 its intended use of alternative contracting procedures.

20 (2) A public body seeking certification for the design-build
21 procedure must demonstrate successful management of at least one

1 design-build project within the previous five years. A public body
2 seeking certification for the general contractor/construction manager
3 procedure must demonstrate successful management of at least one
4 general contractor/construction manager project within the previous
5 five years.

6 (3) To certify a public body, the committee shall determine that
7 the public body:

8 (a) Has the necessary experience and qualifications to determine
9 which projects are appropriate for using alternative contracting
10 procedures;

11 (b) Has the necessary experience and qualifications to carry out
12 the alternative contracting procedure including, but not limited to:
13 (i) Project delivery knowledge and experience; (ii) personnel with
14 appropriate construction experience; (iii) a management plan and
15 rationale for its alternative public works projects; (iv)
16 demonstrated success in managing public works projects; (v) the
17 ability to properly manage its capital facilities plan including, but
18 not limited to, appropriate project planning and budgeting
19 experience; and (vi) the ability to meet requirements of this
20 chapter; and

21 (c) Has resolved any audit findings on previous public works
22 projects in a manner satisfactory to the committee.

23 (4) The committee shall, if practicable, make its determination
24 at the public meeting during which an application for certification
25 is reviewed. Public comments must be considered before a
26 determination is made. Within ten business days of the public
27 meeting, the committee shall provide a written determination to the
28 public body, and make its determination available to the public on
29 the committee's web site.

30 (5) The committee may revoke any public body's certification upon
31 a finding, after a public hearing, that its use of design-build or
32 general contractor/construction manager contracting procedures no
33 longer serves the public interest.

34 (6) The committee may renew the certification of a public body
35 for additional three-year periods. The public body must submit an
36 application for recertification at least three months before the
37 initial certification expires. The committee may accept late
38 applications, if administratively feasible, to avoid expiration of
39 certification on a case-by-case basis. The application shall include
40 updated information on the public body's experience and current

1 staffing with the procedure it is applying to renew, and any other
2 information requested in advance by the committee. The committee must
3 review the application for recertification at a meeting held before
4 expiration of the applicant's initial certification period. A public
5 body must reapply for certification under the process described in
6 subsection (1) of this section once the period of recertification
7 expires.

8 (7) Certified public bodies must submit project data information
9 as required in RCW 39.10.320 and 39.10.350.

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

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

14 (1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, &
15 1994 c 132 s 1;

16 (2) RCW 39.10.210 and 2014 c 42 s 1, 2013 c 222 s 1, 2010 1st
17 sp.s. c 36 s 6014, 2007 c 494 s 101, & 2005 c 469 s 3;

18 (3) RCW 39.10.220 and 2013 c 222 s 2, 2007 c 494 s 102, & 2005 c
19 377 s 1;

20 (4) RCW 39.10.230 and 2013 c 222 s 3, 2010 1st sp.s. c 21 s 3,
21 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;

22 (5) RCW 39.10.240 and 2013 c 222 s 4 & 2007 c 494 s 104;

23 (6) RCW 39.10.250 and 2013 c 222 s 5, 2009 c 75 s 2, & 2007 c 494
24 s 105;

25 (7) RCW 39.10.260 and 2013 c 222 s 6 & 2007 c 494 s 106;

26 (8) RCW 39.10.270 and 2017 c . . . s 1 (section 1 of this act),
27 2013 c 222 s 7, 2009 c 75 s 3, & 2007 c 494 s 107;

28 (9) RCW 39.10.280 and 2014 c 42 s 2, 2013 c 222 s 8, & 2007 c 494
29 s 108;

30 (10) RCW 39.10.290 and 2007 c 494 s 109;

31 (11) RCW 39.10.300 and 2013 c 222 s 9, 2009 c 75 s 4, & 2007 c
32 494 s 201;

33 (12) RCW 39.10.320 and 2013 c 222 s 10, 2007 c 494 s 203, & 1994
34 c 132 s 7;

35 (13) RCW 39.10.330 and 2014 c 19 s 1, 2013 c 222 s 11, 2009 c 75
36 s 5, & 2007 c 494 s 204;

37 (14) RCW 39.10.340 and 2014 c 42 s 3, 2013 c 222 s 12, & 2007 c
38 494 s 301;

39 (15) RCW 39.10.350 and 2014 c 42 s 4 & 2007 c 494 s 302;

- 1 (16) RCW 39.10.360 and 2014 c 42 s 5, 2013 c 222 s 13, 2009 c 75
2 s 6, & 2007 c 494 s 303;
- 3 (17) RCW 39.10.370 and 2014 c 42 s 6 & 2007 c 494 s 304;
- 4 (18) RCW 39.10.380 and 2013 c 222 s 14 & 2007 c 494 s 305;
- 5 (19) RCW 39.10.385 and 2013 c 222 s 15 & 2010 c 163 s 1;
- 6 (20) RCW 39.10.390 and 2014 c 42 s 7, 2013 c 222 s 16, & 2007 c
7 494 s 306;
- 8 (21) RCW 39.10.400 and 2013 c 222 s 17 & 2007 c 494 s 307;
- 9 (22) RCW 39.10.410 and 2007 c 494 s 308;
- 10 (23) RCW 39.10.420 and 2013 c 222 s 18, 2013 c 186 s 1, 2012 c
11 102 s 1, 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;
- 12 (24) RCW 39.10.430 and 2007 c 494 s 402;
- 13 (25) RCW 39.10.440 and 2013 c 222 s 19 & 2007 c 494 s 403;
- 14 (26) RCW 39.10.450 and 2012 c 102 s 2 & 2007 c 494 s 404;
- 15 (27) RCW 39.10.460 and 2012 c 102 s 3 & 2007 c 494 s 405;
- 16 (28) RCW 39.10.470 and 2014 c 19 s 2, 2005 c 274 s 275, & 1994 c
17 132 s 10;
- 18 (29) RCW 39.10.480 and 1994 c 132 s 9;
- 19 (30) RCW 39.10.490 and 2013 c 222 s 20, 2007 c 494 s 501, & 2001
20 c 328 s 5;
- 21 (31) RCW 39.10.900 and 1994 c 132 s 13;
- 22 (32) RCW 39.10.901 and 1994 c 132 s 14;
- 23 (33) RCW 39.10.903 and 2007 c 494 s 510;
- 24 (34) RCW 39.10.904 and 2007 c 494 s 512; and
- 25 (35) RCW 39.10.905 and 2007 c 494 s 513.

Passed by the House March 6, 2017.
Passed by the Senate April 7, 2017.
Approved by the Governor May 5, 2017.
Filed in Office of Secretary of State May 5, 2017.

--- END ---