

**RCW 39.10.210 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.300, 39.10.340, and 39.10.420, respectively.

(2) "Board" means the capital projects advisory review board.

(3) "Budget contingencies" means contingencies established by a public body outside of the design-build or general contractor/construction manager contract for payment of project costs that are not the responsibility of the design-builder or general contractor/construction manager under the respective contract.

(4) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under RCW 39.10.270.

(5) "Coefficient" means the job order contractor's competitively bid numerical factor applied to the public body's prices as published in the unit price book.

(6) "Committee," unless otherwise noted, means the project review committee.

(7) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(8) "General contractor/construction manager" means a firm with which a public body has selected to provide services during the design phase and negotiated a maximum allowable construction cost to act as construction manager and general contractor during the construction phase.

(9) "Heavy civil construction project" means a civil engineering project, the predominant features of which are infrastructure improvements.

(10) "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of work orders for public works as defined in RCW 39.04.010.

(11) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(12) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

(13) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal, and that are negotiated as part of the maximum allowable construction cost.

(14) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

(15) "Price-related factor" means an evaluation factor that impacts costs which may include, but is not limited to overhead and profit, lump sum or guaranteed maximum price for the entire or a portion of the project, operating costs, or other similar factors that may apply to the project.

(16) "Public body" means any general or special purpose government in the state of Washington, including but not limited to

state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts.

(17) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

(18) "Risk contingency" means a contingency for use as defined in the contract and established as part of the maximum allowable construction cost for unexpected cost of work items that have not otherwise been included or addressed in the maximum allowable construction cost.

(19) "Small business" means a small business as defined in RCW 39.04.010.

(20) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

(21) "Total project cost" means the cost of the project less financing and land acquisition costs.

(22) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor.

(23) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract. [2023 c 395 s 5; 2021 c 230 s 1; 2019 c 212 s 1. Prior: 2014 c 42 s 1; 2013 c 222 s 1; prior: 2010 1st sp.s. c 36 s 6014; 2007 c 494 s 101; 2005 c 469 s 3; prior: 2003 c 352 s 1; 2003 c 301 s 2; 2003 c 300 s 3; 2001 c 328 s 1; 2000 c 209 s 1; 1997 c 376 s 1; 1994 c 132 s 2. Formerly RCW 39.10.020.]

**Sunset Act application:** See note following chapter digest.

**Effective date—2023 c 395 ss 1-30, 32-34, 36, and 37:** See note following RCW 39.04.010.

**Findings—Intent—2023 c 395:** See note following RCW 39.04.010.

**Effective date—2021 c 230:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 10, 2021]." [2021 c 230 s 23.]

**Effective date—2013 c 222:** "Sections 1 through 23 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 2013." [2013 c 222 s 26.]

**Effective date—2010 1st sp.s. c 36:** See note following RCW 43.155.050.

**Effective date—2001 c 328:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 328 s 8.]

**Effective date—1997 c 376:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 376 s 10.]