

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 3024

Chapter 261, Laws of 2006

59th Legislature
2006 Regular Session

SCHOOL DISTRICT PROJECTS--ALTERNATIVE PUBLIC WORK CONTRACTING

EFFECTIVE DATE: 6/7/06

Passed by the House February 11, 2006
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2006
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved March 27, 2006.

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 **SUBSTITUTE HOUSE BILL 3024** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 27, 2006 - 3:51 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 3024

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on State Government Operations & Accountability
(originally sponsored by Representatives Haigh, Cox, Ericks,
Miloscia, Armstrong, McCoy, McDermott, Green, Morrell, Wallace,
Nixon, Clements, Chase and Linville)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to alternative public works contracting for school
2 district capital demonstration projects; and amending RCW 39.10.067,
3 39.10.115, and 39.10.902.

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

5 **Sec. 1.** RCW 39.10.067 and 2003 c 301 s 3 are each amended to read
6 as follows:

7 In addition to the projects authorized in RCW 39.10.061, public
8 bodies may also use the general contractor/construction manager
9 contracting procedure for the construction of school district capital
10 demonstration projects, subject to the following conditions:

11 (1) The project must receive approval from the school district
12 project review board established under RCW 39.10.115.

13 (2) The school district project review board may not authorize more
14 than ((~~sixteen~~)) twenty-three demonstration projects valued over ten
15 million dollars.

16 (3) The school district project review board may not authorize more
17 than two demonstration projects valued between five and ten million
18 dollars and the authorization for the two demonstration projects shall
19 expire upon the completion of the two projects.

1 **Sec. 2.** RCW 39.10.115 and 2001 c 328 s 4 are each amended to read
2 as follows:

3 (1) The school district project review board is established to
4 review school district proposals submitted by school districts to use
5 alternative public works contracting procedures. The board shall
6 select and approve qualified projects based upon an evaluation of the
7 information submitted by the school district under subsection (2) of
8 this section. After July 1, 2001, any appointments for full terms or
9 to fill a vacancy shall be made by the governor and shall include the
10 following representatives, each having experience with public works or
11 commercial construction: One representative from the office of the
12 superintendent of public instruction; one representative from the
13 office of financial management; two representatives from the
14 construction industry, one of whom works for a construction company
15 with gross annual revenues of twenty million dollars or less; one
16 representative from the specialty contracting industry; one
17 representative from organized labor; one representative from the design
18 industry; one representative from a public body previously authorized
19 under this chapter to use an alternative public works contracting
20 procedure who has experience using such alternative contracting
21 procedures; one representative from school districts with ten thousand
22 or more annual average full-time equivalent pupils; and one
23 representative from school districts with fewer than ten thousand
24 average full-time equivalent pupils. Each member shall be appointed
25 for a term of three years, with the first three-year term commencing
26 after June 8, 2000. Any member of the school district project review
27 board who is directly affiliated with any applicant before the board
28 must recuse him or herself from consideration of the application.

29 (2) A school district seeking to use alternative contracting
30 procedures authorized under this chapter shall file an application with
31 the school district project review board. The application form shall
32 require the district to submit a detailed statement of the proposed
33 project, including the school district's name; student population based
34 upon October full-time equivalents; the current projected total budget
35 for the project, including the estimated construction costs, costs for
36 professional services, equipment and furnishing costs, off-site costs,
37 contract administration costs, and other related project costs; the
38 anticipated project design and construction schedule; a summary of the

1 school district's construction activity for the preceding six years;
2 and an explanation of why the school district believes the use of an
3 alternative contracting procedure is in the public interest and why the
4 school district is qualified to use an alternative contracting
5 procedure, including a summary of the relevant experience of the school
6 district's management team. The applicant shall also provide in a
7 timely manner any other information concerning implementation of
8 projects under this chapter requested by the school district project
9 review board to assist in its consideration.

10 (3) Any school district whose application is approved by the school
11 district project review board shall comply with the public notification
12 and review requirements in RCW 39.10.030.

13 (4) Any school district whose application is approved by the school
14 district project review board shall not use as an evaluation factor
15 whether a contractor submitting a bid for the approved project has had
16 prior general contractor/construction manager procedure experience.

17 (5) The school district project review board shall prepare and
18 issue a report reviewing the use of the alternative public works
19 contracting procedures by school districts. The board shall report to
20 the capital projects advisory review board created under RCW 39.10.810
21 at least thirty days before January 8, 2007.

22 **Sec. 3.** RCW 39.10.902 and 2005 c 469 s 5 are each amended to read
23 as follows:

24 The following acts or parts of acts, as now existing or hereafter
25 amended, are each repealed, effective July 1, 2007:

26 (1) RCW 39.10.010 and 1994 c 132 s 1;

27 (2) RCW 39.10.020 and 2005 c 469 s 3, 2003 c 352 s 1, 2003 c 301 s
28 2, 2003 c 300 s 3, 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, &
29 1994 c 132 s 2;

30 (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;

31 (4) RCW 39.10.040 and 1994 c 132 s 4;

32 (5) RCW 39.10.051 and 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s
33 1, & 2001 c 328 s 2;

34 (6) RCW 39.10.061 and 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s
35 2, & 2001 c 328 s 3;

36 (7) RCW 39.10.065 and 1997 c 376 s 5;

- 1 (8) RCW 39.10.067 and 2006 c --- s 1 (section 1 of this act), 2003
2 c 301 s 3, 2002 c 46 s 3, & 2000 c 209 s 3;
3 (9) RCW 39.10.070 and 1994 c 132 s 7;
4 (10) RCW 39.10.080 and 1994 c 132 s 8;
5 (11) RCW 39.10.090 and 1994 c 132 s 9;
6 (12) RCW 39.10.100 and 1994 c 132 s 10;
7 (13) RCW 39.10.115 and 2006 c --- s 2 (section 2 of this act), 2001
8 c 328 s 4, & 2000 c 209 s 4;
9 (14) RCW 39.10.900 and 1994 c 132 s 13;
10 (15) RCW 39.10.901 and 1994 c 132 s 14;
11 (16) RCW 39.10.068 and 2003 c 300 s 6;
12 (17) RCW 39.10.117 and 2003 c 300 s 7; and
13 (18) RCW 39.10.130 and 2003 c 301 s 1.

Passed by the House February 11, 2006.

Passed by the Senate February 27, 2006.

Approved by the Governor March 27, 2006.

Filed in Office of Secretary of State March 27, 2006.