

# SENATE BILL REPORT

## SB 5184

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As Reported by Senate Committee On:  
Governmental Operations, February 18, 2013

**Title:** An act relating to the expansion of the membership of the capital projects advisory review board.

**Brief Description:** Expanding the membership of the capital projects advisory review board.

**Sponsors:** Senators Benton, Darneille, Roach, Nelson and Hasegawa.

**Brief History:**

**Committee Activity:** Governmental Operations: 2/11/13, 2/18/13 [DPS].

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Majority Report:** That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Braun, Conway and Rivers.

**Staff:** Karen Epps (786-7424)

**Background:** The Capital Projects Advisory Review Board (CPARB) provides an evaluation of public capital project construction processes, including the impact of contracting methods on project outcomes, and advises the Legislature on policies related to public works delivery methods. Twenty-three members serve on CPARB. Fourteen members are appointed by the Governor, including representatives from general construction, architecture, engineering, subcontracting, construction trades labor organizations, private industry, a few state agencies, and domestic insurers. The remaining members are selected as such:

- three members representing local public owners, selected by the Association of Washington Cities, the Washington State Association of Counties, and the Washington Public Ports Association;
- one member, representing public hospital districts, selected by the Association of Washington Public Hospital Districts;
- one member, representing school districts, selected by the Washington State School Directors' Association; and

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- four members of the Legislature, two from the House of Representatives and two from the Senate, one from each major caucus, appointed by the Speaker of the House of Representatives and the President of the Senate.

Public works contracts of a large dollar amount that meet certain criteria and have been approved by CPARB may be awarded through an alternative contracting procedure in which the selection of a contractor is based on factors other than low bid. There are three alternative procedures authorized by law: Design-Build (DB), General Contractor/Construction Manager (GCCM), and Job Order Contracting (JOC).

In 1992, the Legislature authorized creation of Regional Transit Authorities (RTA) for the purpose of developing and operating high capacity transportation systems. An RTA must consist of two or more contiguous counties, each having a population of 400,000 persons or more. A high capacity transportation system is an urban public transportation system that operates principally on exclusive right-of-way and provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating mainly on general purpose roadways.

**Summary of Bill (Recommended Substitute):** A representative of RTA is added as a fourth public owner member. The representative from the public hospital districts is removed from the CPARB. The alternative contracting procedures are extended until June 30, 2021.

**EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Substitute):** Extends the alternative public works contracting procedures until June 30, 2021. Removes the representative of the public hospital districts from the CPARB.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: The Legislature passed this legislation in 2010, but it was vetoed by the Governor because it was under consideration of being repealed. Sound Transit believes that if there is going to be a CPARB, Sound Transit should be a part of the board. Sound Transit is very interested in the alternative public works contracting procedures. Sound Transit wants to make sure that the processes which CPARB recommends and adopts are in compliance with federal law.

CON: The membership of CPARB has grown from nine members to 23 members. It is not necessary to add another member to CPARB. There is balance on CPARB. This change was not recommended under the sunset review or by the current members of CPARB. There are currently eight members who represent public members. CPARB membership should stay at an odd number so there isn't a tie on some important issue.

**Persons Testifying:** PRO: Martin Flynn, Sound Transit.

CON: Larry Stevens, Mechanical Contractors Assn., National Electrical Contractors Assn.