**6180 AMH ENGR H4577.E - NOT FOR FLOOR USE**

**SB 6180** - H COMM AMD

By Committee on Transportation

**ADOPTED AND ENGROSSED 3/3/2016**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  The legislature recognizes the importance of supporting the development of and providing opportunities for disadvantaged business enterprises in state contracting with the Washington state department of transportation. With the recent passage of an historic sixteen-year investment in the state's transportation system creating new opportunities for minority contracting, it is critical that existing programs and processes at the department of transportation are strengthened and better positioned to ensure greater participation among disadvantaged business enterprises. Many of these business enterprises have historically experienced discrimination in the contracting process and are justly worried about whether these new projects will bring about an equal share of prosperity. The legislature finds that the department of transportation could improve its efforts to engage disadvantaged business enterprises in a manner that would increase trust in the contracting community. As such, it is the intent of the legislature to create a disadvantaged business enterprise advisory committee that will provide leadership in advancing opportunities for minority and disadvantaged contractors in state transportation projects, and provide recommendations for improvements to the legislature. The legislature also intends to consider advisory committee recommendations to increase the number of disadvantaged business enterprise firms, to increase minority workers in construction trades, and to create economic opportunities for minority communities. Furthermore, the legislature intends for the department of transportation to develop goals specific to disadvantaged business enterprises and to the connecting Washington account projects funded in the 2015 transportation revenue package with input from the advisory committee.

NEW SECTION. **Sec.**  A new section is added to chapter 47.01 RCW to read as follows:

(1) The disadvantaged business enterprise advisory committee is created within the commission with the intent to advise the commission on issues and concerns from the disadvantaged business enterprise community and to increase the level of accountability and transparency regarding disadvantaged business enterprise inclusion spending levels, goal setting, and overall participation on both state-only funded transportation projects and procurement services and transportation projects and procurement services that include federal funds. The advisory committee must create a mission and vision and must provide the following data, analysis, and recommendations to the transportation committees of the legislature:

(a) A review of the department's nonminority women's business waiver request to the federal highway administration and the United States department of transportation, including identification of key issues, an analysis of the impact of the waiver on nonminority women's businesses, and recommended solutions that would lead to waiver approval;

(b) An analysis of the impact, if any, chapter 3, Laws of 1999 (Initiative Measure No. 200) has had on disadvantaged business enterprise participation in transportation projects and procurement services and recommendations on improvements;

(c) An analysis of the implementation of the results of existing disparity studies conducted by the department and recommendations on how the department can build on the existing studies to achieve better results in disadvantaged business enterprise inclusion;

(d) An outreach to the existing minority contracting community to collect information and gather feedback from the community on the perceptions of the current disadvantaged business enterprise contracting process, procedures, and results;

(e) An analysis of current disadvantaged business enterprise support services and the certification process overseen by the office of minority and women's business enterprises and provide recommendations on how the office and the department can increase the pool of eligible businesses, improve support services, respond to contractor needs, and increase overall participation in transportation projects. Any resulting recommendations from this subsection must also be reported to the technology and economic development committee in the house of representatives and the trade and economic development committee in the senate;

(f) A review of the types and manners of oversight the department provides to prime contractors to ensure that established disadvantaged business enterprise goals on federally funded projects are met, including the means, methods, and results of such oversight, and recommend improvements to the oversight process; and

(g) Any other recommendations or issues identified that will provide improved access to transportation projects and procurement services by disadvantaged business enterprises and increase transparency and accountability of the department's efforts to the legislature, including a recommendation on if the advisory committee's termination date should be moved to 2020.

(2) The advisory committee must provide a progress report to the joint transportation committee by December 2016 and provide recommendations for the items listed in subsection (1) of this section to the joint transportation committee and the house of representatives and senate transportation committees by July 1, 2017. The advisory committee must continually monitor the department's efforts and provide an evaluative report on the department's efforts, identify any gaps or continuing issues, and provide further recommendations to the transportation committees of the legislature by December 1, 2018.

(3) The department, office of minority and women's business enterprises, department of labor and industries, department of enterprise services, and other relevant state agencies must be available to assist in supplying necessary data and information to fulfill the advisory committee's purposes. The department must provide the past three years of contract awards, total funding available to contractors and awarded contracts, support services programmatic funding, work plans, and end-of-year reports. This data and information must be provided to the advisory committee before the first meeting, and the department must continually work with the advisory committee to respond to ongoing data requests.

(4) To the extent possible, the advisory committee must coordinate with the governor's subcabinet on business diversity.

(5)(a) The advisory committee must consist of seventeen members, which must meet at least two times in the 2015-2017 fiscal biennium and regularly thereafter or as needed. The advisory committee members must be jointly appointed by the speaker of the house of representatives and the president of the senate who must appoint:

(i) Representatives from the commission on Hispanic affairs, commission on African-American affairs, commission on Asian Pacific American affairs, and office of Indian affairs, with at least two representatives from each commission or office being appointed, a representative from the civil rights coalition, and a representative from Tabor 100; and

(ii) One member from each of the two largest caucuses in the house of representatives and the senate.

(b) Additionally, the advisory committee must include two disadvantaged business enterprise representatives selected by the office of minority and women's business enterprises and one representative from the department of transportation's office of equal opportunity.

(c) The advisory committee must elect from its membership a chair and vice chair.

(6) Advisory committee members are eligible for travel and per diem reimbursement.

(7) The commission must, to the extent possible, hire a consultant experienced with supporting, managing, and improving disadvantaged business enterprise goals in a public sector setting to organize and facilitate the advisory committee's work.

(8) The advisory committee terminates December 31, 2018.

**Sec.**  RCW 47.01.071 and 2007 c 516 s 4 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems. The policies must be aligned with the goals established in RCW 47.04.280. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(d) Integrate the statewide transportation plan with the needs of the elderly and persons with disabilities, and coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan consistent with the state's growth management goals and based on the transportation policy goals provided under RCW 47.04.280 and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.04.280, as measured by the objectives and performance measures established by the office of financial management under RCW 47.04.280;

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(7) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; ((~~and~~))

(10) To administer the disadvantaged business enterprise advisory committee created in section 2 of this act; and

(11) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law."

Correct the title.