

SB 5958 - S AMD 154

By Senator Lovelett

ADOPTED 03/08/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 39.34.030 and 2015 c 232 s 1 are each amended to
4 read as follows:

5 (1) Any power or powers, privileges or authority exercised or
6 capable of exercise by a public agency of this state may be exercised
7 and enjoyed jointly with any other public agency of this state having
8 the power or powers, privilege or authority, and jointly with any
9 public agency of any other state or of the United States to the
10 extent that laws of such other state or of the United States permit
11 such joint exercise or enjoyment. Any agency of the state government
12 when acting jointly with any public agency may exercise and enjoy all
13 of the powers, privileges and authority conferred by this chapter
14 upon a public agency.

15 (2) Any two or more public agencies may enter into agreements
16 with one another for joint or cooperative action pursuant to the
17 provisions of this chapter, except that any such joint or cooperative
18 action by public agencies which are educational service districts
19 and/or school districts shall comply with the provisions of RCW
20 28A.320.080. Appropriate action by ordinance, resolution or otherwise
21 pursuant to law of the governing bodies of the participating public
22 agencies shall be necessary before any such agreement may enter into
23 force.

24 (3) Any such agreement shall specify the following:

25 (a) Its duration;

26 (b) The precise organization, composition and nature of any
27 separate legal or administrative entity created thereby together with
28 the powers delegated thereto, provided such entity may be legally
29 created. Such entity may include a nonprofit corporation organized
30 pursuant to chapter 24.03 or 24.06 RCW whose membership is limited
31 solely to the participating public agencies or a partnership
32 organized pursuant to chapter 25.04 or 25.05 RCW whose partners are

1 limited solely to participating public agencies, or a limited
2 liability company organized under chapter 25.15 RCW whose membership
3 is limited solely to participating public agencies, and the funds of
4 any such corporation, partnership, or limited liability company shall
5 be subject to audit in the manner provided by law for the auditing of
6 public funds;

7 (c) Its purpose or purposes;

8 (d) The manner of financing the joint or cooperative undertaking
9 and of establishing and maintaining a budget therefor;

10 (e) The permissible method or methods to be employed in
11 accomplishing the partial or complete termination of the agreement
12 and for disposing of property upon such partial or complete
13 termination; and

14 (f) Any other necessary and proper matters.

15 (4) In the event that the agreement does not establish a separate
16 legal entity to conduct the joint or cooperative undertaking, the
17 agreement shall contain, in addition to provisions specified in
18 subsection (3)(a), (c), (d), (e), and (f) of this section, the
19 following:

20 (a) Provision for an administrator or a joint board responsible
21 for administering the joint or cooperative undertaking. In the case
22 of a joint board, public agencies that are party to the agreement
23 shall be represented; and

24 (b) The manner of acquiring, holding and disposing of real and
25 personal property used in the joint or cooperative undertaking. Any
26 joint board is authorized to establish a special fund with a state,
27 county, city, or district treasurer servicing an involved public
28 agency designated "Operating fund of joint board."

29 (5) No agreement made pursuant to this chapter relieves any
30 public agency of any obligation or responsibility imposed upon it by
31 law except that:

32 (a) To the extent of actual and timely performance thereof by a
33 joint board or other legal or administrative entity created by an
34 agreement made pursuant to this chapter, the performance may be
35 offered in satisfaction of the obligation or responsibility; and

36 (b) With respect to one or more public agencies purchasing or
37 otherwise contracting through a bid, proposal, or contract awarded by
38 another public agency or by a group of public agencies, any
39 (~~statutory~~) obligation (~~(to provide notice for)~~) with respect to
40 competitive bids or proposals that applies to the public agencies

1 involved is satisfied if the public agency or group of public
2 agencies that awarded the bid, proposal, or contract complied with
3 its own statutory requirements and either (i) posted the bid or
4 solicitation notice on a web site established and maintained by a
5 public agency, purchasing cooperative, or similar service provider,
6 for purposes of posting public notice of bid or proposal
7 solicitations, or (ii) provided an access link on the state's web
8 portal to the notice.

9 (6) (a) Any two or more public agencies may enter into a contract
10 providing for the joint utilization of architectural or engineering
11 services if:

12 (i) The agency contracting with the architectural or engineering
13 firm complies with the requirements for contracting for such services
14 under chapter 39.80 RCW; and

15 (ii) The services to be provided to the other agency or agencies
16 are related to, and within the general scope of, the services the
17 architectural or engineering firm was selected to perform.

18 (b) Any agreement providing for the joint utilization of
19 architectural or engineering services under this subsection must be
20 executed for a scope of work specifically detailed in the agreement
21 and must be entered into prior to commencement of procurement of such
22 services under chapter 39.80 RCW.

23 (7) Financing of joint projects by agreement shall be as provided
24 by law."

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25 On page 1, line 2 of the title, after "agreements" strike the
26 remainder of the title and insert "; and amending RCW 39.34.030."

EFFECT: Expands the following amendment to apply to all public agencies (underlying bill applied only to second-cities, code cities, and towns).

Makes clear that any obligation related to competitive bidding arising from a statute or local ordinance is satisfied for a piggybacking entity if certain requirements are met, including that the host agency complies with its statutory contracting requirements and posts the solicitation online.

Amends the title to reflect the expansion of the bill to all public agencies.

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