

# Chapter 478-350 WAC

## ALTERNATIVE CONTRACTING PROCESS FOR THE UNIVERSITY OF WASHINGTON

### WAC

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**WAC 478-350-010 Authority.** The University of Washington adopts these rules pursuant to RCW 28B.20.140.

[Statutory Authority: RCW 28B.20.130 and 28B.20.140. 08-13-074, § 478-350-010, filed 6/16/08, effective 7/17/08.]

**WAC 478-350-020 Purpose.** The purpose of this chapter is to establish a fair, open, and efficient method by which the university may, under certain circumstances, contract for the erection and construction of university buildings or improvements thereto, in lieu of other statutorily authorized contracting methods. These rules are intended to protect the best interests of the university and assure the delivery of quality work and products at a reasonable price under the most advantageous terms.

[Statutory Authority: RCW 28B.20.130 and 28B.20.140. 08-13-074, § 478-350-020, filed 6/16/08, effective 7/17/08.]

**WAC 478-350-030 Applicability.** The contracting method set forth in this chapter may be used only when the president of the university finds that all of the following criteria are met:

(1) The buildings or improvements involved are part of the university's intercollegiate athletics facilities, include renovations to Husky Stadium, and have a total project cost in excess of one hundred million dollars;

(2) The design or construction of the building or improvement or its construction schedule may be directly impacted by large construction projects being planned or constructed by other agencies or private developers;

(3) Postponing the building or improvement or delaying it through the use of other contracting methods is likely to have a significant adverse effect on the operation, mission, or financial interests of the university; and

(4) The building or improvement may benefit from a contracting method that integrates services including but not limited to a developer, designer, construction manager and contractor being on the same team and working collaboratively.

A finding by the university president that a project meets all of the above criteria shall be subject to review by the University of Washington board of regents at their discretion.

[Statutory Authority: RCW 28B.20.130 and 28B.20.140. 08-13-074, § 478-350-030, filed 6/16/08, effective 7/17/08.]

**WAC 478-350-040 Contracting method.** Upon an approved finding that a project meets the criteria set forth

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above, the president or the president's designee may proceed to conduct a competitive process that is open, fair, and unbiased and results in one or more contracts with a qualified entity or team on the most advantageous terms. The process must include at least the following elements:

(1) RFQ/RFP. Contracts will be awarded through either a Request for Qualifications (RFQ) or a Request for Proposals (RFP) process or a combination thereof. The RFQ/RFP will include a clear description of what the university believes to be most important about the project as well as the weight of selection criteria.

(2) Public notice. The university shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the project will be constructed, a notice of its RFQ/RFP, and information regarding the availability and location of the RFQ/RFP documents.

(3) Selection criteria. Selection criteria shall include, but are not limited to, qualifications of the project team, technical excellence and competence, experience, capacity to accomplish the work, ability to deliver a quality project, past performance of the team or its constituent members, and price or fee, taking into consideration the estimated cost of construction as well as the long-term performance, operation and maintenance of the building or improvement.

(4) Negotiations. The university shall first attempt to negotiate a contract with the entity deemed to have submitted the best overall response. If such negotiations are not successful, the university may proceed to negotiate with the entity deemed to have submitted the next best response.

[Statutory Authority: RCW 28B.20.130 and 28B.20.140. 08-13-074, § 478-350-040, filed 6/16/08, effective 7/17/08.]

**WAC 478-350-050 Prevailing wages, bonds and retainage.** Any contract awarded pursuant to these rules shall require full compliance with applicable sections of chapters 39.08, 39.12, and 60.28 RCW. The selected entity shall also be encouraged to work closely with the university's business diversity program.

[Statutory Authority: RCW 28B.20.130 and 28B.20.140. 08-13-074, § 478-350-050, filed 6/16/08, effective 7/17/08.]