

FINAL BILL REPORT

ESHB 1777

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Synopsis As Enacted

Brief Description: Expediting new prison construction.

By House Committee on Human Services (originally sponsored by Representatives H. Sommers, Schmidt, Hargrove, Braddock, Leonard, Winsley, Fraser, Bowman, Zellinsky, Holland, Paris, Basich and May; by request of Department of Corrections).

House Committee on Human Services
House Committee on Capital Facilities & Financing
Senate Committee on Ways & Means

Background: Prison population forecasts by the Department of Corrections indicate that the number of prison beds that need to be constructed in the near future is substantial. The current prison capacity of 7,471 will need to approximately double by the year 2000, to house the expected additional prisoners.

Public works laws require that a sequential and often time consuming process must be followed before a prison is constructed. The process involves complete design by the state or by an architect/engineer firm, advertisement, bid, and award to the lowest bidder, followed by construction.

In an effort to expedite the building of new prison space, several construction models were reviewed by the Department of General Administration and the Department of Corrections. One model that could potentially reduce the construction time was identified. This model eliminates the sequential process of designing and then building the prison and replaces that process with an expedited process that uses a professional general construction/contract manager firm to coordinate the design and construction simultaneously. A similar model for expediting prison construction has been tried successfully in other states.

Summary: The director of the Department of General Administration is given the authority to contract with a single general contractor/construction manager (GC/CM) firm, to provide concurrent preparation of design plans, specifications and advertising, and competitive bidding of construction contracts. This authority is in lieu of the requirements of public works laws outlining the sequence

required for designing and constructing a publicly funded facility.

The authorization is limited to:

1) Department of Corrections capital projects funded in the 1991-1993 biennium for over \$10 million at the McNeil Island Correction Center, Clallam Bay Corrections Center, and for the construction of two 399-bed drug camps, three 499-bed work camps, and a 1,024-bed prison;

2) any other additional correctional facilities that may be authorized by the Legislature during the biennium ending June 30, 1993; and

3) contracts signed before July 1, 1996.

The Department of General Administration must establish an independent oversight committee to review selection and contracting procedures. Membership of the committee will include representatives of a variety of interest groups, the Department of Corrections, and the private sector. The director of the Department of General Administration will establish a committee to evaluate contract proposals using the following criteria: the ability of the professional personnel; past performance in negotiated and complex projects; location; ability to meet time and budget requirements; and the overall concept of the proposal.

The Department of General Administration must negotiate a guaranteed, maximum allowable construction cost for the projects while the contractor (GC/CM) is required to guarantee the maximum allowable costs. Any cost increases above the negotiated and contracted maximum allowable costs will be incurred by the firm unless the state has requested the contract change.

An incentive of up to 5 percent of the maximum allowable cost for the project can be included in the contract with the general contractor/construction manager firm. All sub-contract work must be competitively bid with public bid openings. The firm must provide a performance and payment bond.

The public works contracting authority granted in the act is in effect until completion of contracts signed on or before June 30, 1996.

Votes on Final Passage:

House	94	4
Senate	34	12

Effective: May 10, 1991