

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6441**

Chapter 196, Laws of 1998

55th Legislature  
1998 Regular Session

ENVIRONMENTAL PROTECTION CHANGE ORDERS IN PUBLIC PROJECTS--  
REVISIONS

EFFECTIVE DATE: 6/11/98

Passed by the Senate February 13, 1998

YEAS 47 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House March 3, 1998

YEAS 88 NAYS 0

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Approved March 27, 1998

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6441** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

**Secretary**

FILED

March 27, 1998 - 3:38 p.m.

GARY LOCKE

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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SENATE BILL 6441

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Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By Senators Oke, Prince, Haugen and Winsley; by request of Department of Transportation

Read first time 01/19/98. Referred to Committee on Transportation.

1 AN ACT Relating to environmental protection change orders in public  
2 projects; and amending RCW 39.04.120.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.04.120 and 1973 1st ex.s. c 62 s 1 are each amended  
5 to read as follows:

6 ((All invitations for bid proposals for public construction  
7 projects issued by the state of Washington, its authorities or  
8 agencies, or any political subdivision of the state, shall set forth in  
9 the contract documents to the extent they are reasonably obtainable by  
10 the public awarding authority those provisions of federal, state and  
11 local statutes, ordinances and regulations dealing with the prevention  
12 of environmental pollution and the preservation of public natural  
13 resources that affect or are affected by the projects.)) If the  
14 successful bidder must undertake additional work for public  
15 construction projects issued by the state of Washington, its  
16 authorities or agencies, or a political subdivision of the state due to  
17 the enactment of new environmental protection requirements or the  
18 amendment of existing environmental protection statutes, ordinances, or  
19 rules ((or regulations)) occurring after the submission of the

1 successful bid, the awarding agency shall issue a change order setting  
2 forth the additional work that must be undertaken, which shall not  
3 invalidate the contract. The cost of such a change order to the  
4 awarding agency shall be determined in accordance with the provisions  
5 of the contract for change orders (~~(or force accounts)~~) or, if no such  
6 provision is set forth in the contract, then the cost to the awarding  
7 agency shall be the contractor's costs for wages, labor costs other  
8 than wages, wage taxes, materials, equipment rentals, insurance, and  
9 subcontracts attributable to the additional activity plus a reasonable  
10 sum for overhead and profit(~~(: PROVIDED, That such)~~). However, the  
11 additional costs to undertake work not specified in the contract  
12 documents shall not be approved unless written authorization is given  
13 the successful bidder prior to his undertaking such additional  
14 activity. In the event of a dispute between the awarding agency and  
15 the (~~successful bidder, arbitration~~) contractor, dispute resolution  
16 procedures may be commenced under the applicable terms of the  
17 construction contract, or, if the contract contains no such provision  
18 for (~~arbitration~~) dispute resolution, the then obtaining rules of the  
19 American arbitration association.

Passed the Senate February 13, 1998.

Passed the House March 3, 1998.

Approved by the Governor March 27, 1998.

Filed in Office of Secretary of State March 27, 1998.