

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1690

Chapter 21, Laws of 2010

61st Legislature
2010 1st Special Session

ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES

EFFECTIVE DATE: 07/13/10

Passed by the House April 12, 2010
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2010
Yeas 40 Nays 5

BRAD OWEN

President of the Senate

Approved April 23, 2010, 1:35 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1690** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 23, 2010

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1690

AS AMENDED BY THE SENATE

Passed Legislature - 2010 1st Special Session

State of Washington 61st Legislature 2010 Regular Session

By Representatives Hasegawa, Hunt, Hudgins, Anderson, and Kenney

Read first time 01/27/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to public works projects; amending RCW 39.10.200,
2 39.10.230, 35.82.200, and 43.131.408; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The establishment of alternative public
5 works contracting procedures authorized for use by public bodies has
6 been a complex, controversial, and challenging undertaking, but it has
7 been successful. The key to the successful adoption and consideration
8 of these procedures has depended, in great part, on the review and
9 oversight mechanisms put in place by the legislature in chapter 39.10
10 RCW, as well as the countless hours of dedicated work by numerous
11 stakeholders over many years. It is the intent of the legislature to
12 clarify that, unless otherwise specifically provided for in law, public
13 bodies that want to use an alternative public works contracting
14 procedure may use only those procedures specifically authorized in
15 chapter 39.10 RCW.

16 **Sec. 2.** RCW 39.10.200 and 2007 c 494 s 1 are each amended to read
17 as follows:

18 The legislature finds that the traditional process of awarding

1 public works contracts in lump sum to the lowest responsible bidder is
2 a fair and objective method of selecting a contractor. However, under
3 certain circumstances, alternative public works contracting procedures
4 may best serve the public interest if such procedures are implemented
5 in an open and fair process based on objective and equitable criteria.
6 The purpose of this chapter is to authorize the use of certain
7 supplemental alternative public works contracting procedures, to
8 prescribe appropriate requirements to ensure that such contracting
9 procedures serve the public interest, and to establish a process for
10 evaluation of such contracting procedures. It is the intent of the
11 legislature to establish that, unless otherwise specifically provided
12 for in law, public bodies may use only those alternative public works
13 contracting procedures specifically authorized in this chapter, subject
14 to the requirements of this chapter.

15 **Sec. 3.** RCW 39.10.230 and 2009 c 75 s 1 are each amended to read
16 as follows:

17 The board has the following powers and duties:

18 (1) Develop and recommend to the legislature policies to further
19 enhance the quality, efficiency, and accountability of capital
20 construction projects through the use of traditional and alternative
21 delivery methods in Washington, and make recommendations regarding
22 expansion, continuation, elimination, or modification of the
23 alternative public works contracting methods;

24 (2) Evaluate the use of existing contracting procedures and the
25 potential future use of other alternative contracting procedures
26 including competitive negotiation contracts;

27 ~~(3) ((Develop guidelines to be used by the committee for the review~~
28 ~~and approval of design build demonstration projects that procure~~
29 ~~operations and maintenance services))~~ Submit recommendations to the
30 appropriate committees of the legislature evaluating alternative
31 contracting procedures that are not authorized under this chapter;

32 (4) Appoint members of the committee; and

33 (5) Develop and administer questionnaires designed to provide
34 quantitative and qualitative data on alternative public works
35 contracting procedures on which evaluations are based.

1 **Sec. 4.** RCW 35.82.200 and 1965 c 7 s 35.82.200 are each amended to
2 read as follows:

3 (1) In addition to the powers conferred upon an authority by other
4 provisions of this chapter, an authority is empowered to borrow money
5 or accept contributions, grants or other financial assistance from the
6 federal government for or in aid of any housing project within its area
7 of operation, to take over or lease or manage any housing project or
8 undertaking constructed or owned by the federal government, and to
9 these ends, to comply with such conditions and enter into such
10 mortgages, trust indentures, leases or agreements as may be necessary,
11 convenient or desirable. It is the purpose and intent of this chapter
12 to authorize every authority to do any and all things necessary or
13 desirable to secure the financial aid or cooperation of the federal
14 government in the undertaking, construction, maintenance or operation
15 of any housing project by such authority.

16 (2) All housing authorities shall be subject to the provisions of
17 chapter 39.10 RCW except where alternative requirements or procedures
18 of federal law or federal regulation are authorized.

19 (3) The requirements of chapter 39.12 RCW regarding prevailing
20 wages shall apply to housing authority public works except where
21 specifically preempted by federal law or federal regulation.

22 **Sec. 5.** RCW 43.131.408 and 2007 c 494 s 507 are each amended to
23 read as follows:

24 The following acts or parts of acts, as now existing or hereafter
25 amended, are each repealed, effective June 30, 2014:

26 (1) RCW 39.10.200 and section 2 of this act, 2007 c 494 s 1, & 1994
27 c 132 s 1;

28 (2) RCW 39.10.210 and 2007 c 494 s 101 & 2005 c 469 s 3;

29 (3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

30 (4) RCW 39.10.230 and section 3 of this act, 2009 c 75 s 1, 2007 c
31 494 s 103, & 2005 c 377 s 2;

32 (5) RCW 39.10.240 and 2007 c 494 s 104;

33 (6) RCW 39.10.250 and 2007 c 494 s 105;

34 (7) RCW 39.10.260 and 2007 c 494 s 106;

35 (8) RCW 39.10.270 and 2007 c 494 s 107;

36 (9) RCW 39.10.280 and 2007 c 494 s 108;

37 (10) RCW 39.10.290 and 2007 c 494 s 109;

1 (11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300
2 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;
3 (~~(12)~~) (~~RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;~~
4 ~~(13)~~) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;
5 (~~(14)~~) (13) RCW 39.10.330 and 2007 c 494 s 204;
6 (~~(15)~~) (14) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3,
7 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;
8 (~~(16)~~) (15) RCW 39.10.350 and 2007 c 494 s 302;
9 (~~(17)~~) (16) RCW 39.10.360 and 2007 c 494 s 303;
10 (~~(18)~~) (17) RCW 39.10.370 and 2007 c 494 s 304;
11 (~~(19)~~) (18) RCW 39.10.380 and 2007 c 494 s 305;
12 (~~(20)~~) (19) RCW 39.10.390 and 2007 c 494 s 306;
13 (~~(21)~~) (20) RCW 39.10.400 and 2007 c 494 s 307;
14 (~~(22)~~) (21) RCW 39.10.410 and 2007 c 494 s 308;
15 (~~(23)~~) (22) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;
16 (~~(24)~~) (23) RCW 39.10.430 and 2007 c 494 s 402;
17 (~~(25)~~) (24) RCW 39.10.440 and 2007 c 494 s 403;
18 (~~(26)~~) (25) RCW 39.10.450 and 2007 c 494 s 404;
19 (~~(27)~~) (26) RCW 39.10.460 and 2007 c 494 s 405;
20 (~~(28)~~) (27) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;
21 (~~(29)~~) (28) RCW 39.10.480 and 1994 c 132 s 9;
22 (~~(30)~~) (29) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;
23 (~~(31)~~) (30) RCW 39.10.500 and 2007 c 494 s 502;
24 (~~(32)~~) (31) RCW 39.10.510 and 2007 c 494 s 503;
25 (~~(33)~~) (32) RCW 39.10.900 and 1994 c 132 s 13;
26 (~~(34)~~) (33) RCW 39.10.901 and 1994 c 132 s 14; and
27 (~~(35)~~) (34) RCW 39.10.903 and 2007 c 494 s 510.

Passed by the House April 12, 2010.

Passed by the Senate April 12, 2010.

Approved by the Governor April 23, 2010.

Filed in Office of Secretary of State April 23, 2010.