

SB 6180 - H COMM AMD  
By Committee on Transportation

ADOPTED AS AMENDED 03/03/2016

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the importance  
4 of supporting the development of and providing opportunities for  
5 disadvantaged business enterprises in state contracting with the  
6 Washington state department of transportation. With the recent  
7 passage of an historic sixteen-year investment in the state's  
8 transportation system creating new opportunities for minority  
9 contracting, it is critical that existing programs and processes at  
10 the department of transportation are strengthened and better  
11 positioned to ensure greater participation among disadvantaged  
12 business enterprises. Many of these business enterprises have  
13 historically experienced discrimination in the contracting process  
14 and are justly worried about whether these new projects will bring  
15 about an equal share of prosperity. The legislature finds that the  
16 department of transportation could improve its efforts to engage  
17 disadvantaged business enterprises in a manner that would increase  
18 trust in the contracting community. As such, it is the intent of the  
19 legislature to create a disadvantaged business enterprise advisory  
20 committee that will provide leadership in advancing opportunities for  
21 minority and disadvantaged contractors in state transportation  
22 projects, and provide recommendations for improvements to the  
23 legislature. The legislature also intends to consider advisory  
24 committee recommendations to increase the number of disadvantaged  
25 business enterprise firms, to increase minority workers in  
26 construction trades, and to create economic opportunities for  
27 minority communities. Furthermore, the legislature intends for the  
28 department of transportation to develop goals specific to  
29 disadvantaged business enterprises and to the connecting Washington  
30 account projects funded in the 2015 transportation revenue package  
31 with input from the advisory committee.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 47.01  
2    RCW to read as follows:

3        (1) The disadvantaged business enterprise advisory committee is  
4    created within the commission with the intent to advise the  
5    commission on issues and concerns from the disadvantaged business  
6    enterprise community and to increase the level of accountability and  
7    transparency regarding disadvantaged business enterprise inclusion  
8    spending levels, goal setting, and overall participation on both  
9    state-only funded transportation projects and procurement services  
10   and transportation projects and procurement services that include  
11   federal funds. The advisory committee must create a mission and  
12   vision and must provide the following data, analysis, and  
13   recommendations to the transportation committees of the legislature:

14        (a) A review of the department's nonminority women's business  
15   waiver request to the federal highway administration and the United  
16   States department of transportation, including identification of key  
17   issues, an analysis of the impact of the waiver on nonminority  
18   women's businesses, and recommended solutions that would lead to  
19   waiver approval;

20        (b) An analysis of the impact, if any, chapter 3, Laws of 1999  
21   (Initiative Measure No. 200) has had on disadvantaged business  
22   enterprise participation in transportation projects and procurement  
23   services and recommendations on improvements;

24        (c) An analysis of the implementation of the results of existing  
25   disparity studies conducted by the department and recommendations on  
26   how the department can build on the existing studies to achieve  
27   better results in disadvantaged business enterprise inclusion;

28        (d) An outreach to the existing minority contracting community to  
29   collect information and gather feedback from the community on the  
30   perceptions of the current disadvantaged business enterprise  
31   contracting process, procedures, and results;

32        (e) An analysis of current disadvantaged business enterprise  
33   support services and the certification process overseen by the office  
34   of minority and women's business enterprises and provide  
35   recommendations on how the office and the department can increase the  
36   pool of eligible businesses, improve support services, respond to  
37   contractor needs, and increase overall participation in  
38   transportation projects. Any resulting recommendations from this  
39   subsection must also be reported to the technology and economic

1 development committee in the house of representatives and the trade  
2 and economic development committee in the senate;

3 (f) A review of the types and manners of oversight the department  
4 provides to prime contractors to ensure that established  
5 disadvantaged business enterprise goals on federally funded projects  
6 are met, including the means, methods, and results of such oversight,  
7 and recommend improvements to the oversight process; and

8 (g) Any other recommendations or issues identified that will  
9 provide improved access to transportation projects and procurement  
10 services by disadvantaged business enterprises and increase  
11 transparency and accountability of the department's efforts to the  
12 legislature.

13 (2) The advisory committee must provide a progress report to the  
14 joint transportation committee by December 2016 and provide  
15 recommendations for the items listed in subsection (1) of this  
16 section to the joint transportation committee and the house of  
17 representatives and senate transportation committees by July 1, 2017.  
18 The advisory committee must continually monitor the department's  
19 efforts and provide an evaluative report on the department's efforts,  
20 identify any gaps or continuing issues, and provide further  
21 recommendations to the transportation committees of the legislature  
22 by December 1, 2018.

23 (3) The department, office of minority and women's business  
24 enterprises, department of labor and industries, department of  
25 enterprise services, and other relevant state agencies must be  
26 available to assist in supplying necessary data and information to  
27 fulfill the advisory committee's purposes. The department must  
28 provide the past three years of contract awards, total funding  
29 available to contractors and awarded contracts, support services  
30 programmatic funding, work plans, and end-of-year reports. This data  
31 and information must be provided to the advisory committee before the  
32 first meeting, and the department must continually work with the  
33 advisory committee to respond to ongoing data requests.

34 (4) To the extent possible, the advisory committee must  
35 coordinate with the governor's subcabinet on business diversity.

36 (5)(a) The advisory committee must consist of seventeen members,  
37 which must meet at least two times in the 2015-2017 fiscal biennium  
38 and regularly thereafter or as needed. The advisory committee members  
39 must be jointly appointed by the speaker of the house of  
40 representatives and the president of the senate who must appoint:

1 (i) Representatives from the commission on Hispanic affairs,  
2 commission on African-American affairs, commission on Asian Pacific  
3 American affairs, and office of Indian affairs, with at least two  
4 representatives from each commission or office being appointed, a  
5 representative from the civil rights coalition, and a representative  
6 from Tabor 100; and

7 (ii) One member from each of the two largest caucuses in the  
8 house of representatives and the senate.

9 (b) Additionally, the advisory committee must include two  
10 disadvantaged business enterprise representatives selected by the  
11 office of minority and women's business enterprises and one  
12 representative from the department of transportation's office of  
13 equal opportunity.

14 (c) The advisory committee must elect from its membership a chair  
15 and vice chair.

16 (6) Advisory committee members are eligible for travel and per  
17 diem reimbursement.

18 (7) The commission must, to the extent possible, hire a  
19 consultant experienced with supporting, managing, and improving  
20 disadvantaged business enterprise goals in a public sector setting to  
21 organize and facilitate the advisory committee's work.

22 (8) The advisory committee terminates December 31, 2018.

23 **Sec. 3.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to  
24 read as follows:

25 The transportation commission shall have the following functions,  
26 powers, and duties:

27 (1) To propose policies to be adopted by the governor and the  
28 legislature designed to assure the development and maintenance of a  
29 comprehensive and balanced statewide transportation system which will  
30 meet the needs of the people of this state for safe and efficient  
31 transportation services. Wherever appropriate, the policies shall  
32 provide for the use of integrated, intermodal transportation systems.  
33 The policies must be aligned with the goals established in RCW  
34 47.04.280. To this end the commission shall:

35 (a) Develop transportation policies which are based on the  
36 policies, goals, and objectives expressed and inherent in existing  
37 state laws;

38 (b) Inventory the adopted policies, goals, and objectives of the  
39 local and area-wide governmental bodies of the state and define the

1 role of the state, regional, and local governments in determining  
2 transportation policies, in transportation planning, and in  
3 implementing the state transportation plan;

4 (c) Establish a procedure for review and revision of the state  
5 transportation policy and for submission of proposed changes to the  
6 governor and the legislature; and

7 (d) Integrate the statewide transportation plan with the needs of  
8 the elderly and persons with disabilities, and coordinate federal and  
9 state programs directed at assisting local governments to answer such  
10 needs;

11 (2) To provide for the effective coordination of state  
12 transportation planning with national transportation policy, state  
13 and local land use policies, and local and regional transportation  
14 plans and programs;

15 (3) In conjunction with the provisions under RCW 47.01.075, to  
16 provide for public involvement in transportation designed to elicit  
17 the public's views both with respect to adequate transportation  
18 services and appropriate means of minimizing adverse social,  
19 economic, environmental, and energy impact of transportation  
20 programs;

21 (4) By December 2010, to prepare a comprehensive and balanced  
22 statewide transportation plan consistent with the state's growth  
23 management goals and based on the transportation policy goals  
24 provided under RCW 47.04.280 and applicable state and federal laws.  
25 The plan must reflect the priorities of government developed by the  
26 office of financial management and address regional needs, including  
27 multimodal transportation planning. The plan must, at a minimum: (a)  
28 Establish a vision for the development of the statewide  
29 transportation system; (b) identify significant statewide  
30 transportation policy issues; and (c) recommend statewide  
31 transportation policies and strategies to the legislature to fulfill  
32 the requirements of subsection (1) of this section. The plan must be  
33 the product of an ongoing process that involves representatives of  
34 significant transportation interests and the general public from  
35 across the state. Every four years, the plan shall be reviewed and  
36 revised, and submitted to the governor and the house of  
37 representatives and senate standing committees on transportation.

38 The plan shall take into account federal law and regulations  
39 relating to the planning, construction, and operation of  
40 transportation facilities;

1 (5) By December 2007, the office of financial management shall  
2 submit a baseline report on the progress toward attaining the policy  
3 goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By  
4 October 1, 2008, beginning with the development of the 2009-2011  
5 biennial transportation budget, and by October 1st biennially  
6 thereafter, the office of financial management shall submit to the  
7 legislature and the governor a report on the progress toward the  
8 attainment by state transportation agencies of the state  
9 transportation policy goals and objectives prescribed by statute,  
10 appropriation, and governor directive. The report must, at a minimum,  
11 include the degree to which state transportation programs have  
12 progressed toward the attainment of the policy goals established  
13 under RCW 47.04.280, as measured by the objectives and performance  
14 measures established by the office of financial management under RCW  
15 47.04.280;

16 (6) To propose to the governor and the legislature prior to the  
17 convening of each regular session held in an odd-numbered year a  
18 recommended budget for the operations of the commission as required  
19 by RCW 47.01.061;

20 (7) To adopt such rules as may be necessary to carry out  
21 reasonably and properly those functions expressly vested in the  
22 commission by statute;

23 (8) To contract with the office of financial management or other  
24 appropriate state agencies for administrative support, accounting  
25 services, computer services, and other support services necessary to  
26 carry out its other statutory duties;

27 (9) To conduct transportation-related studies and policy analysis  
28 to the extent directed by the legislature or governor in the biennial  
29 transportation budget act, or as otherwise provided in law, and  
30 subject to the availability of amounts appropriated for this specific  
31 purpose; ((and))

32 (10) To administer the disadvantaged business enterprise advisory  
33 committee created in section 2 of this act; and

34 (11) To exercise such other specific powers and duties as may be  
35 vested in the transportation commission by this or any other  
36 provision of law."

37 Correct the title.

EFFECT: (1) Adds intent language, which clarifies that the Legislature plans to consider the Disadvantaged Business Enterprise (DBE) Advisory Committee's (Committee) recommendations in order to increase the number of DBE firms, to increase minority workers in construction trades, and to create economic opportunities for minority communities.

(2) Creates parameters around what the Committee must study in order to provide legislative recommendations.

(3) Requires the Washington State Department of Transportation and other relevant state agencies to provide certain data to the Committee.

(4) Changes the reporting and meeting structure.

(5) Changes the number of Committee members from 15 to 17 and clarifies how they will be appointed.

(6) Allows for Committee members to receive travel and per diem reimbursement.

(7) Requires the Washington State Transportation Commission to hire a consultant with relevant DBE experience in the public sector to organize and facilitate the Committee's work.

(8) Terminates the Committee on December 31, 2018.

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