

CERTIFICATION OF ENROLLMENT

SENATE BILL 5203

Chapter 173, Laws of 2015

64th Legislature
2015 Regular Session

PUBLIC WORKS--ALTERNATIVE CONTRACTING PROCEDURES--JOB ORDER
CONTRACTING

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 21, 2015
Yeas 44 Nays 4

BRAD OWEN

President of the Senate

Passed by the House April 9, 2015
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 6, 2015 2:43 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5203** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 6, 2015

**Secretary of State
State of Washington**

SENATE BILL 5203

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington **64th Legislature** **2015 Regular Session**

By Senators Warnick, Hasegawa, and Keiser; by request of Department of Enterprise Services

Read first time 01/15/15. Referred to Committee on Ways & Means.

1 AN ACT Relating to job order contracting requirements; and
2 amending RCW 39.10.440.

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

4 **Sec. 1.** RCW 39.10.440 and 2013 c 222 s 19 are each amended to
5 read as follows:

6 (1) The maximum total dollar amount that may be awarded under a
7 job order contract is four million dollars per year for a maximum of
8 three years. The maximum total dollar amount that may be awarded
9 under a job order contract for the department of enterprise services,
10 counties with a population of more than one million, and cities with
11 a population of more than four hundred thousand is six million
12 dollars per year for a maximum of three years.

13 (2) Job order contracts may be executed for an initial contract
14 term of not to exceed two years, with the option of extending or
15 renewing the job order contract for one year. All extensions or
16 renewals must be priced as provided in the request for proposals. The
17 extension or renewal must be mutually agreed to by the public body
18 and the job order contractor.

19 (3) A public body may have no more than two job order contracts
20 in effect at any one time, with the exception of the department of

1 enterprise services, which may have (~~four~~)six job order contracts
2 in effect at any one time.

3 (4) At least ninety percent of work contained in a job order
4 contract must be subcontracted to entities other than the job order
5 contractor. The job order contractor must distribute contracts as
6 equitably as possible among qualified and available subcontractors
7 including minority and woman-owned subcontractors to the extent
8 permitted by law.

9 (5) The job order contractor shall publish notification of intent
10 to perform public works projects at the beginning of each contract
11 year in a statewide publication and in a legal newspaper of general
12 circulation in every county in which the public works projects are
13 anticipated.

14 (6) Job order contractors shall pay prevailing wages for all work
15 that would otherwise be subject to the requirements of chapter 39.12
16 RCW. Prevailing wages for all work performed pursuant to each work
17 order must be the rates in effect at the time the individual work
18 order is issued.

19 (7) If, in the initial contract term, the public body, at no
20 fault of the job order contractor, fails to issue the minimum amount
21 of work orders stated in the public request for proposals, the public
22 body shall pay the contractor an amount equal to the difference
23 between the minimum work order amount and the actual total of the
24 work orders issued multiplied by an appropriate percentage for
25 overhead and profit contained in the contract award coefficient for
26 services as specified in the request for proposals. This is the
27 contractor's sole remedy.

28 (8) All job order contracts awarded under this section must be
29 signed before July 1, 2021; however the job order contract may be
30 extended or renewed as provided for in this section.

31 (9) Public bodies may amend job order contracts awarded prior to
32 July 1, 2007, in accordance with this chapter.

Passed by the Senate April 21, 2015.

Passed by the House April 9, 2015.

Approved by the Governor May 6, 2015.

Filed in Office of Secretary of State May 6, 2015.