

HB 1970 - S COMM AMD

By Committee on Transportation

ADOPTED 04/16/2025

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

3 **"Sec. 1.** RCW 39.10.270 and 2019 c 212 s 3 are each amended to
4 read as follows:

5 (1) A public body may apply for certification to use the design-
6 build or general contractor/construction manager contracting
7 procedure, or both. Once certified, a public body may use the
8 contracting procedure for which it is certified on individual
9 projects without seeking committee approval for a period of three
10 years. A public body seeking certification must submit to the
11 committee an application in a format and manner as prescribed by the
12 committee. The application must include a description of the public
13 body's qualifications, its capital plan during the certification
14 period, and its intended use of alternative contracting procedures.

15 (2) A public body seeking certification for the design-build
16 procedure must demonstrate successful management of at least one
17 design-build project within the previous five years. A public body
18 seeking certification for the general contractor/construction manager
19 procedure must demonstrate successful management of at least one
20 general contractor/construction manager project within the previous
21 five years.

22 (3) To certify a public body, the committee shall determine that
23 the public body:

24 (a) Has the necessary experience and qualifications to determine
25 which projects are appropriate for using alternative contracting
26 procedures;

27 (b) Has the necessary experience and qualifications to carry out
28 the alternative contracting procedure including, but not limited to:

29 (i) Project delivery knowledge and experience; (ii) personnel with
30 appropriate construction experience; (iii) a management plan and
31 rationale for its alternative public works projects; (iv)

1 demonstrated success in managing public works projects; (v) the
2 ability to properly manage its capital facilities plan including, but
3 not limited to, appropriate project planning and budgeting
4 experience; and (vi) the ability to meet requirements of this
5 chapter; and

6 (c) Has resolved any audit findings on previous public works
7 projects in a manner satisfactory to the committee.

8 (4) The committee shall make its determination at the public
9 meeting during which an application for certification is reviewed.
10 Public comments must be considered before a determination is made.
11 Within (~~ten~~) 10 business days of the public meeting, the committee
12 shall provide a written determination to the public body, and make
13 its determination available to the public on the committee's website.

14 (5) The committee may revoke any public body's certification upon
15 a finding, after a public hearing, that its use of design-build or
16 general contractor/construction manager contracting procedures no
17 longer serves the public interest.

18 (6) The committee may renew the certification of a public body
19 for additional three-year periods. The public body must submit an
20 application for recertification at least three months before the
21 initial certification expires. The committee may accept late
22 applications, if administratively feasible, to avoid expiration of
23 certification on a case-by-case basis. The application shall include
24 updated information on the public body's experience and current
25 staffing with the procedure it is applying to renew, and any other
26 information requested in advance by the committee. The committee must
27 review the application for recertification at a meeting held before
28 expiration of the applicant's initial certification period. A public
29 body must reapply for certification under the process described in
30 subsection (1) of this section once the period of recertification
31 expires.

32 (7) Certified public bodies must submit project data information
33 as required in RCW 39.10.320 and 39.10.350.

34 (8) The department of transportation is not subject to the
35 certification requirements under this section to use the design-build
36 procedure, progressive design-build procedure, or any general
37 contractor/construction manager contracting procedure on individual
38 projects.

1 **Sec. 2.** RCW 39.10.280 and 2014 c 42 s 2 are each amended to read
2 as follows:

3 (1) A public body not certified under RCW 39.10.270 must apply
4 for approval from the committee to use the design-build or general
5 contractor/construction manager contracting procedure on a project. A
6 public body seeking approval must submit to the committee an
7 application in a format and manner as prescribed by the committee.
8 The application must include a description of the public body's
9 qualifications, a description of the project, the public body's
10 intended use of alternative contracting procedures, and, if
11 applicable, a declaration that the public body has elected to procure
12 the project as a heavy civil construction project.

13 (2) To approve a proposed project, the committee shall determine
14 that:

15 (a) The alternative contracting procedure will provide a
16 substantial fiscal benefit or the use of the traditional method of
17 awarding contracts in lump sum to the low responsive bidder is not
18 practical for meeting desired quality standards or delivery
19 schedules;

20 (b) The proposed project meets the requirements for using the
21 alternative contracting procedure as described in RCW 39.10.300 or
22 39.10.340;

23 (c) The public body has the necessary experience or qualified
24 team to carry out the alternative contracting procedure including,
25 but not limited to: (i) Project delivery knowledge and experience;
26 (ii) sufficient personnel with construction experience to administer
27 the contract; (iii) a written management plan that shows clear and
28 logical lines of authority; (iv) the necessary and appropriate
29 funding and time to properly manage the job and complete the project;
30 (v) continuity of project management team, including personnel with
31 experience managing projects of similar scope and size to the project
32 being proposed; and (vi) necessary and appropriate construction
33 budget;

34 (d) For design-build projects, public body personnel or
35 consultants are knowledgeable in the design-build process and are
36 able to oversee and administer the contract; and

37 (e) The public body has resolved any audit findings related to
38 previous public works projects in a manner satisfactory to the
39 committee.

1 (3) The committee shall, if practicable, make its determination
2 at the public meeting during which a submittal is reviewed. Public
3 comments must be considered before a determination is made.

4 (4) Within (~~ten~~) 10 business days after the public meeting, the
5 committee shall provide a written determination to the public body,
6 and make its determination available to the public on the committee's
7 website. If the committee fails to make a written determination
8 within (~~ten~~) 10 business days of the public meeting, the request of
9 the public body to use the alternative contracting procedure on the
10 requested project shall be deemed approved.

11 (5) Failure of the committee to meet within sixty calendar days
12 of a public body's application to use an alternative contracting
13 procedure on a project shall be deemed an approval of the
14 application.

15 (6) Except as provided in RCW 47.20.785(2), the department of
16 transportation is not subject to the project approval requirements
17 under this section.

18 **Sec. 3.** RCW 47.20.780 and 2015 3rd sp.s. c 18 s 1 are each
19 amended to read as follows:

20 (1) The department of transportation shall develop a process for
21 awarding competitively bid highway construction contracts for
22 projects (~~over two million dollars~~) that may be constructed using a
23 design-build procedure, a progressive design-build procedure, or any
24 general contractor/construction manager procedure.

25 (2) As used in this section and RCW 47.20.785(~~, "design-build~~):

26 (a) "Design-build procedure" means a method of contracting under
27 which the department of transportation contracts with another party
28 for the party to both design and build the structures, facilities,
29 and other items specified in the contract.

30 (~~The process developed by the department must, at a minimum,~~
31 include the scope of services required under the design-build
32 procedure, contractor prequalification requirements, criteria for
33 evaluating technical information and project costs, contractor
34 selection criteria, and issue resolution procedures.)) (b) "General
35 contractor/construction manager procedure" means a method of
36 contracting under which the department of transportation selects a
37 firm to provide services during the design phase, negotiate a maximum
38 allowable construction cost, and act as construction manager and
39 general contractor during the construction phase.

1 (c) "Progressive design-build procedure" means a method of
2 contracting under which the department of transportation selects a
3 design-builder before the establishment of a final project design,
4 price, and schedule, and thereafter, the department and design-
5 builder collaborate to develop a final project scope, schedule, and
6 price.

7 **Sec. 4.** RCW 47.20.785 and 2015 3rd sp.s. c 18 s 2 are each
8 amended to read as follows:

9 (1) The department of transportation is authorized ((and strongly
10 encouraged)) to use the design-build procedure, progressive design-
11 build procedure, and any general contractor/construction manager
12 procedure for public works projects ((over two million dollars when:

13 ~~(1) The construction activities are highly specialized and a~~
14 ~~design-build approach is critical in developing the construction~~
15 ~~methodology; or~~

16 ~~(2) The projects selected provide opportunity for greater~~
17 ~~innovation and efficiencies between the designer and the builder; or~~

18 ~~(3) Significant savings in project delivery time would be~~
19 ~~realized)).~~

20 (2) For the first three general contractor/construction manager
21 projects that the department delivers, the department shall pursue
22 approval in accordance with RCW 39.10.280. After three such approvals
23 have been granted, the department is not subject to the approval
24 requirements of RCW 39.10.280.

25 **Sec. 5.** RCW 43.131.408 and 2023 c 395 s 36 are each amended to
26 read as follows:

27 The following acts or parts of acts, as now existing or hereafter
28 amended, are each repealed, effective June 30, 2032:

29 (1) RCW 39.10.200 and 2023 c 395 s 4, 2010 1st sp.s. c 21 s 2,
30 2007 c 494 s 1, & 1994 c 132 s 1;

31 (2) RCW 39.10.210 and 2023 c 395 s 5, 2021 c 230 s 1, 2019 c 212
32 s 1, 2014 c 42 s 1, & 2013 c 222 s 1;

33 (3) RCW 39.10.220 and 2023 c 395 s 6, 2021 c 230 s 2, 2013 c 222
34 s 2, 2007 c 494 s 102, & 2005 c 377 s 1;

35 (4) RCW 39.10.230 and 2023 c 395 s 7, 2021 c 230 s 3, 2013 c 222
36 s 3, 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007 c 494 s 103, & 2005
37 c 377 s 2;

- 1 (5) RCW 39.10.240 and 2023 c 395 s 8, 2021 c 230 s 4, 2013 c 222
2 s 4, & 2007 c 494 s 104;
- 3 (6) RCW 39.10.250 and 2021 c 230 s 5, 2019 c 212 s 2, 2013 c 222
4 s 5, 2009 c 75 s 2, & 2007 c 494 s 105;
- 5 (7) RCW 39.10.260 and 2013 c 222 s 6 & 2007 c 494 s 106;
- 6 (8) RCW 39.10.270 and 2025 c . . . s 1 (section 1 of this act),
7 2019 c 212 s 3, 2017 c 211 s 1, 2013 c 222 s 7, 2009 c 75 s 3, & 2007
8 c 494 s 107;
- 9 (9) RCW 39.10.280 and 2025 c . . . s 2 (section 2 of this act),
10 2014 c 42 s 2, 2013 c 222 s 8, & 2007 c 494 s 108;
- 11 (10) RCW 39.10.290 and 2007 c 494 s 109;
- 12 (11) RCW 39.10.300 and 2021 c 230 s 6, 2019 c 212 s 4, 2013 c 222
13 s 9, 2009 c 75 s 4, & 2007 c 494 s 201;
- 14 (12) RCW 39.10.320 and 2019 c 212 s 5, 2013 c 222 s 10, 2007 c
15 494 s 203, & 1994 c 132 s 7;
- 16 (13) RCW 39.10.330 and 2023 c 395 s 9, 2021 c 230 s 7, 2019 c 212
17 s 6, 2014 c 19 s 1, 2013 c 222 s 11, 2009 c 75 s 5, & 2007 c 494 s
18 204;
- 19 (14) RCW 39.10.340 and 2014 c 42 s 3, 2013 c 222 s 12, & 2007 c
20 494 s 301;
- 21 (15) RCW 39.10.350 and 2021 c 230 s 8, 2014 c 42 s 4, & 2007 c
22 494 s 302;
- 23 (16) RCW 39.10.360 and 2023 c 395 s 10, 2021 c 230 s 9, 2014 c
24 42 s 5, 2013 c 222 s 13, 2009 c 75 s 6, & 2007 c 494 s 303;
- 25 (17) RCW 39.10.370 and 2021 c 230 s 10, 2014 c 42 s 6, & 2007 c
26 494 s 304;
- 27 (18) RCW 39.10.380 and 2023 c 395 s 11, 2021 c 230 s 11, 2013 c
28 222 s 14, & 2007 c 494 s 305;
- 29 (19) RCW 39.10.385 and 2023 c 395 s 12, 2021 c 230 s 12, 2013 c
30 222 s 15, & 2010 c 163 s 1;
- 31 (20) RCW 39.10.390 and 2021 c 230 s 13, 2014 c 42 s 7, 2013 c 222
32 s 16, & 2007 c 494 s 306;
- 33 (21) RCW 39.10.400 and 2021 c 230 s 14, 2013 c 222 s 17, & 2007 c
34 494 s 307;
- 35 (22) RCW 39.10.410 and 2007 c 494 s 308;
- 36 (23) RCW 39.10.420 and 2019 c 212 s 7, 2017 c 136 s 1, & 2016 c
37 52 s 1;
- 38 (24) RCW 39.10.430 and 2021 c 230 s 15, 2019 c 212 s 8, & 2007 c
39 494 s 402;

- 1 (25) RCW 39.10.440 and 2021 c 230 s 16, 2019 c 212 s 9, 2015 c
2 173 s 1, 2013 c 222 s 19, & 2007 c 494 s 403;
- 3 (26) RCW 39.10.450 and 2019 c 212 s 10, 2012 c 102 s 2, & 2007 c
4 494 s 404;
- 5 (27) RCW 39.10.460 and 2021 c 230 s 17, 2012 c 102 s 3, & 2007 c
6 494 s 405;
- 7 (28) RCW 39.10.470 and 2019 c 212 s 11, 2014 c 19 s 2, 2005 c 274
8 s 275, & 1994 c 132 s 10;
- 9 (29) RCW 39.10.480 and 1994 c 132 s 9;
- 10 (30) RCW 39.10.490 and 2021 c 230 s 18, 2013 c 222 s 20, 2007 c
11 494 s 501, & 2001 c 328 s 5;
- 12 (31) RCW 39.10.900 and 1994 c 132 s 13;
- 13 (32) RCW 39.10.901 and 1994 c 132 s 14;
- 14 (33) RCW 39.10.903 and 2007 c 494 s 510;
- 15 (34) RCW 39.10.904 and 2007 c 494 s 512;
- 16 (35) RCW 39.10.905 and 2007 c 494 s 513; and
- 17 (36) RCW 39.10.908 and 2023 c 395 s 13 and 2021 c 230 s 19.

18 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of
20 the state government and its existing public institutions, and takes
21 effect immediately."

HB 1970 - S COMM AMD
By Committee on Transportation

ADOPTED 04/16/2025

22 On page 1, line 2 of the title, after "procedures;" strike the
23 remainder of the title and insert "amending RCW 39.10.270, 39.10.280,
24 47.20.780, 47.20.785, and 43.131.408; and declaring an emergency."

EFFECT: • Removes the trigger date of July 1, 2025, from when the
Department of Transportation must first complete three GC/CM projects
in order to be exempted from CPARB approval requirements.

• Makes other technical corrections to clarify CPARB
certification and approval exemptions and definitions for alternative
project delivery methods.

--- END ---