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HOUSE BILL 1970

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Zahn and Donaghy

Read first time 02/13/25. Referred to Committee on Transportation.

1 AN ACT Relating to state highway construction project alternative  
2 contracting procedures; amending RCW 39.10.270, 47.20.780, and  
3 47.20.785; and declaring an emergency.

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

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

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

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

1 general contractor/construction manager project within the previous  
2 five years.

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

5 (a) Has the necessary experience and qualifications to determine  
6 which projects are appropriate for using alternative contracting  
7 procedures;

8 (b) Has the necessary experience and qualifications to carry out  
9 the alternative contracting procedure including, but not limited to:  
10 (i) Project delivery knowledge and experience; (ii) personnel with  
11 appropriate construction experience; (iii) a management plan and  
12 rationale for its alternative public works projects; (iv)  
13 demonstrated success in managing public works projects; (v) the  
14 ability to properly manage its capital facilities plan including, but  
15 not limited to, appropriate project planning and budgeting  
16 experience; and (vi) the ability to meet requirements of this  
17 chapter; and

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

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

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

30 (6) The committee may renew the certification of a public body  
31 for additional three-year periods. The public body must submit an  
32 application for recertification at least three months before the  
33 initial certification expires. The committee may accept late  
34 applications, if administratively feasible, to avoid expiration of  
35 certification on a case-by-case basis. The application shall include  
36 updated information on the public body's experience and current  
37 staffing with the procedure it is applying to renew, and any other  
38 information requested in advance by the committee. The committee must  
39 review the application for recertification at a meeting held before  
40 expiration of the applicant's initial certification period. A public

1 body must reapply for certification under the process described in  
2 subsection (1) of this section once the period of recertification  
3 expires.

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

6 (8) The department of transportation is not subject to the  
7 certification requirements under this section to use the design-build  
8 or general contractor/construction manager contracting procedure on  
9 individual projects.

10 **Sec. 2.** RCW 47.20.780 and 2015 3rd sp.s. c 18 s 1 are each  
11 amended to read as follows:

12 The department of transportation shall develop a process for  
13 awarding competitively bid highway construction contracts for  
14 projects (~~over two million dollars~~) that may be constructed using  
15 (~~a design-build procedure. As used in this section and RCW~~  
16 ~~47.20.785, "design-build procedure" means a method of contracting~~  
17 ~~under which the department of transportation contracts with another~~  
18 ~~party for the party to both design and build the structures,~~  
19 ~~facilities, and other items specified in the contract.~~

20 ~~The process developed by the department must, at a minimum,~~  
21 ~~include the scope of services required under the design-build~~  
22 ~~procedure, contractor prequalification requirements, criteria for~~  
23 ~~evaluating technical information and project costs, contractor~~  
24 ~~selection criteria, and issue resolution procedures)) the alternative  
25 public works contracting procedures as authorized in RCW 47.20.785.~~

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

28 The department of transportation is authorized (~~and strongly~~  
29 ~~encouraged~~) to use the design-build procedure, progressive design-  
30 build, and general contractor/construction manager, as defined in RCW  
31 39.10.210, for public works projects (~~over two million dollars when:~~

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

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

37 ~~(3) Significant savings in project delivery time would be~~  
38 ~~realized)). For the first three general contractor/construction~~

1 manager projects that the department delivers after July 1, 2025, the  
2 department shall pursue approval in accordance with RCW 39.10.280.  
3 After three such approvals have been granted, the department is not  
4 subject to the approval requirements of RCW 39.10.280.

5 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of  
7 the state government and its existing public institutions, and takes  
8 effect immediately.

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