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SENATE BILL 5060

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State of Washington

57th Legislature

2001 Regular Session

By Senators Winsley and Patterson

Read first time 01/10/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to alternative public works contracting procedures;  
2 amending RCW 39.10.010, 39.10.020, 39.10.050, 39.10.065, 39.10.110,  
3 39.10.115, and 39.10.902; amending 2000 c 138 s 106 (uncodified);  
4 reenacting and amending RCW 39.10.060 and 39.10.120; adding a new  
5 section to chapter 39.10 RCW; providing an effective date; and  
6 declaring an emergency.

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

8 **Sec. 1.** RCW 39.10.010 and 1994 c 132 s 1 are each amended to read  
9 as follows:

10 The legislature finds that the traditional process of awarding  
11 public works contracts in lump sum to the lowest responsible bidder is  
12 a fair and objective method of selecting a contractor. However, under  
13 certain circumstances, alternative public works contracting procedures  
14 may best serve the public interest if such procedures are implemented  
15 in an open and fair process based on objective and equitable criteria.  
16 The purpose of this chapter is to authorize the use of certain  
17 supplemental alternative public works contracting procedures by state  
18 agencies and ((large)) municipalities under limited circumstances, to  
19 prescribe appropriate requirements to ensure that such contracting

1 procedures serve the public interest, and to establish a process for  
2 evaluation of such contracting procedures.

3 **Sec. 2.** RCW 39.10.020 and 2000 c 209 s 1 are each amended to read  
4 as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter.

7 (1) "Alternative public works contracting procedure" means the  
8 design-build and the general contractor/construction manager  
9 contracting procedures authorized in RCW 39.10.050 and 39.10.060,  
10 respectively.

11 (2) "Public body" means:

12 (a) The state department of general administration; the University  
13 of Washington; Washington State University; Central Washington  
14 University; Eastern Washington University; Western Washington  
15 University; The Evergreen State College; every city with a population  
16 greater than ((one hundred fifty)) seventy thousand; ((every city  
17 authorized to use the design-build procedure for a water system  
18 demonstration project under RCW 39.10.065(3);)) every county with a  
19 population greater than ((four)) three hundred ((fifty)) thousand;  
20 every port district with ((a population)) total revenues greater than  
21 ((five hundred thousand)) fifteen million dollars; every public utility  
22 district with revenues from energy sales greater than sixty-five  
23 million dollars per year; and those school districts proposing projects  
24 that are considered and approved by the school district project review  
25 board under RCW 39.10.115; and

26 (b) Those secondary public bodies proposing projects that are  
27 considered and approved by the secondary public body review board under  
28 section 9 of this act.

29 (3) "Public works project" means any work for a public body within  
30 the definition of the term public work in RCW 39.04.010.

31 (4) "Secondary public body" means any political subdivision or unit  
32 of local government of this state, including but not limited to  
33 municipal corporations, quasi-municipal corporations, public  
34 corporations, and special purpose districts, not defined as a public  
35 body in subsection (2)(a) of this section.

36 **Sec. 3.** RCW 39.10.050 and 1997 c 376 s 3 are each amended to read  
37 as follows:

1 (1) Notwithstanding any other provision of law, and after complying  
2 with RCW 39.10.030, the following public bodies may utilize the design-  
3 build procedure of public works contracting for public works projects  
4 authorized under this section: The state department of general  
5 administration; the University of Washington; Washington State  
6 University; Central Washington University; Eastern Washington  
7 University; Western Washington University; The Evergreen State College;  
8 every city with a population greater than (~~one hundred fifty~~) seventy  
9 thousand; every county with a population greater than (~~four~~) three  
10 hundred (~~fifty~~) thousand; (~~and~~) every port district with (~~a~~  
11 ~~population~~) total revenues greater than (~~five hundred thousand~~)  
12 fifteen million dollars; every public utility district with revenues  
13 from energy sales greater than sixty-five million dollars per year; and  
14 those secondary public bodies proposing projects that are considered  
15 and approved by the secondary public body review board under section 9  
16 of this act. The authority granted to port districts in this section  
17 is in addition to and does not affect existing contracting authority  
18 under RCW 53.08.120 and 53.08.130. The authority granted to public  
19 utility districts in this section and in RCW 39.10.060 is in addition  
20 to and does not affect existing contracting authority under chapter  
21 54.04 RCW. For the purposes of this section, "design-build procedure"  
22 means a contract between a public body and another party in which the  
23 party agrees to both design and build the facility, portion of the  
24 facility, or other item specified in the contract.

25 (2) Public bodies authorized under this section may utilize the  
26 design-build procedure for public works projects valued over ten  
27 million dollars where:

28 (a) The construction activities or technologies to be used are  
29 highly specialized and a design-build approach is critical in  
30 developing the construction methodology or implementing the proposed  
31 technology; or

32 (b) The project design is repetitive in nature and is an incidental  
33 part of the installation or construction; or

34 (c) Regular interaction with and feedback from facilities users and  
35 operators during design is not critical to an effective facility  
36 design.

37 (3) Public bodies authorized under this section may also use the  
38 design-build procedure for the following projects that meet the  
39 criteria in subsection (2)(b) and (c) of this section:

1 (a) The construction or erection of preengineered metal buildings  
2 or prefabricated modular buildings, regardless of cost; or

3 (b) The construction of new student housing projects valued over  
4 five million dollars.

5 (4) Contracts for design-build services shall be awarded through a  
6 competitive process utilizing public solicitation of proposals for  
7 design-build services. The public body shall publish at least once in  
8 a legal newspaper of general circulation published in or as near as  
9 possible to that part of the county in which the public work will be  
10 done, a notice of its request for proposals for design-build services  
11 and the availability and location of the request for proposal  
12 documents. The request for proposal documents shall include:

13 (a) A detailed description of the project including programmatic,  
14 performance, and technical requirements and specifications, functional  
15 and operational elements, minimum and maximum net and gross areas of  
16 any building, and, at the discretion of the public body, preliminary  
17 engineering and architectural drawings;

18 (b) The reasons for using the design-build procedure;

19 (c) A description of the qualifications to be required of the  
20 proposer including, but not limited to, submission of the proposer's  
21 accident prevention program;

22 (d) A description of the process the public body will use to  
23 evaluate qualifications and proposals, including evaluation factors and  
24 the relative weight of factors. Evaluation factors shall include, but  
25 not be limited to: Proposal price; ability of professional personnel;  
26 past performance on similar projects; ability to meet time and budget  
27 requirements; ability to provide a performance and payment bond for the  
28 project; recent, current, and projected work loads of the firm;  
29 location; and the concept of the proposal;

30 (e) The form of the contract to be awarded;

31 (f) The maximum allowable construction cost and minority and women  
32 enterprise total project goals;

33 (g) The amount to be paid to finalists submitting best and final  
34 proposals who are not awarded a design-build contract; and

35 (h) Other information relevant to the project.

36 (5) The public body shall establish a committee to evaluate the  
37 proposals based on the factors, weighting, and process identified in  
38 the request for proposals. Based on its evaluation, the public body  
39 shall select not fewer than three nor more than five finalists to

1 submit best and final proposals. The public body may, in its sole  
2 discretion, reject all proposals. Design-build contracts shall be  
3 awarded using the procedures in (a) or (b) of this subsection.

4 (a) Best and final proposals shall be evaluated and scored based on  
5 the factors, weighting, and process identified in the initial request  
6 for proposals. The public body may score the proposals using a system  
7 that measures the quality and technical merits of the proposal on a  
8 unit price basis. Final proposals may not be considered if the  
9 proposal cost is greater than the maximum allowable construction cost  
10 identified in the initial request for proposals. The public body shall  
11 initiate negotiations with the firm submitting the highest scored best  
12 and final proposal. If the public body is unable to execute a contract  
13 with the firm submitting the highest scored best and final proposal,  
14 negotiations with that firm may be suspended or terminated and the  
15 public body may proceed to negotiate with the next highest scored firm.  
16 Public bodies shall continue in accordance with this procedure until a  
17 contract agreement is reached or the selection process is terminated.

18 (b) If the public body determines that all finalists are capable of  
19 producing plans and specifications that adequately meet project  
20 requirements, the public body may award the contract to the firm that  
21 submits the responsive best and final proposal with the lowest price.

22 (6) The firm awarded the contract shall provide a performance and  
23 payment bond for the contracted amount. The public body shall provide  
24 appropriate honorarium payments to finalists submitting best and final  
25 proposals who are not awarded a design-build contract. Honorarium  
26 payments shall be sufficient to generate meaningful competition among  
27 potential proposers on design-build projects.

28 **Sec. 4.** RCW 39.10.060 and 2000 c 209 s 2 and 2000 c 194 s 1 are  
29 each reenacted and amended to read as follows:

30 (1) Notwithstanding any other provision of law, and after complying  
31 with RCW 39.10.030, (~~the following~~) a public (~~bodies~~) body may  
32 utilize the general contractor/construction manager procedure of public  
33 works contracting for public works projects authorized under subsection  
34 (2) of this section(~~the state department of general administration;~~  
35 ~~the University of Washington; Washington State University; every city~~  
36 ~~with a population greater than one hundred fifty thousand; every county~~  
37 ~~with a population greater than four hundred fifty thousand; every port~~  
38 ~~district with a population greater than five hundred thousand; and~~

1 ~~those school districts proposing projects that are considered and~~  
2 ~~approved by the school district project review board under RCW~~  
3 ~~39.10.115)).~~ For the purposes of this section, "general  
4 contractor/construction manager" means a firm with which a public body  
5 has selected and negotiated a maximum allowable construction cost to be  
6 guaranteed by the firm, after competitive selection through formal  
7 advertisement and competitive bids, to provide services during the  
8 design phase that may include life-cycle cost design considerations,  
9 value engineering, scheduling, cost estimating, constructability,  
10 alternative construction options for cost savings, and sequencing of  
11 work, and to act as the construction manager and general contractor  
12 during the construction phase.

13 (2) Except those school districts proposing projects that are  
14 considered and approved by the school district project review board,  
15 public bodies authorized under this section may utilize the general  
16 contractor/construction manager procedure for public works projects  
17 valued over ten million dollars where:

18 (a) Implementation of the project involves complex scheduling  
19 requirements; or

20 (b) The project involves construction at an existing facility which  
21 must continue to operate during construction; or

22 (c) The involvement of the general contractor/construction manager  
23 during the design stage is critical to the success of the project.

24 (3) Public bodies should select general contractor/construction  
25 managers early in the life of public works projects, and in most  
26 situations no later than the completion of schematic design.

27 (4) Contracts for the services of a general contractor/construction  
28 manager under this section shall be awarded through a competitive  
29 process requiring the public solicitation of proposals for general  
30 contractor/construction manager services. The public solicitation of  
31 proposals shall include: A description of the project, including  
32 programmatic, performance, and technical requirements and  
33 specifications when available; the reasons for using the general  
34 contractor/construction manager procedure; a description of the  
35 qualifications to be required of the proposer, including submission of  
36 the proposer's accident prevention program; a description of the  
37 process the public body will use to evaluate qualifications and  
38 proposals, including evaluation factors and the relative weight of  
39 factors; the form of the contract to be awarded; the estimated maximum

1 allowable construction cost; minority and women business enterprise  
2 total project goals, where applicable; and the bid instructions to be  
3 used by the general contractor/construction manager finalists.  
4 Evaluation factors shall include, but not be limited to: Ability of  
5 professional personnel, past performance in negotiated and complex  
6 projects, and ability to meet time and budget requirements; the scope  
7 of work the general contractor/construction manager proposes to self-  
8 perform and its ability to perform it; location; recent, current, and  
9 projected work loads of the firm; and the concept of their proposal.  
10 A public body shall establish a committee to evaluate the proposals.  
11 After the committee has selected the most qualified finalists, these  
12 finalists shall submit final proposals, including sealed bids for the  
13 percent fee, which is the percentage amount to be earned by the general  
14 contractor/construction manager as overhead and profit, on the  
15 estimated maximum allowable construction cost and the fixed amount for  
16 the detailed specified general conditions work. The public body shall  
17 select the firm submitting the highest scored final proposal using the  
18 evaluation factors and the relative weight of factors published in the  
19 public solicitation of proposals.

20 (5) The maximum allowable construction cost may be negotiated  
21 between the public body and the selected firm after the scope of the  
22 project is adequately determined to establish a guaranteed contract  
23 cost for which the general contractor/construction manager will provide  
24 a performance and payment bond. The guaranteed contract cost includes  
25 the fixed amount for the detailed specified general conditions work,  
26 the negotiated maximum allowable construction cost, the percent fee on  
27 the negotiated maximum allowable construction cost, and sales tax. If  
28 the public body is unable to negotiate a satisfactory maximum allowable  
29 construction cost with the firm selected that the public body  
30 determines to be fair, reasonable, and within the available funds,  
31 negotiations with that firm shall be formally terminated and the public  
32 body shall negotiate with the next highest scored firm and continue  
33 until an agreement is reached or the process is terminated. If the  
34 maximum allowable construction cost varies more than fifteen percent  
35 from the bid estimated maximum allowable construction cost due to  
36 requested and approved changes in the scope by the public body, the  
37 percent fee shall be renegotiated.

38 (6) All subcontract work shall be competitively bid with public bid  
39 openings. Subcontract work shall not be issued for bid until the

1 public body has approved, in consultation with the office of minority  
2 and women's business enterprises or the equivalent local agency, a plan  
3 prepared by the general contractor/construction manager for attaining  
4 applicable minority and women business enterprise total project goals  
5 that equitably spreads women and minority enterprise opportunities to  
6 as many firms in as many bid packages as is practicable. When critical  
7 to the successful completion of a subcontractor bid package and after  
8 publication of notice of intent to determine bidder eligibility in a  
9 legal newspaper of general circulation published in or as near as  
10 possible to that part of the county in which the public work will be  
11 done at least twenty days before requesting qualifications from  
12 interested subcontract bidders, the owner and general  
13 contractor/construction manager may ~~((evaluate for))~~ determine  
14 subcontractor bidding eligibility ((a subcontractor's ability, time,  
15 budget, and specification requirements based on the subcontractor's  
16 performance of those items on previous projects)) using the following  
17 evaluation criteria:

18 (a) Adequate financial resources or the ability to secure such  
19 resources;

20 (b) History of successful completion of a contract of similar type  
21 and scope;

22 (c) Project management and project supervision personnel with  
23 experience on similar projects and the availability of such personnel  
24 for the project;

25 (d) Current and projected workload and the impact the project will  
26 have on the subcontractor's current and projected workload;

27 (e) Ability to accurately estimate the subcontract bid package  
28 scope of work;

29 (f) Ability to meet subcontract bid package shop drawing and other  
30 coordination procedures;

31 (g) Eligibility to receive an award under applicable laws and  
32 regulations; and

33 (h) Ability to meet subcontract bid package scheduling  
34 requirements.

35 The owner and general contractor/construction manager shall weigh  
36 the evaluation criteria and determine a minimum acceptable score to be  
37 considered an eligible subcontract bidder.

38 After publication of notice of intent to determine bidder  
39 eligibility, subcontractors requesting eligibility shall be provided

1 the evaluation criteria and weighting to be used by the owner and  
2 general contractor/construction manager to determine eligible  
3 subcontract bidders. After the owner and general  
4 contractor/construction manager determine eligible subcontract bidders,  
5 subcontractors requesting eligibility shall be provided the results and  
6 scoring of the subcontract bidder eligibility determination.

7 Subcontract bid packages shall be awarded to the responsible bidder  
8 submitting the low responsive bid. The requirements of RCW 39.30.060  
9 apply to each subcontract bid package. All subcontractors who bid work  
10 over three hundred thousand dollars shall post a bid bond and all  
11 subcontractors who are awarded a contract over three hundred thousand  
12 dollars shall provide a performance and payment bond for their contract  
13 amount. All other subcontractors shall provide a performance and  
14 payment bond if required by the general contractor/construction  
15 manager. A low bidder who claims error and fails to enter into a  
16 contract is prohibited from bidding on the same project if a second or  
17 subsequent call for bids is made for the project. Except as provided  
18 for under subsection (7) of this section, bidding on subcontract work  
19 by the general contractor/construction manager or its subsidiaries is  
20 prohibited. The general contractor/construction manager may negotiate  
21 with the low-responsive bidder in accordance with RCW 39.10.080 or, if  
22 unsuccessful in such negotiations, rebid.

23 (7) The general contractor/construction manager, or its  
24 subsidiaries, may bid on subcontract work if:

25 (a) The work within the subcontract bid package is customarily  
26 performed by the general contractor/construction manager;

27 (b) The bid opening is managed by the public body; and

28 (c) Notification of the general contractor/construction manager's  
29 intention to bid is included in the public solicitation of bids for the  
30 bid package.

31 In no event may the value of subcontract work performed by the  
32 general contractor/construction manager exceed thirty percent of the  
33 negotiated maximum allowable construction cost.

34 (8) A public body may include an incentive clause in any contract  
35 awarded under this section for savings of either time or cost or both  
36 from that originally negotiated. No incentives granted may exceed five  
37 percent of the maximum allowable construction cost. If the project is  
38 completed for less than the agreed upon maximum allowable construction  
39 cost, any savings not otherwise negotiated as part of an incentive

1 clause shall accrue to the public body. If the project is completed  
2 for more than the agreed upon maximum allowable construction cost,  
3 excepting increases due to any contract change orders approved by the  
4 public body, the additional cost shall be the responsibility of the  
5 general contractor/construction manager.

6 **Sec. 5.** RCW 39.10.065 and 1997 c 376 s 5 are each amended to read  
7 as follows:

8 (1) In addition to the projects authorized in RCW 39.10.050 and  
9 39.10.060, public bodies may use the general contractor/construction  
10 manager or design-build procedure for demonstration projects valued  
11 between three million dollars and ten million dollars as follows:

12 (a) Three demonstration projects by ~~((the department of general  
13 administration))~~ a city with a population greater than four hundred  
14 thousand; and

15 (b) One demonstration project by each of the public bodies  
16 authorized in RCW 39.10.020(2)(a) other than ~~((the department of  
17 general administration))~~ a city with a population greater than four  
18 hundred thousand.

19 (2) Public bodies shall give weight to proposers' experience  
20 working on projects valued between three million dollars and ten  
21 million dollars in the evaluation process for the selection of a  
22 general contractor/construction manager or design-build firm for  
23 demonstration projects authorized in subsection (1) of this section.

24 ~~((Cities which supply water to over three hundred fifty  
25 thousand people may use the design-build procedure for one water system  
26 demonstration project valued over ten million dollars. Use of the  
27 design-build procedure shall be deemed to effect compliance with the  
28 requirement for competitive bids under RCW 43.155.060.~~

29 ~~(4))~~ All contracts authorized under this section must be entered  
30 into before July 1, ~~((1999))~~ 2005.

31 ~~((5))~~ (4) In the event that a public body determines not to  
32 perform a demonstration project using its authority under this section,  
33 it may transfer its authority to a secondary public body, which must  
34 follow the procedures in section 9 of this act, or to another public  
35 body.

36 **Sec. 6.** RCW 39.10.110 and 1997 c 376 s 6 are each amended to read  
37 as follows:

1       (1) There is established a (~~temporary independent oversight~~)  
2 public works procurement committee to review the utilization of the  
3 alternative public works contracting procedures authorized under this  
4 chapter, to evaluate potential future utilization of other alternative  
5 contracting procedures, including, but not limited to, contractor  
6 prequalification, and, if desired by the committee, to review  
7 traditional public works contracting procedures used by state agencies  
8 and municipalities. The committee shall also pursue the development of  
9 a mentoring program for expansion of the authorities in this chapter to  
10 other public bodies. The membership of the committee shall include:  
11 Two members of the house of representatives, one from each major  
12 caucus, appointed by the speaker of the house of representatives; two  
13 members of the senate, one from each major caucus, appointed by the  
14 president of the senate; representatives from the appropriate segments  
15 of the construction, contracting, subcontracting, and design  
16 industries, appointed by the governor; representatives from appropriate  
17 labor organizations, appointed by the governor; representatives from  
18 public bodies authorized to use the alternative public works  
19 contracting procedures under this chapter, appointed by the governor;  
20 a representative from the office of minority and women's business  
21 enterprises, appointed by the governor; and a representative from the  
22 office of financial management, appointed by the governor. The  
23 governor shall maintain a balance between representatives from public  
24 agencies and the private sector when appointing members to the  
25 committee, and shall consider the recommendations of the established  
26 organizations representing the construction, contracting,  
27 subcontracting, and design industries and organized labor in making the  
28 industry and labor appointments.

29       (2) (~~The committee shall meet beginning after July 1, 1994.~~) A  
30 chair or cochairs shall be selected from among the committee's  
31 membership. Staff support for the committee shall be provided by the  
32 agencies and organizations represented on the committee.

33       (3) Public bodies utilizing the alternative contracting procedures  
34 authorized under this chapter shall provide any requested information  
35 concerning implementation of projects under this chapter to the  
36 committee in a timely manner, excepting any trade secrets or  
37 proprietary information.

1 (4) The committee shall report to the appropriate standing  
2 committees of the legislature by December (~~(10, 2000,)~~) 10th of each  
3 year concerning its findings and recommendations.

4 **Sec. 7.** 2000 c 138 s 106 (uncodified) is amended to read as  
5 follows:

6 A report on the use of the small works roster shall be made to the  
7 (~~(independent—oversight))~~) public works procurement committee  
8 established under RCW 39.10.110 prior to the 2003 legislative session.

9 **Sec. 8.** RCW 39.10.115 and 2000 c 209 s 4 are each amended to read  
10 as follows:

11 (1) The school district project review board is established to  
12 review school district proposals submitted by school districts to use  
13 alternative public works contracting procedures. The board shall  
14 select and approve qualified projects based upon an evaluation of the  
15 information submitted by the school district under subsection (2) of  
16 this section. The membership of the board shall be selected by the  
17 (~~(independent—oversight))~~) public works procurement committee as  
18 established under RCW 39.10.110 and shall include the following  
19 representatives, each having experience with public works or commercial  
20 construction: One representative from the office of the superintendent  
21 of public instruction; one representative from the office of financial  
22 management; two representatives from the construction industry, one of  
23 whom works for a construction company with gross annual revenues of  
24 twenty million dollars or less; one representative from the specialty  
25 contracting industry; one representative from organized labor; one  
26 representative from the design industry; one representative from a  
27 public body previously authorized under this chapter to use an  
28 alternative public works contracting procedure who has experience using  
29 such alternative contracting procedures; one representative from school  
30 districts with ten thousand or more annual average full-time equivalent  
31 pupils; and one representative from school districts with fewer than  
32 ten thousand average full-time equivalent pupils. Each member shall be  
33 appointed for a term of three years, with the first three-year term  
34 commencing after June 8, 2000. Any member of the school district  
35 project review board who is directly affiliated with any applicant  
36 before the board must recuse him or herself from consideration of the  
37 application.

1 (2) A school district seeking to use alternative contracting  
2 procedures authorized under this chapter shall file an application with  
3 the school district project review board. The application form shall  
4 require the district to submit a detailed statement of the proposed  
5 project, including the school district's name; student population based  
6 upon October full-time equivalents; the current projected total budget  
7 for the project, including the estimated construction costs, costs for  
8 professional services, equipment and furnishing costs, off-site costs,  
9 contract administration costs, and other related project costs; the  
10 anticipated project design and construction schedule; a summary of the  
11 school district's construction activity for the preceding six years;  
12 and an explanation of why the school district believes the use of an  
13 alternative contracting procedure is in the public interest and why the  
14 school district is qualified to use an alternative contracting  
15 procedure, including a summary of the relevant experience of the school  
16 district's management team. The applicant shall also provide in a  
17 timely manner any other information concerning implementation of  
18 projects under this chapter requested by the school district project  
19 review board to assist in its consideration.

20 (3) Any school district whose application is approved by the school  
21 district project review board shall comply with the public notification  
22 and review requirements in RCW 39.10.030.

23 (4) Any school district whose application is approved by the school  
24 district project review board shall not use as an evaluation factor  
25 whether a contractor submitting a bid for the approved project has had  
26 prior general contractor/construction manager procedure experience.

27 (5) The school district project review board shall prepare and  
28 issue a report reviewing the use of the alternative public works  
29 contracting procedures by school districts. The board shall report to  
30 the ~~((independent oversight))~~ public works procurement committee at  
31 least sixty days before the ~~((oversight))~~ committee is required to  
32 report to the legislature under RCW 39.10.110(4).

33 NEW SECTION. **Sec. 9.** A new section is added to chapter 39.10 RCW  
34 to read as follows:

35 (1) The secondary public body project review board is established  
36 to review the qualifications of secondary public bodies seeking  
37 authority to use alternative public works contracting procedures. The  
38 board shall select and approve qualified secondary public bodies based

1 upon an evaluation of the information submitted by the secondary public  
2 body under subsection (2) of this section. The board shall issue a  
3 decision on the qualification of a secondary public body within sixty  
4 days of the filing of the completed application. The membership of the  
5 board shall be selected by the public works procurement committee as  
6 established under RCW 39.10.110 and shall include the following  
7 representatives, each having experience with public works or commercial  
8 construction: One representative from the office of financial  
9 management; two representatives from the construction industry, one of  
10 whom works for a construction company with gross annual revenues of  
11 twenty million dollars or less; one representative from the specialty  
12 contracting industry; one representative from organized labor; one  
13 representative from the design industry; one representative from a  
14 public body previously authorized under this chapter to use an  
15 alternative public works contracting procedure who has experience using  
16 such alternative contracting procedures; and two representatives from  
17 secondary public bodies. Each member shall be appointed for a term of  
18 three years, with the first three-year term commencing after the  
19 effective date of this section. Any member of the secondary public  
20 body project review board who is directly affiliated with any applicant  
21 before the board must recuse himself or herself from consideration of  
22 the application.

23 (2) A secondary public body seeking to use alternative contracting  
24 procedures authorized under this chapter shall file an application for  
25 each project it proposes to do with the secondary public body project  
26 review board. The application form shall require the secondary public  
27 body to submit a detailed statement of the proposed project, including  
28 the secondary public body's name; the current projected total budget  
29 for the project, including the estimated construction costs, costs for  
30 professional services, equipment and furnishing costs, off-site costs,  
31 contract administration costs, and other related project costs; the  
32 anticipated project design and construction schedule; a summary of the  
33 secondary public body's construction activity for the preceding six  
34 years; and an explanation of why the secondary public body believes the  
35 use of an alternative contracting procedure is consistent with this  
36 chapter and why the secondary public body is qualified to use an  
37 alternative contracting procedure, including a summary of the relevant  
38 experience of the secondary public body's project management team. The  
39 applicant shall also provide in a timely manner any other information

1 concerning implementation of projects under this chapter requested by  
2 the secondary public body project review board to assist in its  
3 consideration.

4 (3) Any secondary public body whose application is approved by the  
5 secondary public body project review board shall comply with the public  
6 notification and review requirements in RCW 39.10.030.

7 (4) The secondary public body project review board shall prepare  
8 and issue a report reviewing the use of the alternative public works  
9 contracting procedures by secondary public bodies. The board shall  
10 report to the public works procurement committee at least sixty days  
11 before the committee is required to report to the legislature under RCW  
12 39.10.110(4).

13 **Sec. 10.** RCW 39.10.120 and 1997 c 376 s 7 and 1997 c 220 s 404 are  
14 each reenacted and amended to read as follows:

15 (1) Except as provided in subsections (2) and (3) of this section,  
16 the alternative public works contracting procedures authorized under  
17 this chapter are limited to public works contracts signed before July  
18 1, ((2001)) 2007. Methods of public works contracting authorized by  
19 RCW 39.10.050 and 39.10.060 shall remain in full force and effect until  
20 completion of contracts signed before July 1, ((2001)) 2007.

21 (2) For the purposes of a baseball stadium as defined in RCW  
22 82.14.0485, the design-build contracting procedures under RCW 39.10.050  
23 shall remain in full force and effect until completion of contracts  
24 signed before December 31, 1997.

25 (3) For the purposes of a stadium and exhibition center, as defined  
26 in RCW 36.102.010, the design-build contracting procedures under RCW  
27 39.10.050 shall remain in full force and effect until completion of  
28 contracts signed before December 31, 2002.

29 **Sec. 11.** RCW 39.10.902 and 1997 c 376 s 8 are each amended to read  
30 as follows:

31 The following acts or parts of acts, as now existing or hereafter  
32 amended, are each repealed, effective July 1, ((2001)) 2007:

33 (1) RCW 39.10.010 and section 1 of this act & 1994 c 132 s 1;

34 (2) RCW 39.10.020 and section 2 of this act, 2000 c 209 s 1, 1997  
35 c 376 s 1, & 1994 c 132 s 2;

36 (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;

37 (4) RCW 39.10.040 and 1994 c 132 s 4;

1 (5) RCW 39.10.050 and section 3 of this act, 1997 c 376 s 3, & 1994  
2 c 132 s 5;

3 (6) RCW 39.10.060 and section 4 of this act, 2000 c 209 s 2, 2000  
4 c 194 s 1, 1997 c 376 s 4, 1996 c 18 s 6, & 1994 c 132 s 6;

5 (7) RCW 39.10.065 and section 5 of this act & 1997 c 376 s 5;

6 (8) RCW 39.10.067 and 2000 c 209 s 3;

7 (9) RCW 39.10.070 and 1994 c 132 s 7;

8 ((+9)) (10) RCW 39.10.080 and 1994 c 132 s 8;

9 ((+10)) (11) RCW 39.10.090 and 1994 c 132 s 9;

10 ((+11)) (12) RCW 39.10.100 and 1994 c 132 s 10;

11 ((+12)) (13) RCW 39.10.110 and section 6 of this act, 1997 c 376  
12 s 6, & 1994 c 132 s 11;

13 ((+13)) (14) RCW 39.10.115 and section 8 of this act & 2000 c 209  
14 s 4;

15 (15) RCW 39.10.--- and section 9 of this act;

16 (16) RCW 39.10.900 and 1994 c 132 s 13; and

17 ((+14)) (17) RCW 39.10.901 and 1994 c 132 s 14((; and

18 (15) RCW 39.10.902 and 1994 c 132 s 15)).

19 NEW SECTION. Sec. 12. This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 July 1, 2001.

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