

**RCW 39.10.300 Design-build procedure—Uses—Washington State University may perform design-build demonstration projects. (1)**

Subject to the requirements in RCW 39.10.250, 39.10.270, or 39.10.280, public bodies may utilize the design-build procedure, including progressive design-build, for public works projects in which the total project cost is over \$2,000,000 and where:

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

(b) The projects selected provide opportunity for greater innovation or efficiencies between the designer and the builder; or

(c) Significant savings in project delivery time would be realized.

(2) Subject to the process in RCW 39.10.270 or 39.10.280, public bodies may use the design-build procedure, including progressive design-build, for parking garages and preengineered metal buildings, regardless of cost.

(3) The design-build procedure may be used for the construction or erection of portable facilities as defined in WAC 392-343-018, or not more than 10 prefabricated modular buildings per installation site, regardless of cost and is not subject to approval by the committee.

(4) Except for utility projects and approved demonstration projects, the design-build procedure may not be used to procure operations and maintenance services for a period longer than three years. State agency projects that propose to use the design-build-operate-maintain procedure shall submit cost estimates for the construction portion of the project consistent with the office of financial management's capital budget requirements. Operations and maintenance costs must be shown separately and must not be included as part of the capital budget request.

(5) Subject to the process in RCW 39.10.280, a public body may seek committee approval for a design-build demonstration project that includes procurement of operations and maintenance services for a period longer than three years.

(6) Washington State University may perform design-build demonstration projects with a total project cost under \$2,000,000 to develop best practices in encouraging participation of small business entities and of minority, women, and veteran-owned businesses, and in managing capital projects under \$2,000,000. Washington State University shall provide reports to the board every other year, starting with two years after May 10, 2021. Such reports shall include information on the type of projects performed, the initial and final project cost and schedule of the projects, participation of small business entities and of minority, women, and veteran-owned businesses, and the best practices derived from the projects. The report shall include outreach measures developed in concert with the office of minority and women's business enterprises. [2021 c 230 s 6; 2019 c 212 s 4; 2013 c 222 s 9; 2009 c 75 s 4; 2007 c 494 s 201. Prior: 2003 c 352 s 2; 2003 c 300 s 4; 2002 c 46 s 1; 2001 c 328 s 2. Formerly RCW 39.10.051.]

**Sunset Act application:** See note following chapter digest.

**Effective date—2021 c 230:** See note following RCW 39.10.210.

**Effective date—2013 c 222:** See note following RCW 39.10.210.

**Effective date—2002 c 46:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 14, 2002]." [2002 c 46 s 5.]

**Effective date—2001 c 328:** See note following RCW 39.10.210.