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HOUSE BILL 2052

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State of Washington

65th Legislature

2017 Regular Session

By Representative Buys

1 AN ACT Relating to recertification of public bodies using  
2 alternative contracting methods; amending RCW 39.10.270; and  
3 reenacting and amending RCW 43.131.408.

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

5 **Sec. 1.** RCW 39.10.270 and 2013 c 222 s 7 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. Public bodies certified to use the design-build procedure are  
13 limited to no more than five projects with a total project cost  
14 between two and ten million dollars during the certification period.  
15 A public body seeking certification must submit to the committee an  
16 application in a format and manner as prescribed by the committee.  
17 The application must include a description of the public body's  
18 qualifications, its capital plan during the certification period, and  
19 its intended use of alternative contracting procedures.

20 (2) A public body seeking certification for the design-build  
21 procedure must demonstrate successful management of at least one

1 design-build project within the previous five years. A public body  
2 seeking certification for the general contractor/construction manager  
3 procedure must demonstrate successful management of at least one  
4 general contractor/construction manager project within the previous  
5 five years.

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

8 (a) Has the necessary experience and qualifications to determine  
9 which projects are appropriate for using alternative contracting  
10 procedures;

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

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

23 (4) The committee shall, if practicable, make its determination  
24 at the public meeting during which an application for certification  
25 is reviewed. Public comments must be considered before a  
26 determination is made. Within ten business days of the public  
27 meeting, the committee shall provide a written determination to the  
28 public body, and make its determination available to the public on  
29 the committee's web site.

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

34 (6) The committee may renew the certification of a public body  
35 for additional three-year periods. The public body must submit an  
36 application for recertification at least three months before the  
37 initial certification expires. The committee may accept late  
38 applications, if administratively feasible, to avoid expiration of  
39 certification on a case-by-case basis. The application shall include  
40 updated information on the public body's experience and current

1 staffing with the procedure it is applying to renew, and any other  
2 information requested in advance by the committee. The committee must  
3 review the application for recertification at a meeting held before  
4 expiration of the applicant's initial certification period. A public  
5 body must reapply for certification under the process described in  
6 subsection (1) of this section once the period of recertification  
7 expires.

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

10 **Sec. 2.** RCW 43.131.408 and 2014 c 42 s 8 and 2014 c 19 s 3 are  
11 each reenacted and amended to read as follows:

12 The following acts or parts of acts, as now existing or hereafter  
13 amended, are each repealed, effective June 30, 2022:

14 (1) RCW 39.10.200 and 2010 1st sp.s. c 21 § 2, 2007 c 494 § 1, &  
15 1994 c 132 § 1;

16 (2) RCW 39.10.210 and 2014 c 42 § 1, 2013 c 222 § 1, 2010 1st  
17 sp.s. c 36 § 6014, 2007 c 494 § 101, & 2005 c 469 § 3;

18 (3) RCW 39.10.220 and 2013 c 222 § 2, 2007 c 494 § 102, & 2005 c  
19 377 § 1;

20 (4) RCW 39.10.230 and 2013 c 222 § 3, 2010 1st sp.s. c 21 § 3,  
21 2009 c 75 § 1, 2007 c 494 § 103, & 2005 c 377 § 2;

22 (5) RCW 39.10.240 and 2013 c 222 § 4 & 2007 c 494 § 104;

23 (6) RCW 39.10.250 and 2013 c 222 § 5, 2009 c 75 § 2, & 2007 c 494  
24 § 105;

25 (7) RCW 39.10.260 and 2013 c 222 § 6 & 2007 c 494 § 106;

26 (8) RCW 39.10.270 and 2017 c . . . s 1 (section 1 of this act),  
27 2013 c 222 § 7, 2009 c 75 § 3, & 2007 c 494 § 107;

28 (9) RCW 39.10.280 and 2014 c 42 § 2, 2013 c 222 § 8, & 2007 c 494  
29 § 108;

30 (10) RCW 39.10.290 and 2007 c 494 § 109;

31 (11) RCW 39.10.300 and 2013 c 222 § 9, 2009 c 75 § 4, & 2007 c  
32 494 § 201;

33 (12) RCW 39.10.320 and 2013 c 222 § 10, 2007 c 494 § 203, & 1994  
34 c 132 § 7;

35 (13) RCW 39.10.330 and 2014 c 19 § 1, 2013 c 222 § 11, 2009 c 75  
36 § 5, & 2007 c 494 § 204;

37 (14) RCW 39.10.340 and 2014 c 42 § 3, 2013 c 222 § 12, & 2007 c  
38 494 § 301;

39 (15) RCW 39.10.350 and 2014 c 42 § 4 & 2007 c 494 § 302;

1 (16) RCW 39.10.360 and 2014 c 42 § 5, 2013 c 222 § 13, 2009 c 75  
2 § 6, & 2007 c 494 § 303;  
3 (17) RCW 39.10.370 and 2014 c 42 § 6 & 2007 c 494 § 304;  
4 (18) RCW 39.10.380 and 2013 c 222 § 14 & 2007 c 494 § 305;  
5 (19) RCW 39.10.385 and 2013 c 222 § 15 & 2010 c 163 § 1;  
6 (20) RCW 39.10.390 and 2014 c 42 § 7, 2013 c 222 § 16, & 2007 c  
7 494 § 306;  
8 (21) RCW 39.10.400 and 2013 c 222 § 17 & 2007 c 494 § 307;  
9 (22) RCW 39.10.410 and 2007 c 494 § 308;  
10 (23) RCW 39.10.420 and 2013 c 222 § 18, 2013 c 186 § 1, 2012 c  
11 102 § 1, 2009 c 75 § 7, 2007 c 494 § 401, & 2003 c 301 § 1;  
12 (24) RCW 39.10.430 and 2007 c 494 § 402;  
13 (25) RCW 39.10.440 and 2013 c 222 § 19 & 2007 c 494 § 403;  
14 (26) RCW 39.10.450 and 2012 c 102 § 2 & 2007 c 494 § 404;  
15 (27) RCW 39.10.460 and 2012 c 102 § 3 & 2007 c 494 § 405;  
16 (28) RCW 39.10.470 and 2014 c 19 § 2, 2005 c 274 § 275, & 1994 c  
17 132 § 10;  
18 (29) RCW 39.10.480 and 1994 c 132 § 9;  
19 (30) RCW 39.10.490 and 2013 c 222 § 20, 2007 c 494 § 501, & 2001  
20 c 328 § 5;  
21 (31) RCW 39.10.900 and 1994 c 132 § 13;  
22 (32) RCW 39.10.901 and 1994 c 132 § 14;  
23 (33) RCW 39.10.903 and 2007 c 494 § 510;  
24 (34) RCW 39.10.904 and 2007 c 494 § 512; and  
25 (35) RCW 39.10.905 and 2007 c 494 § 513.

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