

1 the general contractor/construction manager will be permitted to bid,
2 if any;

3 (7) The public body and general contractor/construction manager
4 shall negotiate, to the public body's satisfaction, a fair and
5 reasonable inclusion plan;

6 (8) If the public body is unable to negotiate to its reasonable
7 satisfaction a component of this section, negotiations with the firm
8 must be terminated and the public body shall negotiate with the next
9 highest scored firm and continue until an agreement is reached or the
10 process is terminated; and

11 (9) For a project procured as a heavy civil construction project,
12 an independent audit, paid for by the public body, must be conducted
13 to confirm the proper accrual of costs as outlined in the contract.
14 The public body shall define the scope of the audit in the contract.

15 NEW SECTION. **Sec. 20.** (1) The capital projects advisory review
16 board shall coordinate and consult with the office of minority and
17 women's business enterprises, the department of enterprise services,
18 the office of equity, community stakeholders and advocates, and
19 subject matter experts to create best practices guidelines for
20 increasing and sustaining access to contracting opportunities in
21 alternative public works for minority, women, and veteran-owned
22 businesses, and small businesses. In creating the guidelines, the
23 board shall take into consideration the barriers to participation
24 identified in the local government contracting report produced
25 pursuant to section 16, chapter 434, Laws of 2019, information and
26 recommendations from the 2019 Washington state disparity study and
27 disparity studies of any other public body in Washington state, and
28 successful diversity and inclusion policies being implemented by
29 state and local governmental agencies. The best practices shall
30 address, at a minimum, guidelines for use of race-neutral and race-
31 conscious programs, elements of successful inclusion plans, the use
32 of aspirational inclusion goals, evaluation of inclusion plans in the
33 contract award process, and the evaluation of inclusion plans and
34 past performance in public body certification and project approval
35 processes under RCW 39.10.270 and 39.10.280. The board shall make the
36 best practices guidelines available on its website by June 30, 2022,
37 and should have a plan to update the practices to keep them relevant
38 for use. Additionally, by June 30, 2022, the board shall report to
39 the appropriate committees of the legislature regarding any

1 recommendations for changes to state law that are advisable based
2 upon the best practices guidelines.

3 (2) This section expires July 1, 2023.

4 **Sec. 21.** RCW 43.131.407 and 2013 c 222 s 21 are each amended to
5 read as follows:

6 The alternative public works contracting procedures under chapter
7 39.10 RCW shall be terminated June 30, (~~2021~~) 2031, as provided in
8 RCW 43.131.408.

9 **Sec. 22.** RCW 43.131.408 and 2019 c 212 s 13 are each amended to
10 read as follows:

11 The following acts or parts of acts, as now existing or hereafter
12 amended, are each repealed, effective June 30, (~~2022~~) 2032:

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

15 (2) RCW 39.10.210 and 2021 c ... s 1 (section 1 of this act),
16 2019 c 212 s 1, 2014 c 42 s 1, & 2013 c 222 s 1;

17 (3) RCW 39.10.220 and 2021 c ... s 2 (section 2 of this act),
18 2013 c 222 s 2, 2007 c 494 s 102, & 2005 c 377 s 1;

19 (4) RCW 39.10.230 and 2021 c ... s 3 (section 3 of this act),
20 2013 c 222 s 3, 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007 c 494 s
21 103, & 2005 c 377 s 2;

22 (5) RCW 39.10.240 and 2021 c ... s 4 (section 4 of this act),
23 2013 c 222 s 4, & 2007 c 494 s 104;

24 (6) RCW 39.10.250 and 2021 c ... s 5 (section 5 of this act),
25 2019 c 212 s 2, 2013 c 222 s 5, 2009 c 75 s 2, & 2007 c 494 s 105;

26 (7) RCW 39.10.260 and 2013 c 222 s 6 & 2007 c 494 s 106;

27 (8) RCW 39.10.270 and 2019 c 212 s 3, 2017 c 211 s 1, 2013 c 222
28 s 7, 2009 c 75 s 3, & 2007 c 494 s 107;

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

31 (10) RCW 39.10.290 and 2007 c 494 s 109;

32 (11) RCW 39.10.300 and 2021 c ... s 6 (section 6 of this act),
33 2019 c 212 s 4, 2013 c 222 s 9, 2009 c 75 s 4, & 2007 c 494 s 201;

34 (12) RCW 39.10.320 and 2019 c 212 s 5, 2013 c 222 s 10, 2007 c
35 494 s 203, & 1994 c 132 s 7;

36 (13) RCW 39.10.330 and 2021 c ... s 7 (section 7 of this act),
37 2019 c 212 s 6, 2014 c 19 s 1, 2013 c 222 s 11, 2009 c 75 s 5, & 2007
38 c 494 s 204;