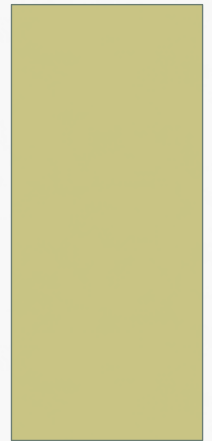




ROOFING PROJECT PITFALLS - PUBLIC WORKS AND THE JOINT POWERS ACT

LINDA SULLIVAN-COLGLAZIER, AAG



WASHINGTON'S "JOINT POWERS ACT"

- Interlocal Cooperation Act
 - RCW 39.34.030
 - RCW 39.34.080
- Contracts between public agencies to perform governmental activities which each public agency is authorized to perform
- Each agency must have the authority first
- ICA agreement does not relieve public agency of obligation or responsibility imposed upon it by law

DES AUTHORITY

- [E&AS shall] Contract for professional architectural, engineering, and related services for the design of new state facilities and major repair or alterations to existing state facilities.
 - RCW 43.19.450
- “State facilities” - all state buildings, related structures, and appurtenances constructed for any elected state officials, institutions, departments, boards, commissions, colleges, community colleges

INSTITUTIONS AUTHORITY

- Institutions of Higher Education are authorized to make cooperative purchases for goods & services
 - RCW 28B.10.029(1)(a) & (d) [amended in 2013]
- But not for Public Works
 - "Public work" - all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state – RCW 39.04.010(4)
- Roofing Projects are Public Works

CAUTION:



- Public contract entered into in violation of public bidding law is **illegal and void**
- You could get left holding the bag

IMPORTANT TAKE-AWAY

- If someone tells you that you can do a roofing project through their contract and you do not have to competitively bid it as a public works project:
 - Be very skeptical
 - Call your Assistant Attorney General
 - Have your AAG contact Linda S-C
 - (360) 664-0870 / LindaS1@atg.wa.gov
 - (or just say no thanks)

THE END

- Any questions?

