

Summary of Changes

In an effort to improve the readability, overall effectiveness and understanding as well as respond changes to statute, Facility Professional Services has made the following changes to the Instructions to Bidders, General and Supplemental Conditions, collectively known as the *Construction Manual*.

These changes will eliminate the entirety of the Supplemental Conditions.

Updated, replaced in the Instructions to Bidders

The following sections in the Instruction to Bidders have been updated.

- **0.00.D.1-** Replaced references to B2GNow and/or DES Diversity Compliance System with DES Public Work Diversity Tracking & Management System powered by B2GNow.
- **0.00.D.2-** Replaced references to B2GNow and/or DES Diversity Compliance System with DES Public Work Diversity Tracking & Management System.
- **0.00.D.3-** Replaced references to B2GNow and/or DES Diversity Compliance System with DES Public Work Diversity Tracking & Management System. Replaced possessive language (i.e. “your contract”, “You must”) with the contract, the Contractor.
- **0.00.E** - Updated entire section to reflect changes in RCW 39.04.320.

Replaced Directly from Supplemental into General Conditions

The following sections in the General Conditions were previously REPLACED by a section in the Supplemental Conditions. The language that currently appears in Supplemental Conditions has been implanted with no change into the corresponding section in the General Conditions.

- Section 2.02 – INSURANCE COVERAGE LIMITS and CERTIFICATES
- Section 2.04 - PAYMENT AND PERFORMANCE BONDS
- Section 3.02.B – CONSTRUCTION SCHEDULE
- Section 5.01.B - CONTRACTOR CONTROL AND SUPERVISION
- Section 5.01.D - CONTRACTOR CONTROL AND SUPERVISION
- Section 5.02.B – PERMITS, FEES AND NOTICES
- Section 5.04.A – PREVAILING WAGES
- Section 5.06.A – NONDISCRIMINATION
- Section 5.07.A – SAFETY PRECAUTIONS
- Section 5.20.B – SUBCONTACTORS AND SUPPLIERS
- Section 7.02.B.7.c – CHANGES IN THE CONTRACT SUM, Change Order Pricing – Fixed Price, Components of Increased Cost

Added to General Conditions for Supplemental Conditions

The following sections in the Supplemental Conditions previously ADDED a new section to the General Conditions. The language that currently appears in Supplemental Conditions has been implanted with no change into the corresponding section in the General Conditions.

- Section 5.02.D – PERMITS, FEES, AND NOTICES
- Section 5.20.A.6 – SUBCONTACTORS AND SUPPLIERS

- Section 10.13 – SPECIAL CONDITIONS

Updated to meet statutory, policy, or procedural requirements

Section 5.04.G – Certified Payroll

This section is currently replaced in the General Conditions by the same section in the Supplemental Conditions and reads as follows:

5.04.G. Certified Payrolls: Consistent with WAC 296-127-320, the Contractor and any subcontractor shall submit a certified copy of payroll records if requested. If applicable, the Contractor shall comply with all Federal Funding requirements of the Davis Bacon Act that will be addressed in a separate “DIVISION 00 SPECIAL CONDITIONS” specification section that will be based on the specific requirements of the funding source.

This section will now appear as Section 5.04.G and Section 5.04.H. in the General Conditions.

5.04.G. Certified Payrolls: Consistent with RCW 39.12.120, contractors, subcontractors, or employers shall keep accurate payroll records for three years from the date of acceptance of the project and file a copy of its certified payroll records using the Department of Labor and Industries' online system at least once per month. If the Department of Labor and Industries' online system is not used, a contractor, subcontractor, or employer shall file a copy of its certified payroll records directly with the Department of Labor and Industries in a format approved by the Department of Labor and Industries at least once per month. A contractor, subcontractor, or employer's noncompliance with this section constitutes a violation of RCW 39.12.050.

5.04.H Compliance with Federal Funding requirements: If applicable, the Contractor shall comply with all Federal Funding requirements of the Davis Bacon Act that will be addressed in a separate “DIVISION 00 SPECIAL CONDITIONS” specification section that will be based on the specific requirements of the funding source.

Section 10.11 – DIVERSE BUSINESS INCLUSION PARTICIPATION

This section is currently added to the General Conditions as a new section via the Supplemental Conditions and reads as follows:

Section 10.11 – DIVERSE BUSINESS PARTICIPATION

The state of Washington encourages participation in all of its contracts by Diverse Businesses as found in RCW Chapters 39, 43, and WAC 326. The voluntary Diverse Business goal of 26%, which is an aggregate of: 10% Minority Business Enterprises (MBE), 6% Women Business Enterprises (WBE), 5% Veteran-owned Business, and 5% Washington Small Businesses self-identified in the Washington Electronic Business Solution (WEBS) <http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/WEBSRegistration.aspx>. Contractors are encouraged to meet or exceed the project goals in the advertisement by any level of participation, regardless of category.

DES reserves the right to adjust the voluntary participation goals.

Businesses are encouraged to register in WEBS, as well as registering as a state certified M/WBE/Veteran Business.

For reporting, Contractor is required to register and create an account in the DES Diversity Compliance Program (B2GNow) at <https://des.diversitycompliance.com/>.

Every month for the duration of your contract, and while your contract is active in the B2Gnow system, submit and accurately maintain the following information through B2Gnow:

- a. Payments received by the prime contractor from the Agency
- b. Payments paid to each first tier subcontractor
- c. Payments paid to each first tier supplier

You must also ensure the following information is reported in the B2Gnow system by your first tier subcontractors and suppliers for the duration of your contract:

- a. Confirmation of payments from the prime contractor to the first tier subcontractor
- b. Confirmation of payments from the prime contractor to first tier suppliers

This section will appear in the General Conditions as Section 10.11 and read as follows:

Section 10.11 – DIVERSE BUSINESS PARTICIPATION

The state of Washington encourages participation in all of its contracts by Diverse Businesses as found in RCW Chapters 39, 43, and WAC 326. The voluntary Diverse Business goal of 26%, which is an aggregate of: 10% Minority Business Enterprises (MBE), 6% Women Business Enterprises (WBE), 5% Veteran-owned Business, and 5% Washington Small Businesses self-identified in the Washington Electronic Business Solution (WEBS). Contractors are encouraged to meet or exceed the project goals in the advertisement by any level of participation, regardless of category.

DES reserves the right to adjust the voluntary participation goals.

Businesses are encouraged to register in WEBS, as well as registering as a state certified M/WBE/Veteran Business.

For reporting, Contractor is required to register and create an account in the DES Public Works Diversity Tracking & Management System powered by B2GNow.

Every month for the duration of the contract, and while the contract is active in the DES Public Works Diversity Tracking & Management System, Contractor shall submit and accurately maintain the following information:

1. Payments received by the prime contractor from the Agency
2. Payments paid to each first tier subcontractor
3. Payments paid to each first tier supplier

Contractor shall also ensure the following information is reported in the DES Public Works Diversity Tracking & Management System by the first tier subcontractors and suppliers for the duration of your contract:

1. Confirmation of payments from the prime contractor to the first tier subcontractor
 2. Confirmation of payments from the prime contractor to first tier suppliers
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Section 10.12 – MINIMUM APPRENTICESHIP PARTICAPTION

This section is currently added to the General Conditions as a new section via the Supplemental Conditions and reads as follows:

10.12 MINIMUM APPRENTICESHIP PARTICAPTION

In accordance with RCW 39.04.320, the State of Washington requires 15% apprenticeship participation for projects estimated to cost one million dollars or more.

- A. Apprentice participation, under this contract, may be counted towards the required percentage (%) only if the apprentices are from an apprenticeship program registered and approved by the Washington State Apprenticeship and Training Council (RCW 49.04 and WAC 296-05).
- B. Bidders may contact the Department of Labor and Industries, Specialty Compliance Services Division, Apprenticeship Section, P.O. Box 44530, Olympia, WA 98504-4530 by phone at (360) 902-5320, and e-mail at Apprentice@Lni.wa.gov, to obtain information on available apprenticeship programs.
- C. For each project that has apprentice requirements, the contractor shall submit a “Statement of Apprentice and Journeyman Participation” on forms provided by the Department of Enterprise Services, with every request for progress payment. The Contractor shall submit consolidated and cumulative data collected by the Contractor and collected from all subcontractors by the Contractor. The data to be collected and submitted includes the following:
 1. Contractor name and address
 2. Contract number
 3. Project name
 4. Contract value
 5. Reporting period “Beginning Date” through “End Date”
 6. Name and registration number of each apprentice by contractor
 7. Total number of apprentices and labor hours worked by them, categorized by trade or craft
 8. Total number of journeymen and labor hours worked by them, categorized by trade or craft
 9. Cumulative combined total of apprentice and journeymen labor hours

10. Total percentage of apprentice hours worked

- D. No changes to the required percentage (%) of apprentice participation shall be allowed without written approval of the Owner. In any request for the change, the Contractor shall clearly demonstrate a good faith effort to comply with the requirements for apprentice participation.
- E. Any substantive violation of the mandatory requirements of this part of the contract may be a material breach of the contract by the Contractor. The Owner may withhold payment pursuant to Part 6.05, stop the work for cause pursuant to Part 3.04, and terminate the contract for cause pursuant to Part 9.01.

This section will appear in the General Conditions as Section 10.12 and read as follows:

10.12 MINIMUM APPRENTICESHIP PARTICIPATION

In accordance with RCW 39.04.320, the State of Washington requires 15% apprenticeship participation for projects estimated to cost one million dollars or more. Contractors who meet or exceed minimum participation requirement are eligible for monetary incentive. Contractors failing to meet minimum apprenticeship participation requirement are subject to monetary penalty.

- A. Apprentice participation, under this contract, may be counted towards the required percentage (%) only if the apprentices are from an apprenticeship program registered and approved by the Washington State Apprenticeship and Training Council (RCW 49.04 and WAC 296-05).
- B. Bidders may contact the Department of Labor and Industries to obtain more information about apprenticeship programs.
- C. No changes to the required percentage (%) of apprentice participation shall be allowed without written approval of the Owner. In any request for the change, the Contractor shall clearly demonstrate a good faith effort to comply with the requirements for apprentice participation.
- D. Any substantive violation of the mandatory requirements of this part of the contract may be a material breach of the contract by the Contractor. The Owner may withhold payment pursuant to Part 6.05, stop the work for cause pursuant to Part 3.04, and terminate the contract for cause pursuant to Part 9.01.