

Changes to DES Public Works Boiler Plate Documents Effective June 11, 2020

The 2020 Legislative session passed several changes affecting public works and are **effective on June 11, 2020**:

ESB 5457 changes the subcontractor listing requirements in RCW 39.30.060:

For projects expected to cost more than \$1M,

- Changes current subcontractor/self-listing (for HVAC, plumbing, and electrical) to be submitted within one hour of bid submittal time; deletes the sub listing as part of and at time of bid.
- Adds requirement for each prime contract bidder to submit the names of subcontractors/themselves for structural steel installation and rebar installation within 48 hours after bid submittal time.
- Adds a 6th reason for allowing substitution of a listed subcontractor: refusal or inability to provide a letter of bondability from a surety company.

ESB 6239 requires bidders with a history of receiving monetary penalties for not achieving apprentice utilization requirements, or are habitual in using the good faith effort exception process, to **submit an apprenticeship utilization plan within ten business days following the notice to proceed date.**

ESSB 6473 prohibits use of asbestos containing material in new non-residential construction and renovations, and changes the threshold amount of asbestos necessary for a building material to be considered an asbestos-containing building material in RCW 70.310

We are changing our process to accept subcontractor listings (one within 1 hour and one within 48 hours) via a standardized email at DES, requiring Apprenticeship plans within 10 business days of notice to proceed, and we are making other changes to our documents:

Long Ad:

- Estimated Project Cost Range – changing from just Base Bid range to: low Base Bid to high with alternates.
- Added section under Bid submittal time called Subcontractor List Submittal(s), as well as timing for subcontractor listing Forms A & B to be submitted via email.
- Subcontractor listing paragraph adds instructions for submitting the two forms via email.

Instructions to Bidders: *(these are part of the Construction Manual pdf with the General Conditions)*

- P. 6 0.08 Moved paragraph B Subcontractor Listing to a new section 0.09.
- 0.09 Subcontractor Listing
 - Removed references to submitting sub listing as part of the bid
 - Added requirements for & timing of submitting subcontractor listing forms – specific email instructions are not included here; they are only on the Forms A & B and in the Advertisement.
 - 0.09 D. added sentence about “Substitutions are prohibited except as outlined in RCW 39.30.060.”
 - Adding Failure to submit Forms ... shall render the Bidder’s bid nonresponsive...
- Renumbered the sections after the subcontractor listing
- P. 10 Documents (Attached) – added Subcontractor Listing Forms A & B - we plan to include them into the Project Manual/specifications as well as on our Forms website.
- Changed footer to: Effective date: June 11, 2020.

Bid Form:

- Removes the subcontractor listing at the time of bid, and requires the sub list forms to be submitted separately and specific timing.
- Changed the footer to Effective Date: June 11, 2020.

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Subcontractor List Form A (HVAC, Plumbing, Electrical):

- moved subcontractor listing from bid form to here
- included timing and email instructions and subject line contents
- Added sentence about “Substitutions are prohibited except as outlined in RCW 39.30.060.”
- changed the subcontractor listing into a table by category and bid alternate
- added line for submitter’s printed name and title of authorized person
- Footer: Effective date: June 11, 2020

Subcontractor List Form B (Struct. Steel & Rebar)

Same as Form A, except changed to 48 hours and structural steel and rebar

General Conditions: *(these are part of the Construction Manual pdf with the Instructions to Bidders)*

- P.4, Para. 1.01. O. Updates the definition for “Notice” on p. 4, to allow submittal via email:
 “Notice” means a written notice that has been delivered to the authorized representative or officer of the addressed party by registered or certified mail, or by email as a PDF attachment. Notices should clearly identify the project number and date of notice.
- P.23, Para. 5.13. B. Adds section to address use of asbestos-containing building materials that are prohibited.
- P.27, Para. 5.20. B. Adds note on substitution of subcontractors listed on Forms A & B are only allowed according to RCW 39.30.060.
- Changed footer to: Effective date: June 11, 2020.

Supplemental Conditions – COVID Safety - Effective May 28, 2020

The COVID safety requirements have been made more generic to address reopen phases coming on line. Projects are to include the appropriate phase requirement documents in the project manuals.

Questions may be directed to:

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