

As a result of the passage of EHB 2805 last legislative session, ports (and all other public owners) are required to provide additional language to public works contracts for projects exceeding \$1 million, with an exemption for local transportation projects. Here is some sample language that can be used.

SC-16 Off-Site, Prefabricated Items Produced Outside Washington

RCW 39.04.370 requires contractors to report out-of-state production of off-site, prefabricated, nonstandard, project specific items used on Washington public works projects. For public works contracts estimated to cost over one million dollars (\$1,000,000) and entered into between September 1, 2010 and December 31, 2013, contractors, who use off-site, prefabricated, non-standard, project specific items produced out of state, must report that fact to the Washington State Department of Labor and Industries (L&I). The law does not apply to public works projects for the Department of Transportation (WSDOT) and local transportation public works projects.

Contractors or subcontractors directly contracting for off-site, prefabricated, non-standard, project specific items must submit information to L&I as a part of the Affidavit of Wages Paid (Affidavit) form filed with L&I. The information that must be provided to L&I is:

1. The estimated cost of the public works project;
2. The name of the awarding agency (Port of.....) and the title of the public works project;
3. The contract value of the off-site, prefabricated, nonstandard, project specific items produced outside Washington, including labor and materials; and
4. The name, address, and federal employer identification number of the contractor that produced the off-site, prefabricated, nonstandard, project specific items.

Off-site, prefabricated, non-standard, project specific items means products or items that are:

1. Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work;
2. Produced specifically for the public work and not considered to be regularly available shelf items;
3. Produced or manufactured by labor expended to assemble

or modify standard items; and

4. Produced at an off-site location outside Washington.

The Contractor shall include language in its subcontracts requiring subcontractors and lower-tier subcontractors to comply with the reporting requirements for off-site, prefabricated, non-standard, project specific items.