
HOUSE BILL 1635

State of Washington

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By Representatives Zellinsky, Schmidt, King, Ballard, Dorn, Sehlin, Heavey, Kremen, Brough, Sheldon, Wood, Jones, Jacobsen, J. Kohl, R. Johnson, Karahalios, Holm, Scott, Orr, Kessler, Pruitt, R. Fisher, Wang, Springer, Quall, Conway, Anderson, Shin, Voloria, Leonard, Campbell, R. Meyers, Ballasiotes, Vance, Foreman, Patterson, Valle, Johanson, Miller, Chandler, G. Fisher, Roland, Linville and Cothorn

Read first time 02/03/93. Referred to Committee on Transportation.

1 AN ACT Relating to jumbo ferry purchases; and adding new sections
2 to chapter 47.60 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** Whenever the department is authorized to
5 purchase one or more new jumbo ferry vessels of a proven and
6 operational design under this section, it shall publish a notice of its
7 intent once a week for at least two consecutive weeks in at least one
8 trade paper and one other paper, both of general circulation in the
9 state. The notice shall contain, but not be limited to, the following
10 information:

11 (1) The number of jumbo ferry vessels to be purchased and the
12 proposed delivery date for each vessel;

13 (2) A short summary of the requirements for prequalification of
14 bidders including a statement that prequalification is a prerequisite
15 to consideration by the department of any proposal, and a statement
16 that the bidder shall submit its bid for the vessel in compliance with
17 the plans and specifications supplied by the state; and

18 (3) An address and telephone number that may be used to obtain the
19 request for proposal.

1 NEW SECTION. **Sec. 2.** The department shall send to any firm that
2 requests it bidding documents outlining the criteria for the jumbo
3 ferry vessels. The bid documents shall include, but not be limited to,
4 the following information:

5 (1) Solicitation of a bid to deliver to the department vessels that
6 are constructed as specified by the plans and specifications provided
7 by the department;

8 (2) The number of vessels to be contracted for and, if more than
9 one vessel is to be contracted for, the request for proposal shall
10 provide for the initial purchase of one vessel with an option to
11 purchase additional vessels;

12 (3) The proposed delivery date for each vessel, the port on Puget
13 Sound where delivery will be taken, and the location where acceptance
14 trials will be held;

15 (4) The amount of the required contractor's bond;

16 (5) A copy of the vessel construction contract that will be signed
17 by the winning bidder;

18 (6) The date by which bids for ferry vessel construction must be
19 received by the department in order to be considered;

20 (7) A requirement that the contractor comply with all applicable
21 laws including, but not limited to those pertaining to the environment,
22 worker health and safety, and prevailing wages;

23 (8) A requirement that the vessels be constructed within the
24 boundaries of the state of Washington except that equipment provided by
25 the state is not subject to the in-state requirement under this
26 subsection. For the purposes of this section, "construct" means: The
27 fabrication, by the joining together by welding or fastening of all
28 steel parts from which the total vessel is constructed, including, but
29 not limited to, all shell, frames, longitudinals, bulkheads, webs,
30 piping runs, wire ways, and ducting. "Construct" also means the
31 installation of all components and systems, including, but not limited
32 to, equipment and machinery, castings, electrical, electronics, deck
33 covering, lining, paint and joiner work, required by the contract.
34 "Construct" also means the interconnection of all equipment, machinery,
35 and services, such as piping, wiring, and ducting;

36 (9) A requirement that all warranty work on the vessel be performed
37 within the boundaries of the state of Washington; and

38 (10) A statement that any bid submitted constitutes an offer and
39 remains open until ninety days after the deadline for submitting

1 proposals, unless the firm submitting it withdraws it by formal written
2 notice received by the department before the department's selection of
3 the firm submitting the lowest responsible bid, together with an
4 explanation of the requirement that all proposals submitted be
5 accompanied by a bid bond in the amount of five percent of the proposed
6 cost of the first vessel to be purchased.

7 NEW SECTION. **Sec. 3.** (1) Upon concluding its evaluation, the
8 department may:

9 (a) Select the firm submitting the lowest responsible bid taking
10 into consideration the requirements stated in the bid documents and
11 rank the remaining firms, judging them by the same standards;

12 (b) Reject all bids not in compliance with the requirements
13 contained in the bid documents;

14 (c) Reject all bids.

15 (2) The department shall immediately notify those firms that were
16 not selected as the firm presenting the lowest responsible bid. The
17 department's selection is conclusive unless appeal from it is taken by
18 an aggrieved firm to the superior court of Thurston county within five
19 days after receiving notice of the department's final decision. The
20 appeal shall be heard summarily within ten days after it is taken and
21 on five days' notice to the department. The court shall hear any
22 appeal on the administrative record that was before the department.
23 The court may affirm the decision of the department, or it may reverse
24 the decision if it determines the action of the department was
25 arbitrary or capricious.

26 NEW SECTION. **Sec. 4.** (1) Upon selecting the firm that has
27 submitted the lowest responsible bid and ranking the remaining firms in
28 order of preference, the department shall:

29 (a) Sign a contract with the firm presenting the lowest responsible
30 bid; or

31 (b) If a final agreement satisfactory to the department cannot be
32 signed with the firm presenting the lowest responsible bid, the
33 department may sign a contract with the firm ranked next lowest bidder.
34 If necessary, the department may repeat this procedure with each firm
35 in order until the list of firms has been exhausted.

36 (2) In developing a contract for the procurement of ferry vessels,
37 the department may, subject to the provisions of RCW 39.25.020,

1 authorize the use of foreign-made materials and components in the
2 construction of ferries in order to minimize costs.

3 NEW SECTION. **Sec. 5.** Proposals submitted by firms under this
4 section constitute an offer and shall remain open for ninety days.
5 When submitted, each proposal shall be accompanied by a deposit in
6 cash, certified check, cashier's check, or surety bond in an amount
7 equal to five percent of the amount of the proposed contract price, and
8 no proposal may be considered unless the deposit is enclosed. If the
9 department awards a contract to a firm and the firm fails to enter into
10 a contract and furnish a satisfactory bond as required by RCW 39.08.100
11 within twenty days, exclusive of the day of the award, its deposit
12 shall be forfeited to the state and be deposited by the state treasurer
13 to the credit of the Puget Sound capital construction account. Upon
14 the execution of a ferry construction contract all proposal deposits
15 shall be returned.

16 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each
17 added to chapter 47.60 RCW.

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