
HOUSE BILL 3113

State of Washington

55th Legislature

1998 Regular Session

By Representatives Boldt and Mielke

Read first time 02/04/98. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to a prohibition on tolls on existing
2 transportation facilities; amending RCW 47.56.030; and declaring an
3 emergency.

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

5 **Sec. 1.** RCW 47.56.030 and 1995 1st sp.s. c 4 s 1 are each amended
6 to read as follows:

7 The department of transportation shall have full charge of the
8 construction of all toll bridges and other toll facilities including
9 the Washington state ferries, and the operation and maintenance
10 thereof. The transportation commission shall determine and establish
11 the tolls and charges thereon, and shall perform all duties and
12 exercise all powers relating to the financing, refinancing, and fiscal
13 management of all toll bridges and other toll facilities including the
14 Washington state ferries, and bonded indebtedness in the manner
15 provided by law, but may not impose tolls on transportation facilities
16 existing on the effective date of this act that are currently without
17 tolls. The department shall have full charge of design of all toll
18 facilities. The department shall proceed with the construction of such
19 toll bridges and other facilities and the approaches thereto by

1 contract in the manner of state highway construction immediately upon
2 there being made available funds for such work and shall prosecute such
3 work to completion as rapidly as practicable. The department is
4 authorized to negotiate contracts for any amount without bid in order
5 to make repairs to ferries or ferry terminal facilities or removal of
6 such facilities whenever continued use of ferries or ferry terminal
7 facilities constitutes a real or immediate danger to the traveling
8 public or precludes prudent use of such ferries or facilities.

9 The department shall proceed with the procurement of materials,
10 supplies, services, and equipment needed for the support, maintenance,
11 and use of a ferry, ferry terminal, or other facility operated by
12 Washington state ferries, in accordance with chapter 43.19 RCW except
13 as follows:

14 (1) When the secretary of the department of transportation
15 determines in writing that the use of invitation for bid is either not
16 practicable or not advantageous to the state and it may be necessary to
17 make competitive evaluations, including technical or performance
18 evaluations among acceptable proposals to complete the contract award,
19 a contract may be entered into by use of a competitive sealed proposals
20 method, and a formal request for proposals solicitation. Such formal
21 request for proposals solicitation shall include a functional
22 description of the needs and requirements of the state and the
23 significant factors.

24 (2) When purchases are made through a formal request for proposals
25 solicitation the contract shall be awarded to the responsible proposer
26 whose competitive sealed proposal is determined in writing to be the
27 most advantageous to the state taking into consideration price and
28 other evaluation factors set forth in the request for proposals. No
29 significant factors may be used in evaluating a proposal that are not
30 specified in the request for proposals. Factors that may be considered
31 in evaluating proposals include but are not limited to: Price
32 maintainability; reliability; commonality; performance levels; life
33 cycle cost if applicable under this section; cost of transportation or
34 delivery; delivery schedule offered; installation cost; cost of spare
35 parts; availability of parts and service offered; and the following:

36 (a) The ability, capacity, and skill of the proposer to perform the
37 contract or provide the service required;

38 (b) The character, integrity, reputation, judgment, experience, and
39 efficiency of the proposer;

1 (c) Whether the proposer can perform the contract within the time
2 specified;

3 (d) The quality of performance of previous contracts or services;

4 (e) The previous and existing compliance by the proposer with laws
5 relating to the contract or services;

6 (f) Objective, measurable criteria defined in the request for
7 proposal. These criteria may include but are not limited to items such
8 as discounts, delivery costs, maintenance services costs, installation
9 costs, and transportation costs; and

10 (g) Such other information as may be secured having a bearing on
11 the decision to award the contract.

12 When purchases are made through a request for proposal process,
13 proposals received shall be evaluated based on the evaluation factors
14 set forth in the request for proposal. When a life cycle cost analysis
15 is used, the life cycle cost of a proposal shall be given at least the
16 same relative importance as the initial price element specified in the
17 request of proposal documents. The department may reject any and all
18 proposals received. If the proposals are not rejected, the award shall
19 be made to the proposer whose proposal is most advantageous to the
20 department, considering price and the other evaluation factors set
21 forth in the request for proposal.

22 (3) The legislative transportation committee shall review the
23 secretary's use of the request for proposals solicitation for
24 Washington state ferries projects to determine if the process
25 established under chapter 4, Laws of 1995 1st sp. sess. is appropriate.
26 The results of the review, including recommendations for modification
27 of the request for proposal process, shall be reported to the house of
28 representatives and senate transportation committees by January 1,
29 1997.

30 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 immediately.

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