

---

HOUSE BILL 2091

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives Mitchell and Fisher

Read first time 02/14/2001. Referred to Committee on Transportation.

1 AN ACT Relating to contracting for ferries and ferry facilities  
2 repairs; and amending RCW 47.56.030.

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

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

6 (1) The department of transportation shall have full charge of the  
7 construction of all toll bridges and other toll facilities including  
8 the Washington state ferries, and the operation and maintenance  
9 thereof. The transportation commission shall determine and establish  
10 the tolls and charges thereon, and shall perform all duties and  
11 exercise all powers relating to the financing, refinancing, and fiscal  
12 management of all toll bridges and other toll facilities including the  
13 Washington state ferries, and bonded indebtedness in the manner  
14 provided by law. The department shall have full charge of design of  
15 all toll facilities. Except as provided in this section, the  
16 department shall proceed with the construction of such toll bridges and  
17 other facilities and the approaches thereto by contract in the manner  
18 of state highway construction immediately upon there being made  
19 available funds for such work and shall prosecute such work to

1 completion as rapidly as practicable. The department is authorized to  
2 negotiate contracts for any amount without bid under (a) and (b) of  
3 this subsection:

4 (a) Emergency contracts, in order to make repairs to ferries or  
5 ferry terminal facilities or removal of such facilities whenever  
6 continued use of ferries or ferry terminal facilities constitutes a  
7 real or immediate danger to the traveling public or precludes prudent  
8 use of such ferries or facilities; and

9 (b) Single source contracts for vessel dry dockings, when there is  
10 clearly and legitimately only one available dry dock facility to  
11 conduct dry dock-related work for a specific class or classes of  
12 vessels. The contracts may be entered into for a single vessel dry  
13 docking or for multiple vessel dry dockings for a period not to exceed  
14 two years.

15 (2) The department shall proceed with the procurement of materials,  
16 supplies, services, and equipment needed for the support, maintenance,  
17 and use of a ferry, ferry terminal, or other facility operated by  
18 Washington state ferries, in accordance with chapter 43.19 RCW except  
19 as follows:

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

30 ~~((+2))~~ (b) When purchases are made through a formal request for  
31 proposals solicitation the contract shall be awarded to the responsible  
32 proposer whose competitive sealed proposal is determined in writing to  
33 be the most advantageous to the state taking into consideration price  
34 and other evaluation factors set forth in the request for proposals.  
35 No significant factors may be used in evaluating a proposal that are  
36 not specified in the request for proposals. Factors that may be  
37 considered in evaluating proposals include but are not limited to:  
38 Price; maintainability; reliability; commonality; performance levels;  
39 life cycle cost if applicable under this section; cost of

1 transportation or delivery; delivery schedule offered; installation  
2 cost; cost of spare parts; availability of parts and service offered;  
3 and the following:

4 ~~((a))~~ (i) The ability, capacity, and skill of the proposer to  
5 perform the contract or provide the service required;

6 ~~((b))~~ (ii) The character, integrity, reputation, judgment,  
7 experience, and efficiency of the proposer;

8 ~~((c))~~ (iii) Whether the proposer can perform the contract within  
9 the time specified;

10 ~~((d))~~ (iv) The quality of performance of previous contracts or  
11 services;

12 ~~((e))~~ (v) The previous and existing compliance by the proposer  
13 with laws relating to the contract or services;

14 ~~((f))~~ (vi) Objective, measurable criteria defined in the request  
15 for proposal. These criteria may include but are not limited to items  
16 such as discounts, delivery costs, maintenance services costs,  
17 installation costs, and transportation costs; and

18 ~~((g))~~ (vii) Such other information as may be secured having a  
19 bearing on the decision to award the contract.

20 (c) When purchases are made through a request for proposal process,  
21 proposals received shall be evaluated based on the evaluation factors  
22 set forth in the request for proposal. When a life cycle cost analysis  
23 is used, the life cycle cost of a proposal shall be given at least the  
24 same relative importance as the initial price element specified in the  
25 request of proposal documents. The department may reject any and all  
26 proposals received. If the proposals are not rejected, the award shall  
27 be made to the proposer whose proposal is most advantageous to the  
28 department, considering price and the other evaluation factors set  
29 forth in the request for proposal.

30 ~~((3) The legislative transportation committee shall review the  
31 secretary's use of the request for proposals solicitation for  
32 Washington state ferries projects to determine if the process  
33 established under chapter 4, Laws of 1995 1st sp. sess. is appropriate.  
34 The results of the review, including recommendations for modification  
35 of the request for proposal process, shall be reported to the house of  
36 representatives and senate transportation committees by January 1,  
37 1997.)~~

--- END ---