
HOUSE BILL 2092

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 procurement of large ferry equipment and
2 systems; 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. The department shall proceed with the
16 construction of such toll bridges and other facilities and the
17 approaches thereto by contract in the manner of state highway
18 construction immediately upon there being made available funds for such
19 work and shall prosecute such work to completion as rapidly as

1 practicable. The department is authorized to negotiate contracts for
2 any amount without bid in order to make repairs to ferries or ferry
3 terminal facilities or removal of such facilities whenever continued
4 use of ferries or ferry terminal facilities constitutes a real or
5 immediate danger to the traveling public or precludes prudent use of
6 such ferries or facilities.

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

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

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

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

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

1 ~~((e))~~ (iii) Whether the proposer can perform the contract within
2 the time specified;

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

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

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

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

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

23 ~~(3) ((The legislative transportation committee shall review the
24 secretary's use of the request for proposals solicitation for
25 Washington state ferries projects to determine if the process
26 established under chapter 4, Laws of 1995 1st sp. sess. is appropriate.
27 The results of the review, including recommendations for modification
28 of the request for proposal process, shall be reported to the house of
29 representatives and senate transportation committees by January 1,
30 1997.))~~ The department shall proceed with the procurement of large
31 equipment and systems (e.g., electrical, propulsion) needed for the
32 support, maintenance, and use of a ferry operated by Washington state
33 ferries, as follows:

34 (a) A contract must be entered into by use of a formal request for
35 proposals solicitation including competitive sealed proposals. The
36 formal request for proposals solicitation must include a functional
37 description of the needs and requirements of the state and the
38 significant factors for proposal evaluation.

1 (b) The contract must be awarded to the responsible proposer whose
2 competitive sealed proposal is determined in writing to be the most
3 advantageous to the state, taking into consideration price and other
4 evaluation factors set forth in the request for proposals. No
5 significant factors may be used in evaluating a proposal that are not
6 specified in the request for proposals. Factors that may be considered
7 in evaluating proposals include but are not limited to: Price;
8 maintainability; reliability; commonality; performance levels; life
9 cycle cost if applicable under this section; cost of transportation or
10 delivery; delivery schedule offered; installation cost; cost of spare
11 parts; availability of parts and service offered; and the following:

12 (i) The ability, capacity, and skill of the proposer to perform the
13 contract or provide the service required;

14 (ii) The character, integrity, reputation, judgment, experience,
15 and efficiency of the proposer;

16 (iii) Whether the proposer can perform the contract within the time
17 specified;

18 (iv) The quality of performance of previous contracts or services;

19 (v) The previous and existing compliance by the proposer with laws
20 relating to the contract or services;

21 (vi) Objective, measurable criteria defined in the request for
22 proposals. These criteria may include but are not limited to items
23 such as discounts, delivery costs, maintenance services costs,
24 installation costs, and transportation costs; and

25 (vii) Such other information as may be secured having a bearing on
26 the decision to award the contract.

27 (c) Proposals received must be evaluated based on the evaluation
28 factors set forth in the request for proposals.

29 (d) When a life cycle cost analysis is used, the life cycle cost of
30 a proposal must be given at least the same relative importance as the
31 initial price element specified in the request for proposals. The
32 department may reject any or all proposals received. If the proposals
33 are not rejected, the award must be made to the proposer whose proposal
34 is most advantageous to the department, considering price and the other
35 evaluation factors set forth in the request for proposals.

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