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**SUBSTITUTE HOUSE BILL 2221**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Mielke, Rockefeller and Jackley)

Read first time 03/08/2001. Referred to Committee on .

1 AN ACT Relating to maintenance and preservation of ferries; and  
2 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 bidder to conduct dry dock-  
11 related work for a specific class or classes of vessels. The contracts  
12 may be entered into for a single vessel dry docking or for multiple  
13 vessel dry dockings for a period not to exceed two years.

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

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

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

1 cost; cost of spare parts; availability of parts and service offered;  
2 and the following:

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

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

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

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

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

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

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

19 (c) When purchases are made through a request for proposal process,  
20 proposals received shall be evaluated based on the evaluation factors  
21 set forth in the request for proposal. When issuing a request for  
22 proposal for the procurement of propulsion equipment or systems that  
23 include an engine, the request for proposal must specify the use of a  
24 life cycle cost analysis that includes an evaluation of fuel  
25 efficiency. When a life cycle cost analysis is used, the life cycle  
26 cost of a proposal shall be given at least the same relative importance  
27 as the initial price element specified in the request of proposal  
28 documents. The department may reject any and all proposals received.  
29 If the proposals are not rejected, the award shall be made to the  
30 proposer whose proposal is most advantageous to the department,  
31 considering price and the other evaluation factors set forth in the  
32 request for proposal.

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

1 ~~representatives and senate transportation committees by January 1,~~  
2 ~~1997.)~~)

3 (d) If the department is procuring large equipment or systems  
4 (e.g., electrical, propulsion) needed for the support, maintenance, and  
5 use of a ferry operated by Washington state ferries, the department  
6 shall proceed with a formal request for proposal solicitation under  
7 this subsection (2) without a determination of necessity by the  
8 secretary.

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