
ENGROSSED SUBSTITUTE SENATE BILL 6104

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker; by request of Department of Transportation)

READ FIRST TIME 04/19/05.

1 AN ACT Relating to construction of new vessels for Washington State
2 Ferries; and adding a new section to chapter 47.60 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.60 RCW
5 to read as follows:

6 If only a single prequalified proposer emerges from phase one of
7 the open competitive design-build procurement process, the secretary
8 shall make a finding to that effect. The transportation commission
9 must review the prequalification process and the finding of the
10 secretary. Following commission approval of the secretary's finding,
11 the department may negotiate an agreement under the requirements of
12 this section, in lieu of the process outlined in RCW 47.60.818 and
13 47.60.820.

14 (1) The department and the proposer may enter into negotiations to
15 jointly develop contract specifications and plans, which must adhere to
16 the requirements of RCW 47.60.818(1). The final jointly developed
17 contract specifications and plans must be approved by the department,
18 and must include design, drawings, and specifications at a sufficient

1 level of detail to fully depict the ferries' characteristics and
2 identify installed equipment and systems.

3 (2) The department may reimburse the proposer for the cost
4 associated with the preparation of the jointly developed contract
5 specifications and plans, and may establish a maximum amount of such
6 reimbursement.

7 (3) The department shall conduct ongoing joint reviews with the
8 proposer to consider and critique its designs, drawings, and
9 specifications. These reviews must be held to ensure that the jointly
10 developed construction specifications and plans meet the department's
11 requirements and are responsive to the critiques conducted by the
12 department during the preparation of the jointly developed construction
13 specifications and plans.

14 (4) If, as a result of the periodic technical reviews or otherwise,
15 the department determines that it is in the best interest of the
16 department to modify any element of the department's requirements,
17 including the outline specifications, it shall do so in writing to the
18 proposer.

19 (5) The department may negotiate a contract with the proposer
20 during the preparation of the jointly developed contract specifications
21 and plans. The contract price must be established between the
22 department and the contractor through negotiation based on detailed
23 cost and price information provided by the proposer. To achieve
24 efficiencies the department may negotiate incentives and economic cost
25 sharing between the state and the proposer. In addition to the cost
26 incentives, other incentives may be considered, as determined by the
27 department to be in the best interests of the state. Such incentives
28 may include, but are not limited to, key schedule milestones,
29 technological innovations, performance efficiencies, constructability,
30 and operational value or life-cycle cost.

31 (6) The department shall submit a copy of the contract, the final
32 negotiated price, and supporting information to the office of financial
33 management at least ten days prior to execution of the contract. If
34 the final negotiated price is greater than the legislature's adopted
35 expenditure plan for vessel construction, the department may not
36 execute the contract until the legislature reviews the final proposal
37 and adjusts the expenditure plan accordingly.

1 (7) If the department and the proposer are not able to reach an
2 agreement on the jointly developed contract specifications and plans,
3 the department may republish, revise, or cancel the request for
4 proposals process to serve the best interests of the state.

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