
HOUSE BILL 2271

State of Washington

61st Legislature

2009 Regular Session

By Representatives Lias, Rodne, Sells, Clibborn, Johnson, Takko, Van De Wege, Springer, Williams, Finn, Nelson, Seaquist, and Simpson; by request of Department of Transportation

1 AN ACT Relating to work performed by state forces on ferry vessels
2 or terminals; and amending RCW 47.28.030.

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

4 **Sec. 1.** RCW 47.28.030 and 2007 c 218 s 90 are each amended to read
5 as follows:

6 A state highway shall be constructed, altered, repaired, or
7 improved, and improvements located on property acquired for
8 right-of-way purposes may be repaired or renovated pending the use of
9 such right-of-way for highway purposes, by contract or state forces.
10 The work or portions thereof may be done by state forces when the
11 estimated costs thereof are less than fifty thousand dollars and
12 effective July 1, 2005, sixty thousand dollars, or less than one
13 hundred twenty thousand dollars for work performed on ferry vessels or
14 terminals: PROVIDED, That when delay of performance of such work would
15 jeopardize a state highway or constitute a danger to the traveling
16 public, the work may be done by state forces when the estimated cost
17 thereof is less than eighty thousand dollars and effective July 1,
18 2005, one hundred thousand dollars. When the department of
19 transportation determines to do the work by state forces, it shall

1 enter a statement upon its records to that effect, stating the reasons
2 therefor. To enable a larger number of small businesses, and minority,
3 and women contractors to effectively compete for department of
4 transportation contracts, the department may adopt rules providing for
5 bids and award of contracts for the performance of work, or furnishing
6 equipment, materials, supplies, or operating services whenever any work
7 is to be performed and the engineer's estimate indicates the cost of
8 the work would not exceed eighty thousand dollars and effective July 1,
9 2005, one hundred thousand dollars. The rules adopted under this
10 section:

11 (1) Shall provide for competitive bids to the extent that
12 competitive sources are available except when delay of performance
13 would jeopardize life or property or inconvenience the traveling
14 public; and

15 (2) Need not require the furnishing of a bid deposit nor a
16 performance bond, but if a performance bond is not required then
17 progress payments to the contractor may be required to be made based on
18 submittal of paid invoices to substantiate proof that disbursements
19 have been made to laborers, material suppliers, mechanics, and
20 subcontractors from the previous partial payment; and

21 (3) May establish prequalification standards and procedures as an
22 alternative to those set forth in RCW 47.28.070, but the
23 prequalification standards and procedures under RCW 47.28.070 shall
24 always be sufficient.

25 The department of transportation shall comply with such goals and
26 rules as may be adopted by the office of minority and women's business
27 enterprises to implement chapter 39.19 RCW with respect to contracts
28 entered into under this chapter. The department may adopt such rules
29 as may be necessary to comply with the rules adopted by the office of
30 minority and women's business enterprises under chapter 39.19 RCW.

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