

---

HOUSE BILL 1844

---

State of Washington

64th Legislature

2015 Regular Session

By Representatives Moscoso, Kochmar, Clibborn, Fey, Appleton, Ortiz-Self, and Tarleton

Read first time 01/30/15. Referred to Committee on Transportation.

1 AN ACT Relating to work performed by state forces on ferry  
2 vessels and terminals; amending RCW 47.28.030; providing an effective  
3 date; and declaring an emergency.

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

5 **Sec. 1.** RCW 47.28.030 and 2014 c 222 s 701 are each amended to  
6 read as follows:

7 (1)(a) A state highway shall be constructed, altered, repaired,  
8 or improved, and improvements located on property acquired for  
9 right-of-way purposes may be repaired or renovated pending the use of  
10 such right-of-way for highway purposes, by contract or state forces.  
11 The work or portions thereof may be done by state forces when the  
12 estimated costs thereof are less than fifty thousand dollars and  
13 effective July 1, 2005, sixty thousand dollars.

14 (b) When delay of performance of such work would jeopardize a  
15 state highway or constitute a danger to the traveling public, the  
16 work may be done by state forces when the estimated cost thereof is  
17 less than eighty thousand dollars and effective July 1, 2005, one  
18 hundred thousand dollars.

19 (c) When the department of transportation determines to do the  
20 work by state forces, it shall enter a statement upon its records to  
21 that effect, stating the reasons therefor.

1 (d) To enable a larger number of small businesses and veteran,  
2 minority, and women contractors to effectively compete for department  
3 of transportation contracts, the department may adopt rules providing  
4 for bids and award of contracts for the performance of work, or  
5 furnishing equipment, materials, supplies, or operating services  
6 whenever any work is to be performed and the engineer's estimate  
7 indicates the cost of the work would not exceed eighty thousand  
8 dollars and effective July 1, 2005, one hundred thousand dollars.

9 (2) The rules adopted under this section:

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

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

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

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

31 (4)(a) (~~For the period of March 15, 2014, through June 30,~~  
32 ~~2015,~~) Work for less than ~~((one))~~ two hundred ~~((twenty))~~ forty  
33 thousand dollars may be performed on ferry vessels and terminals by  
34 state forces.

35 (b) The department shall hire a disinterested, third party to  
36 conduct an independent analysis to identify methods of reducing out-  
37 of-service times for vessel maintenance, preservation, and  
38 improvement projects. The analysis must include options that consider  
39 consolidating work while vessels are at shipyards by having state  
40 forces perform services traditionally performed at Eagle Harbor at

1 the shipyard and decreasing the allowable time at shipyards. The  
2 analysis must also compare the out-of-service vessel times of  
3 performing services by state forces versus contracting out those  
4 services which in turn must be used to form a recommendation as to  
5 what the threshold of work performed on ferry vessels and terminals  
6 by state forces should be. This analysis must be presented to the  
7 transportation committees of the senate and house of representatives  
8 by December 1, 2010.

9 (c) The department shall develop a proposed ferry vessel  
10 maintenance, preservation, and improvement program and present it to  
11 the transportation committees of the senate and house of  
12 representatives by December 1, 2010. The proposed program must:

13 (i) Improve the basis for budgeting vessel maintenance,  
14 preservation, and improvement costs and for projecting those costs  
15 into a sixteen-year financial plan;

16 (ii) Limit the amount of planned out-of-service time to the  
17 greatest extent possible, including options associated with  
18 department staff as well as commercial shipyards; and

19 (iii) Be based on the service plan in the capital plan,  
20 recognizing that vessel preservation and improvement needs may vary  
21 by route.

22 (d) In developing the proposed ferry vessel maintenance,  
23 preservation, and improvement program, the department shall consider  
24 the following, related to reducing vessel out-of-service time:

25 (i) The costs compared to benefits of Eagle Harbor repair and  
26 maintenance facility operations options to include staffing costs and  
27 benefits in terms of reduced out-of-service time;

28 (ii) The maintenance requirements for on-vessel staff, including  
29 the benefits of a systemwide standard;

30 (iii) The costs compared to benefits of staff performing  
31 preservation or maintenance work, or both, while the vessel is  
32 underway, tied up between sailings, or not deployed;

33 (iv) A review of the department's vessel maintenance,  
34 preservation, and improvement program contracting process and  
35 contractual requirements;

36 (v) The costs compared to benefits of allowing for increased  
37 costs associated with expedited delivery;

38 (vi) A method for comparing the anticipated out-of-service time  
39 of proposed projects and other projects planned during the same  
40 construction period;

1 (vii) Coordination with required United States coast guard dry  
2 dockings;

3 (viii) A method for comparing how proposed projects relate to the  
4 service requirements of the route on which the vessel normally  
5 operates; and

6 (ix) A method for evaluating the ongoing maintenance and  
7 preservation costs associated with proposed improvement projects.

8 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of  
10 the state government and its existing public institutions, and takes  
11 effect July 1, 2015.

--- END ---