
ENGROSSED SUBSTITUTE HOUSE BILL 1844

State of Washington

64th Legislature

2015 Regular Session

By House Transportation (originally sponsored by Representatives Moscoso, Kochmar, Clibborn, Fey, Appleton, Ortiz-Self, and Tarleton)

READ FIRST TIME 02/19/15.

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. When the estimated cost of work to be performed by
35 state forces is between one hundred twenty thousand dollars and the
36 dollar amount set by this subsection (4)(a), the department shall
37 first contact, by mail or electronic mail, contractors that appear on
38 the department's small works roster as created pursuant to procedures
39 in chapter 39.04 RCW to do specific work the contractors are
40 qualified to do to determine if any contractor is interested and

1 capable of doing the work. If there is a response of interest within
2 seventy-two hours, then the small works roster procedures commence.
3 If no qualified contractors respond with interest and availability to
4 do the work, the department may perform the work using state forces.
5 If the secretary determines the work to be completed is an emergency,
6 then procedures governing emergencies apply.

7 (b) The department shall hire a disinterested, third party to
8 conduct an independent analysis to identify methods of reducing out-
9 of-service times for vessel maintenance, preservation, and
10 improvement projects. The analysis must include options that consider
11 consolidating work while vessels are at shipyards by having state
12 forces perform services traditionally performed at Eagle Harbor at
13 the shipyard and decreasing the allowable time at shipyards. The
14 analysis must also compare the out-of-service vessel times of
15 performing services by state forces versus contracting out those
16 services which in turn must be used to form a recommendation as to
17 what the threshold of work performed on ferry vessels and terminals
18 by state forces should be. This analysis must be presented to the
19 transportation committees of the senate and house of representatives
20 by December 1, 2010.

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

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

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

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

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

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

- 1 (ii) The maintenance requirements for on-vessel staff, including
2 the benefits of a systemwide standard;
- 3 (iii) The costs compared to benefits of staff performing
4 preservation or maintenance work, or both, while the vessel is
5 underway, tied up between sailings, or not deployed;
- 6 (iv) A review of the department's vessel maintenance,
7 preservation, and improvement program contracting process and
8 contractual requirements;
- 9 (v) The costs compared to benefits of allowing for increased
10 costs associated with expedited delivery;
- 11 (vi) A method for comparing the anticipated out-of-service time
12 of proposed projects and other projects planned during the same
13 construction period;
- 14 (vii) Coordination with required United States coast guard dry
15 dockings;
- 16 (viii) A method for comparing how proposed projects relate to the
17 service requirements of the route on which the vessel normally
18 operates; and
- 19 (ix) A method for evaluating the ongoing maintenance and
20 preservation costs associated with proposed improvement projects.

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

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