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HOUSE BILL 1993

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State of Washington

63rd Legislature

2013 Regular Session

By Representative Angel

Read first time 03/08/13. Referred to Committee on Transportation.

1 AN ACT Relating to the construction and alteration of ferries;  
2 adding new sections to chapter 47.60 RCW; and repealing RCW 47.60.810,  
3 47.60.812, 47.60.814, 47.60.816, 47.60.818, 47.60.820, 47.60.822,  
4 47.60.824, and 47.60.8241.

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

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

8 (1) For any ferry to be acquired by contracts advertised for bid  
9 after August 1, 2013, the department must develop a process for  
10 awarding competitively bid contracts for ferry construction projects  
11 using a design-build procedure. As used in this section, "design-build  
12 procedure" means a method of contracting under which the department  
13 contracts with another party for the party to both design and build the  
14 items specified in the contract. The process developed by the  
15 department must, at a minimum, include the scope of services required  
16 under the design-build procedure, contractor prequalification  
17 requirements, criteria for evaluating technical information and project  
18 costs, contractor selection criteria, and issue resolution procedures.

1 (2)(a) Except as otherwise provided in (b) of this subsection, the  
2 department may not participate in or contribute to the design of a  
3 ferry acquired pursuant to this section.

4 (b) The department may offer a change to the design of a ferry only  
5 when the change provides cost savings in the design, construction, or  
6 operation of the ferry and only when the risks associated with the  
7 design remain exclusively with the contractor.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.60 RCW  
9 to read as follows:

10 (1) In performing pursuant to any contract to construct a ferry,  
11 change orders are allowable, but should be used on a very limited basis  
12 to accomplish important objectives, including cost savings, safety  
13 improvements, and operational efficiencies.

14 (2) To accommodate change orders, the department must request that  
15 the legislative appropriation for any ferry construction project  
16 include up to, but no more than, a five percent price contingency.  
17 This contingency must be identified in the funding request to the  
18 legislature and held in reserve until the office of financial  
19 management approves the expenditure.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.60 RCW  
21 to read as follows:

22 For ferries acquired by the department pursuant to a contract  
23 advertised for bid prior to August 1, 2013, the department may not make  
24 or design a substantial alteration to such ferries unless the  
25 department has sought and received approval for the alteration from the  
26 legislature, if the legislature is in session. If the legislature is  
27 not in session, the department must seek and receive approval for such  
28 an alteration from the office of financial management. For the  
29 purposes of this section, "substantial alteration" means any project  
30 that is anticipated to cost more than twenty-five percent of the  
31 replacement value of the ferry to be altered at the time of alteration.  
32 The department may seek to make such an alteration to a ferry only if  
33 the alteration is necessary to assure continued operation or to provide  
34 operational or long-term cost savings.

1        NEW SECTION.   **Sec. 4.**   The following acts or parts of acts are each  
2 repealed:

3        (1)    RCW    47.60.810    (Design-build   ferries--Authorized--Phases  
4 defined) and 2001 c 226 s 4;

5        (2)    RCW    47.60.812    (Design-build   ferries--Notice of request for  
6 proposals) and 2001 c 226 s 5;

7        (3)    RCW    47.60.814    (Design-build   ferries--Issuance of request for  
8 proposals) and 2001 c 226 s 6;

9        (4)    RCW    47.60.816    (Design-build   ferries--Phase one) and 2001 c 226  
10 s 7;

11       (5)    RCW    47.60.818    (Design-build   ferries--Phase two) and 2001 c 226  
12 s 8;

13       (6)    RCW    47.60.820    (Design-build   ferries--Phase three) and 2001 c  
14 226 s 9;

15       (7)    RCW    47.60.822    (Design-build   ferries--Notice to proposers not  
16 selected--Appeal) and 2001 c 226 s 10;

17       (8)    RCW    47.60.824    (Design-build   ferries--Single best-qualified  
18 proposer--Incentives--Proposal negotiations--Compensation) and 2007 c  
19 481 s 2; and

20       (9)    RCW    47.60.8241   (Findings--Single proposal process for new ferry  
21 vessel construction) and 2007 c 481 s 1.

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