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**ENGROSSED HOUSE BILL 2684**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** Representatives Walkinshaw, Zeiger, and Young; by request of  
Department of Transportation

Read first time 01/27/14. Referred to Committee on Transportation.

1       AN ACT Relating to time period and monetary limits on ferry vessel  
2 and terminal work by state forces; 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 2011 c 367 s 710 are each amended to  
5 read as follows:

6       (1)(a) 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.

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

18       (c) When the department of transportation determines to do the work

1 by state forces, it shall enter a statement upon its records to that  
2 effect, stating the reasons therefor.

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

11 (2) The rules adopted under this section:

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

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

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

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

33 (4)(a) (~~For the period of March 15, 2010, through June 30, 2013,~~)  
34 Work for less than one hundred twenty thousand dollars may be performed  
35 on ferry vessels and terminals by state forces.

36 (b) The department shall hire a disinterested, third party to  
37 conduct an independent analysis to identify methods of reducing out-of-  
38 service times for vessel maintenance, preservation, and improvement

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

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

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

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

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

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

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

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

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

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

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

- 1           (vi) A method for comparing the anticipated out-of-service time of  
2 proposed projects and other projects planned during the same  
3 construction period;
- 4           (vii) Coordination with required United States coast guard dry  
5 dockings;
- 6           (viii) A method for comparing how proposed projects relate to the  
7 service requirements of the route on which the vessel normally  
8 operates; and
- 9           (ix) A method for evaluating the ongoing maintenance and  
10 preservation costs associated with proposed improvement projects.

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