
HOUSE BILL 2863

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Zellinsky, R. Meyers and Schmidt

Read first time 01/26/94. Referred to Committee on Transportation.

1 AN ACT Relating to the jumbo ferry vessel propulsion system; adding
2 a new section to chapter 47.60 RCW; creating a new section; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the construction
6 of the new Jumbo Class Mark II ferry vessels authorized by RCW
7 47.60.770 through 47.60.778 is critical to the welfare of the state and
8 that any delay in the immediate construction of the ferries will result
9 in severe hardship and economic loss to the state and its citizens.
10 Recognizing these findings, it is the intent of the legislature that
11 the vessel construction should not be delayed further because of the
12 acquisition of a propulsion system, or any component of it, for the
13 ferries, and to authorize the department of transportation to acquire
14 all components of a complete propulsion system as soon as possible so
15 that planned construction of the new ferries can proceed immediately.

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

1 (1) The department may enter into a contract, without bid, for the
2 acquisition of the propulsion system, or any component of it, including
3 diesel engines and spare parts, for installation into one or more of
4 the three Jumbo Class Mark II ferry vessels authorized under this
5 chapter.

6 (2) The department's acquisition of a propulsion system, or any
7 component of it, for the Jumbo Class Mark II ferries is exempt from
8 chapter 43.19 RCW.

9 (3) Whenever the department decides to enter into an acquisition
10 contract under this section it shall publish a notice of its intent to
11 negotiate such a contract once a week for at least two consecutive
12 weeks in one trade newspaper and one other newspaper, both of general
13 circulation in the state. The notice must contain, but is not limited
14 to, the following information:

15 (a) The identity of the propulsion system or components to be
16 acquired and the proposed delivery dates for the propulsion system or
17 components;

18 (b) An address and telephone number that may be used to obtain the
19 request for proposal.

20 (4) The department shall send to any firm that requests it, a
21 request for proposal outlining the design and construction requirements
22 for the propulsion system, including any desired components. The
23 department shall also send the following information:

24 (a) The proposed delivery date for each propulsion system or
25 desired component and the location where delivery will be taken;

26 (b) The form and formula for contract security;

27 (c) A copy of the proposed contract;

28 (d) The date by which proposals must be received by the department
29 in order to be considered; and

30 (e) A statement that any proposal submitted constitutes an offer
31 and must remain open until ninety days after the deadline for
32 submitting proposals, together with an explanation of the requirement
33 that all proposals submitted must be accompanied by a deposit in the
34 amount of five percent of the proposed cost.

35 (5) The department shall evaluate all timely proposals received for
36 compliance with the requirements specified in the request for proposal
37 and for suitability of each firm's proposal by applying appropriate
38 criteria to be developed by the department for this purpose.

39 (6) Upon concluding its evaluation, the department shall:

1 (a) Select the firm presenting the proposal most advantageous to
2 the state, taking into consideration the requirements stated in the
3 request for proposal, and rank the remaining firms in order of
4 preference, judging them by the same standards; or

5 (b) Reject all proposals as not in compliance with the requirements
6 contained in the request for proposals.

7 (7) The department shall immediately notify those firms that were
8 not selected as the firm presenting the most advantageous proposal of
9 the department's decision. The department's decision is conclusive
10 unless an aggrieved firm appeals the decision to the superior court of
11 Thurston county within five days after receiving notice of the
12 department's final decision. The appeal shall be heard summarily
13 within ten days after it is taken and on five days' notice to the
14 department. The court shall hear the appeal on the administrative
15 record that was before the department. The court may affirm the
16 decision of the department, or it may reverse the decision if it
17 determines the action of the department is arbitrary or capricious.

18 (8) Upon selecting the firm that has presented the most
19 advantageous proposal and ranking the remaining firms in order of
20 preference, the department shall:

21 (a) Negotiate a contract with the firm presenting the most
22 advantageous proposal; or

23 (b) If a final agreement satisfactory to the department cannot be
24 negotiated with the firm presenting the most advantageous proposal, the
25 department may then negotiate with the firm ranked next highest in
26 order of preference. If necessary, the department may repeat this
27 procedure and negotiate with each firm in order of rank until the list
28 of firms has been exhausted.

29 (9) Proposals submitted by firms under this section constitute an
30 offer and must remain open for ninety days. When submitted, each
31 proposal must be accompanied by a deposit in cash, certified check,
32 cashier's check, or surety bond in the amount equal to five percent of
33 the amount of the proposed contract price, and the department may not
34 consider a proposal that has no deposit enclosed with it. If the
35 department awards a contract to a firm under the procedure set forth in
36 this section and the firm fails to enter into the contract and furnish
37 the required contract security within twenty days, exclusive of the day
38 of the award, its deposit shall be forfeited to the state and deposited
39 by the state treasurer to the credit of the Puget Sound capital

1 construction account. Upon the execution of a contract all proposal
2 deposits shall be returned.

3 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect immediately.

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