
HOUSE BILL 2221

State of Washington 57th Legislature 2001 Regular Session

By Representatives Mielke, Rockefeller and Jackley

Read first time 03/08/2001. Referred to Committee on Transportation.

1 AN ACT Relating to maintenance and preservation of ferries; and
2 amending RCW 47.56.030.

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

4 **Sec. 1.** RCW 47.56.030 and 1995 1st sp.s. c 4 s 1 are each amended
5 to read as follows:

6 (1) The department of transportation shall have full charge of the
7 construction of all toll bridges and other toll facilities including
8 the Washington state ferries, and the operation and maintenance
9 thereof. The transportation commission shall determine and establish
10 the tolls and charges thereon, and shall perform all duties and
11 exercise all powers relating to the financing, refinancing, and fiscal
12 management of all toll bridges and other toll facilities including the
13 Washington state ferries, and bonded indebtedness in the manner
14 provided by law. The department shall have full charge of design of
15 all toll facilities. Except as provided in this section, the
16 department shall proceed with the construction of such toll bridges and
17 other facilities and the approaches thereto by contract in the manner
18 of state highway construction immediately upon there being made
19 available funds for such work and shall prosecute such work to

1 completion as rapidly as practicable. The department is authorized to
2 negotiate contracts for any amount without bid under (a) and (b) of
3 this subsection:

4 (a) Emergency contracts, in order to make repairs to ferries or
5 ferry terminal facilities or removal of such facilities whenever
6 continued use of ferries or ferry terminal facilities constitutes a
7 real or immediate danger to the traveling public or precludes prudent
8 use of such ferries or facilities; and

9 (b) Single source contracts for vessel dry dockings, when there is
10 clearly and legitimately only one available dry dock facility to
11 conduct dry dock-related work for a specific class or classes of
12 vessels. The contracts may be entered into for a single vessel dry
13 docking or for multiple vessel dry dockings for a period not to exceed
14 two years.

15 (2) The department shall proceed with the procurement of materials,
16 supplies, services, and equipment needed for the support, maintenance,
17 and use of a ferry, ferry terminal, or other facility operated by
18 Washington state ferries, in accordance with chapter 43.19 RCW except
19 as follows:

20 ~~((+1))~~ (a) When the secretary of the department of transportation
21 determines in writing that the use of invitation for bid is either not
22 practicable or not advantageous to the state and it may be necessary to
23 make competitive evaluations, including technical or performance
24 evaluations among acceptable proposals to complete the contract award,
25 a contract may be entered into by use of a competitive sealed proposals
26 method, and a formal request for proposals solicitation. Such formal
27 request for proposals solicitation shall include a functional
28 description of the needs and requirements of the state and the
29 significant factors.

30 ~~((+2))~~ (b) When purchases are made through a formal request for
31 proposals solicitation the contract shall be awarded to the responsible
32 proposer whose competitive sealed proposal is determined in writing to
33 be the most advantageous to the state taking into consideration price
34 and other evaluation factors set forth in the request for proposals.
35 No significant factors may be used in evaluating a proposal that are
36 not specified in the request for proposals. Factors that may be
37 considered in evaluating proposals include but are not limited to:
38 Price; maintainability; reliability; commonality; performance levels;
39 life cycle cost if applicable under this section; cost of

1 transportation or delivery; delivery schedule offered; installation
2 cost; cost of spare parts; availability of parts and service offered;
3 and the following:

4 ~~((a))~~ (i) The ability, capacity, and skill of the proposer to
5 perform the contract or provide the service required;

6 ~~((b))~~ (ii) The character, integrity, reputation, judgment,
7 experience, and efficiency of the proposer;

8 ~~((c))~~ (iii) Whether the proposer can perform the contract within
9 the time specified;

10 ~~((d))~~ (iv) The quality of performance of previous contracts or
11 services;

12 ~~((e))~~ (v) The previous and existing compliance by the proposer
13 with laws relating to the contract or services;

14 ~~((f))~~ (vi) Objective, measurable criteria defined in the request
15 for proposal. These criteria may include but are not limited to items
16 such as discounts, delivery costs, maintenance services costs,
17 installation costs, and transportation costs; and

18 ~~((g))~~ (vii) Such other information as may be secured having a
19 bearing on the decision to award the contract.

20 (c) When purchases are made through a request for proposal process,
21 proposals received shall be evaluated based on the evaluation factors
22 set forth in the request for proposal. When a life cycle cost analysis
23 is used, the life cycle cost of a proposal shall be given at least the
24 same relative importance as the initial price element specified in the
25 request of proposal documents. The department may reject any and all
26 proposals received. If the proposals are not rejected, the award shall
27 be made to the proposer whose proposal is most advantageous to the
28 department, considering price and the other evaluation factors set
29 forth in the request for proposal.

30 (3) ~~((The legislative transportation committee shall review the
31 secretary's use of the request for proposals solicitation for
32 Washington state ferries projects to determine if the process
33 established under chapter 4, Laws of 1995 1st sp. sess. is appropriate.
34 The results of the review, including recommendations for modification
35 of the request for proposal process, shall be reported to the house of
36 representatives and senate transportation committees by January 1,
37 1997.))~~ The department shall proceed with the procurement of large
38 equipment and systems (e.g., electrical, propulsion) needed for the

1 support, maintenance, and use of a ferry operated by Washington state
2 ferries, as follows:

3 (a) A contract must be entered into by use of a formal request for
4 proposals solicitation including competitive sealed proposals. The
5 formal request for proposals solicitation must include a functional
6 description of the needs and requirements of the state and the
7 significant factors for proposal evaluation.

8 (b) The contract must be awarded to the responsible proposer whose
9 competitive sealed proposal is determined in writing to be the most
10 advantageous to the state, taking into consideration price and other
11 evaluation factors set forth in the request for proposals. No
12 significant factors may be used in evaluating a proposal that are not
13 specified in the request for proposals. Factors that may be considered
14 in evaluating proposals include but are not limited to: Price;
15 maintainability; reliability; commonality; performance levels; life
16 cycle cost if applicable under this section; cost of transportation or
17 delivery; delivery schedule offered; installation cost; cost of spare
18 parts; availability of parts and service offered; and the following:

19 (i) The ability, capacity, and skill of the proposer to perform the
20 contract or provide the service required;

21 (ii) The character, integrity, reputation, judgment, experience,
22 and efficiency of the proposer;

23 (iii) Whether the proposer can perform the contract within the time
24 specified;

25 (iv) The quality of performance of previous contracts or services;

26 (v) The previous and existing compliance by the proposer with laws
27 relating to the contract or services;

28 (vi) Objective, measurable criteria defined in the request for
29 proposals. These criteria may include but are not limited to items
30 such as discounts, delivery costs, maintenance services costs,
31 installation costs, and transportation costs; and

32 (vii) Such other information as may be secured having a bearing on
33 the decision to award the contract.

34 (c) Proposals received must be evaluated based on the evaluation
35 factors set forth in the request for proposals.

36 (d) When a life cycle cost analysis is used, the life cycle cost of
37 a proposal must be given at least the same relative importance as the
38 initial price element specified in the request for proposals. The
39 department may reject any or all proposals received. If the proposals

1 are not rejected, the award must be made to the proposer whose proposal
2 is most advantageous to the department, considering price and the other
3 evaluation factors set forth in the request for proposals.

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