

SSB 6104 - S AMD 601  
By Senator Swecker

1       Strike everything after the enacting clause and insert the  
2 following:

3       "NEW SECTION. **Sec. 1.** A new section is added to chapter 47.60 RCW  
4 to read as follows:

5       If only a single prequalified proposer emerges from phase one of  
6 the open competitive design-build procurement process, the secretary  
7 shall make a finding to that effect. The transportation commission  
8 must review the prequalification process and the finding of the  
9 secretary. Following commission approval of the secretary's finding,  
10 the department may negotiate an agreement under the requirements of  
11 this section, in lieu of the process outlined in RCW 47.60.818 and  
12 47.60.820.

13       (1) The department and the proposer may enter into negotiations to  
14 jointly develop contract specifications and plans, which must adhere to  
15 the requirements of RCW 47.60.818(1). The final jointly developed  
16 contract specifications and plans must be approved by the department,  
17 and must include design, drawings, and specifications at a sufficient  
18 level of detail to fully depict the ferries' characteristics and  
19 identify installed equipment and systems.

20       (2) The department may reimburse the proposer for the cost  
21 associated with the preparation of the jointly developed contract  
22 specifications and plans, and may establish a maximum amount of such  
23 reimbursement.

24       (3) The department shall conduct ongoing joint reviews with the  
25 proposer to consider and critique its designs, drawings, and  
26 specifications. These reviews must be held to ensure that the jointly  
27 developed construction specifications and plans meet the department's  
28 requirements and are responsive to the critiques conducted by the  
29 department during the preparation of the jointly developed construction  
30 specifications and plans.

1 (4) If, as a result of the periodic technical reviews or otherwise,  
2 the department determines that it is in the best interest of the  
3 department to modify any element of the department's requirements,  
4 including the outline specifications, it shall do so in writing to the  
5 proposer.

6 (5) The department may negotiate a contract with the proposer  
7 during the preparation of the jointly developed contract specifications  
8 and plans. The contract price must be established between the  
9 department and the contractor through negotiation based on detailed  
10 cost and price information provided by the proposer. To achieve  
11 efficiencies the department may negotiate incentives and economic cost  
12 sharing between the state and the proposer. In addition to the cost  
13 incentives, other incentives may be considered, as determined by the  
14 department to be in the best interests of the state. Such incentives  
15 may include, but are not limited to, key schedule milestones,  
16 technological innovations, performance efficiencies, constructability,  
17 and operational value or life-cycle cost.

18 (6) The department shall submit a copy of the contract, the final  
19 negotiated price, and supporting information to the office of financial  
20 management at least ten days prior to execution of the contract. If  
21 the final negotiated price is greater than the legislature's adopted  
22 expenditure plan for vessel construction, the department may not  
23 execute the contract until the legislature reviews the final proposal  
24 and adjusts the expenditure plan accordingly.

25 (7) If the department and the proposer are not able to reach an  
26 agreement on the jointly developed contract specifications and plans,  
27 the department may republish, revise, or cancel the request for  
28 proposals process to serve the best interests of the state."

**SSB 6104** - S AMD 601  
By Senator Swecker

29 In line 2 of the title, after "Ferries;" strike the remainder of  
30 the title and insert "and adding a new section to chapter 47.60 RCW."

--- END ---