
SENATE BILL 6104

State of Washington

59th Legislature

2005 Regular Session

By Senators Haugen and Swecker; by request of Department of Transportation

Read first time . Referred to .

1 AN ACT Relating to construction of new vessels for Washington State
2 Ferries; and adding a new section to chapter 47.60 RCW.

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

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

6 If the department concludes that there is a single prequalified
7 proposer, or subsequently a single best qualified proposer, the
8 department may negotiate an agreement under the requirements of this
9 section, in lieu of the process outlined in RCW 47.60.818 and
10 47.60.820.

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

18 (2) The department may reimburse the proposer for the cost

1 associated with the preparation of the jointly developed contract
2 specifications and plans, and may establish a maximum amount of such
3 reimbursement.

4 (3) The department will conduct ongoing joint reviews with the
5 proposer to consider and critique its designs, drawings, and
6 specifications. These reviews must be held to ensure that the jointly
7 developed construction specifications and plans meet the department's
8 requirements and are responsive to the critiques conducted by the
9 department during the preparation of the jointly developed construction
10 specifications and plans.

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

16 (5) The department may negotiate a contract with the proposer
17 during the preparation of the jointly developed contract specifications
18 and plans. The contract price must be established between the
19 department and the contractor through negotiation based on detailed
20 cost and price information provided by the proposer. To achieve
21 efficiencies the department may negotiate incentives and economic cost
22 sharing between the state and the proposer. In addition to the cost
23 incentives, other incentives may be considered, as determined by the
24 department to be in the best interests of the state. Such incentives
25 may include, but are not limited to, key schedule milestones,
26 technological innovations, performance efficiencies, constructability,
27 and operational value or life-cycle cost.

28 (6) The department shall provide the transportation performance
29 audit board with a summary of the final negotiated price, details of
30 the contract, and supporting information. Within thirty days of the
31 department's submission, the board shall declare that it has received
32 sufficient information regarding the contract or require additional
33 information. If the board declares the information to be sufficient,
34 the department may proceed with the contract. If the board requires
35 additional information, it must provide the details of its request to
36 the department, the office of financial management, and the
37 transportation committees of the legislature. In evaluating the

1 additional information, the board may rely on an independent
2 third-party review.

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

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