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SENATE BILL 6853

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State of Washington

59th Legislature

2006 Regular Session

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

Read first time 01/27/2006. Referred to Committee on Transportation.

1 AN ACT Relating to vessel procurement; and amending RCW 47.60.820.

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

3 **Sec. 1.** RCW 47.60.820 and 2001 c 226 s 9 are each amended to read  
4 as follows:

5 Phase three consists of the submittal and evaluation of bids and  
6 the award of the contract to the ((successful)) proposer ((for the  
7 final design and construction of the auto ferries)) submitting the best  
8 and final proposal, as follows:

9 (1) ((The department shall request bids for detailed design and  
10 construction of the vessels after completion of the review of technical  
11 proposals in phase two. The department will review detailed design  
12 drawings in phase three for conformity with the technical proposals  
13 submitted in phase two. In no case may the department's review replace  
14 the builder's responsibility to deliver a product meeting the phase two  
15 technical proposal. The department may only consider bids from  
16 selected proposers that have qualified to bid by submitting technical  
17 proposals that have been approved by the department.

18 (2) ~~Each qualified proposer must submit its total bid price for all~~

1 ~~vessels, including certification that the bid is based upon its~~  
2 ~~approved technical proposal and the request for proposals.~~

3 ~~(3) Bids constitute an offer and remain open for ninety days from~~  
4 ~~the date of the bid opening. A deposit in cash, certified check,~~  
5 ~~cashier's check, or surety bond in an amount specified in the request~~  
6 ~~for proposals must accompany each bid and no bid may be considered~~  
7 ~~unless the deposit is enclosed.~~

8 ~~(4) The department shall evaluate the submitted bids. Upon~~  
9 ~~completing the bid evaluation, the department may select the responsive~~  
10 ~~and responsible proposer that offers the lowest total bid price for all~~  
11 ~~vessels.~~

12 ~~(5) The department may waive informalities in the proposal and bid~~  
13 ~~process, accept a bid from the lowest responsive and responsible~~  
14 ~~proposer, reject any or all bids, republish, and revise or cancel the~~  
15 ~~request for proposals to serve the best interests of the department.~~

16 ~~(6) The department may:~~

17 ~~(a) Award the contract to the proposer that has been selected as~~  
18 ~~the responsive and responsible proposer that has submitted the lowest~~  
19 ~~total bid price;~~

20 ~~(b) If a contract cannot be signed with the apparent successful~~  
21 ~~proposer, award the contract to the next lowest responsive and~~  
22 ~~responsible proposer; or~~

23 ~~(c) If necessary, repeat this procedure with each responsive and~~  
24 ~~responsible proposer in order of rank until the list of those proposers~~  
25 ~~has been exhausted.~~

26 ~~(7) If the department awards a contract to a proposer under this~~  
27 ~~section, and the proposer fails to enter into the contract and furnish~~  
28 ~~satisfactory contract security as required by chapter 39.08 RCW within~~  
29 ~~twenty days from the date of award, its deposit is forfeited to the~~  
30 ~~state and will be deposited by the state treasurer to the credit of the~~  
31 ~~Puget Sound capital construction account. Upon the execution of a~~  
32 ~~ferry design and construction contract all proposal deposits will be~~  
33 ~~returned.~~

34 ~~(8) The department may provide an honorarium to reimburse each~~  
35 ~~unsuccessful phase three proposer for a portion of its technical~~  
36 ~~proposal preparation costs at a preset, fixed amount to be specified in~~  
37 ~~the request for proposals. If the department rejects all bids, the~~  
38 ~~department may provide the honoraria to all phase three proposers that~~

1 ~~submitted bids.))~~ Best and final proposals shall be evaluated and  
2 scored based on the factors, weighting, and process identified in the  
3 initial request for proposals. Final proposals may not be considered  
4 if the proposal cost is greater than the maximum allowable construction  
5 cost identified in the initial request for proposals. Evaluation  
6 factors shall include, but not be limited to: Proposal price; ability  
7 of professional personnel; past performance on similar projects;  
8 ability to meet time and budget requirements; ability to provide a  
9 performance and payment bond for the project; recent, current, and  
10 projected work loads of the shipyard; location; and the concept of the  
11 proposal.

12 (2) The department shall initiate negotiations with the firm  
13 submitting the highest scored best and final proposal. If the  
14 department is unable to execute a contract with the shipyard submitting  
15 the highest scored best and final proposal, negotiations with that firm  
16 may be suspended or terminated, and the public body may proceed to  
17 negotiate with the next highest scored shipyard. The department shall  
18 continue in accordance with this procedure until a contract agreement  
19 is reached or the selection process is terminated.

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