

ESHB 1844 - S COMM AMD

By Committee on Transportation

ADOPTED 4/14/2015

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

3 "Sec. 1. RCW 47.28.030 and 2014 c 222 s 701 are each amended to
4 read as follows:

5 (1)(a) A state highway shall be constructed, altered, repaired,
6 or improved, and improvements located on property acquired for
7 right-of-way purposes may be repaired or renovated pending the use of
8 such right-of-way for highway purposes, by contract or state forces.
9 The work or portions thereof may be done by state forces when the
10 estimated costs thereof are less than fifty thousand dollars and
11 effective July 1, 2005, sixty thousand dollars.

12 (b) When delay of performance of such work would jeopardize a
13 state highway or constitute a danger to the traveling public, the
14 work may be done by state forces when the estimated cost thereof is
15 less than eighty thousand dollars and effective July 1, 2005, one
16 hundred thousand dollars.

17 (c) When the department of transportation determines to do the
18 work by state forces, it shall enter a statement upon its records to
19 that effect, stating the reasons therefor.

20 (d) To enable a larger number of small businesses and veteran,
21 minority, and women contractors to effectively compete for department
22 of transportation contracts, the department may adopt rules providing
23 for bids and award of contracts for the performance of work, or
24 furnishing equipment, materials, supplies, or operating services
25 whenever any work is to be performed and the engineer's estimate
26 indicates the cost of the work would not exceed eighty thousand
27 dollars and effective July 1, 2005, one hundred thousand dollars.

28 (2) The rules adopted under this section:

29 (a) Shall provide for competitive bids to the extent that
30 competitive sources are available except when delay of performance
31 would jeopardize life or property or inconvenience the traveling
32 public; and

1 (b) Need not require the furnishing of a bid deposit nor a
2 performance bond, but if a performance bond is not required then
3 progress payments to the contractor may be required to be made based
4 on submittal of paid invoices to substantiate proof that
5 disbursements have been made to laborers, material suppliers,
6 mechanics, and subcontractors from the previous partial payment; and

7 (c) May establish prequalification standards and procedures as an
8 alternative to those set forth in RCW 47.28.070, but the
9 prequalification standards and procedures under RCW 47.28.070 shall
10 always be sufficient.

11 (3) The department of transportation shall comply with such goals
12 and rules as may be adopted by the office of minority and women's
13 business enterprises to implement chapter 39.19 RCW with respect to
14 contracts entered into under this chapter. The department may adopt
15 such rules as may be necessary to comply with the rules adopted by
16 the office of minority and women's business enterprises under chapter
17 39.19 RCW.

18 (4)(a) (~~For the period of March 15, 2014, through June 30,~~
19 ~~2015,~~) Work for less than one hundred ((twenty)) thousand dollars
20 may be performed on ferry vessels and terminals by state forces.

21 (b) When the estimated cost of work to be performed on ferry
22 vessels and terminals is between one hundred thousand dollars and two
23 hundred thousand dollars, the department shall contact, by mail or
24 electronic mail, contractors that appear on the department's small
25 works roster as created pursuant to procedures in chapter 39.04 RCW
26 to do specific work the contractors are qualified to do to determine
27 if any contractor is interested and capable of doing the work. If
28 there is a response of interest within seventy-two hours, the small
29 works roster procedures commence. If no qualified contractors respond
30 with interest and availability to do the work, the department may use
31 its regular contracting procedures. If the secretary determines that
32 the work to be completed is an emergency, procedures governing
33 emergencies apply.

34 (c) The department shall hire a disinterested, third party to
35 conduct an independent analysis to identify methods of reducing out-
36 of-service times for vessel maintenance, preservation, and
37 improvement projects. The analysis must include options that consider
38 consolidating work while vessels are at shipyards by having state
39 forces perform services traditionally performed at Eagle Harbor at
40 the shipyard and decreasing the allowable time at shipyards. The

1 analysis must also compare the out-of-service vessel times of
2 performing services by state forces versus contracting out those
3 services which in turn must be used to form a recommendation as to
4 what the threshold of work performed on ferry vessels and terminals
5 by state forces should be. This analysis must be presented to the
6 transportation committees of the senate and house of representatives
7 by December 1, 2010.

8 ~~((c))~~ (d) The department shall develop a proposed ferry vessel
9 maintenance, preservation, and improvement program and present it to
10 the transportation committees of the senate and house of
11 representatives by December 1, 2010. The proposed program must:

12 (i) Improve the basis for budgeting vessel maintenance,
13 preservation, and improvement costs and for projecting those costs
14 into a sixteen-year financial plan;

15 (ii) Limit the amount of planned out-of-service time to the
16 greatest extent possible, including options associated with
17 department staff as well as commercial shipyards; and

18 (iii) Be based on the service plan in the capital plan,
19 recognizing that vessel preservation and improvement needs may vary
20 by route.

21 ~~((d))~~ (e) In developing the proposed ferry vessel maintenance,
22 preservation, and improvement program, the department shall consider
23 the following, related to reducing vessel out-of-service time:

24 (i) The costs compared to benefits of Eagle Harbor repair and
25 maintenance facility operations options to include staffing costs and
26 benefits in terms of reduced out-of-service time;

27 (ii) The maintenance requirements for on-vessel staff, including
28 the benefits of a systemwide standard;

29 (iii) The costs compared to benefits of staff performing
30 preservation or maintenance work, or both, while the vessel is
31 underway, tied up between sailings, or not deployed;

32 (iv) A review of the department's vessel maintenance,
33 preservation, and improvement program contracting process and
34 contractual requirements;

35 (v) The costs compared to benefits of allowing for increased
36 costs associated with expedited delivery;

37 (vi) A method for comparing the anticipated out-of-service time
38 of proposed projects and other projects planned during the same
39 construction period;

1 (vii) Coordination with required United States coast guard dry
2 dockings;

3 (viii) A method for comparing how proposed projects relate to the
4 service requirements of the route on which the vessel normally
5 operates; and

6 (ix) A method for evaluating the ongoing maintenance and
7 preservation costs associated with proposed improvement projects.

8 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of
10 the state government and its existing public institutions, and takes
11 effect July 1, 2015."

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12 On page 1, line 2 of the title, after "terminals;" strike the
13 remainder of the title and insert "amending RCW 47.28.030; providing
14 an effective date; and declaring an emergency."

EFFECT: Changes the threshold for work that may be performed by
state workers on ferry vessels and terminals from \$240,000 to
\$100,000. Requires work between \$100,000 and \$200,000 to be offered
to entities on the small works roster prior to the department using
its regular contracting procedures.

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