

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1844**

Chapter 282, Laws of 2015

64th Legislature  
2015 Regular Session

FERRY VESSELS AND TERMINALS--PUBLIC WORKS CONTRACTING

EFFECTIVE DATE: 7/1/2015

Passed by the House April 23, 2015  
Yeas 98 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 14, 2015  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 18, 2015 1:49 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1844** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

May 18, 2015

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 1844

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AS AMENDED BY THE SENATE

Passed Legislature - 2015 Regular Session

**State of Washington**                      **64th Legislature**                      **2015 Regular Session**

**By** House Transportation (originally sponsored by Representatives Moscoso, Kochmar, Clibborn, Fey, Appleton, Ortiz-Self, and Tarleton)

READ FIRST TIME 02/19/15.

1            AN ACT Relating to work performed by state forces on ferry  
2 vessels and terminals; amending RCW 47.28.030; providing an effective  
3 date; and declaring an emergency.

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

5            **Sec. 1.** RCW 47.28.030 and 2014 c 222 s 701 are each amended to  
6 read as follows:

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

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

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

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

9 (2) The rules adopted under this section:

10 (a) Shall provide for competitive bids to the extent that  
11 competitive sources are available except when delay of performance  
12 would jeopardize life or property or inconvenience the traveling  
13 public; and

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

20 (c) May establish prequalification standards and procedures as an  
21 alternative to those set forth in RCW 47.28.070, but the  
22 prequalification standards and procedures under RCW 47.28.070 shall  
23 always be sufficient.

24 (3) The department of transportation shall comply with such goals  
25 and rules as may be adopted by the office of minority and women's  
26 business enterprises to implement chapter 39.19 RCW with respect to  
27 contracts entered into under this chapter. The department may adopt  
28 such rules as may be necessary to comply with the rules adopted by  
29 the office of minority and women's business enterprises under chapter  
30 39.19 RCW.

31 (4)(a) (~~For the period of March 15, 2014, through June 30,~~  
32 ~~2015,~~) Work for less than one hundred (~~twenty~~) thousand dollars  
33 may be performed on ferry vessels and terminals by state forces.

34 (b) When the estimated cost of work to be performed on ferry  
35 vessels and terminals is between one hundred thousand dollars and two  
36 hundred thousand dollars, the department shall contact, by mail or  
37 electronic mail, contractors that appear on the department's small  
38 works roster as created pursuant to procedures in chapter 39.04 RCW  
39 to do specific work the contractors are qualified to do to determine  
40 if any contractor is interested and capable of doing the work. If

1 there is a response of interest within seventy-two hours, the small  
2 works roster procedures commence. If no qualified contractors respond  
3 with interest and availability to do the work, the department may use  
4 its regular contracting procedures. If the secretary determines that  
5 the work to be completed is an emergency, procedures governing  
6 emergencies apply.

7 (c) The department shall hire a disinterested, third party to  
8 conduct an independent analysis to identify methods of reducing out-  
9 of-service times for vessel maintenance, preservation, and  
10 improvement projects. The analysis must include options that consider  
11 consolidating work while vessels are at shipyards by having state  
12 forces perform services traditionally performed at Eagle Harbor at  
13 the shipyard and decreasing the allowable time at shipyards. The  
14 analysis must also compare the out-of-service vessel times of  
15 performing services by state forces versus contracting out those  
16 services which in turn must be used to form a recommendation as to  
17 what the threshold of work performed on ferry vessels and terminals  
18 by state forces should be. This analysis must be presented to the  
19 transportation committees of the senate and house of representatives  
20 by December 1, 2010.

21 ((+e)) (d) The department shall develop a proposed ferry vessel  
22 maintenance, preservation, and improvement program and present it to  
23 the transportation committees of the senate and house of  
24 representatives by December 1, 2010. The proposed program must:

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

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

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

34 ((+d)) (e) In developing the proposed ferry vessel maintenance,  
35 preservation, and improvement program, the department shall consider  
36 the following, related to reducing vessel out-of-service time:

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

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

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

6 (iv) A review of the department's vessel maintenance,  
7 preservation, and improvement program contracting process and  
8 contractual requirements;

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

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

14 (vii) Coordination with required United States coast guard dry  
15 dockings;

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

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

21 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of  
23 the state government and its existing public institutions, and takes  
24 effect July 1, 2015.

Passed by the House April 23, 2015.

Passed by the Senate April 14, 2015.

Approved by the Governor May 18, 2015.

Filed in Office of Secretary of State May 18, 2015.

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