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**SUBSTITUTE HOUSE BILL 2391**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Local Government (originally sponsored by Representatives Leavitt, Lekanoff, Ramel, Bronoske, Eslick, and Timmons)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to county ferries; amending RCW 36.54.010 and  
2 39.04.010; and providing an effective date.

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

4 **Sec. 1.** RCW 36.54.010 and 1963 c 4 s 36.54.010 are each amended  
5 to read as follows:

6 (1) Any county may construct, condemn, or purchase, operate and  
7 maintain ferries or wharves at any unfordable stream, lake, estuary  
8 or bay within or bordering on said county, or between portions of the  
9 county, or between such county and other counties, together with all  
10 the necessary boats, grounds, roads, approaches, and landings  
11 appertaining thereto under the direction and control of the board of  
12 county commissioners free or for toll and as the board shall by  
13 resolution determine.

14 (2) County ferry maintenance shall be exempt from the  
15 requirements of chapter 39.04 RCW for contracting compliance  
16 purposes. Maintenance, including inspections and repairs required by  
17 United States coast guard regulations to renew the annual certificate  
18 of inspection of a county, either by itself or together with other  
19 counties that operate county ferries, may use an indefinite-quantity  
20 contract.

1       (3) For the purposes of this section, "an indefinite-quantity  
2 contract" means a contract pertaining to county ferry repair and  
3 maintenance that provides for an indefinite quantity, within stated  
4 limits, of supplies or services during a fixed period not exceeding  
5 10 years for the maintenance or repair of a county ferry vessel. The  
6 county places orders for individual requirements. Quantity limits may  
7 be stated as number of units or as dollar values.

8       (a) The contract must require the county to order and the  
9 contractor to furnish at least a stated minimum quantity of supplies  
10 or services. In addition, if ordered, the contractor must furnish  
11 any additional quantities, not to exceed the stated maximum. The  
12 contracting officer should establish a reasonable maximum quantity  
13 based on market research, trends on recent contracts for similar  
14 supplies or services, survey of potential users, or any other  
15 rational basis.

16       (b) To ensure that the contract is binding, the minimum quantity  
17 must be more than a nominal quantity, but it should not exceed the  
18 amount that the county is fairly certain to order.

19       (c) The contract may also specify maximum or minimum quantities  
20 that the county may order under each task or delivery order and the  
21 maximum that it may order during a specific period of time. Contract  
22 performance bonds will be based on the minimum guaranteed quantities.

23       **Sec. 2.** RCW 39.04.010 and 2023 c 395 s 2 are each amended to  
24 read as follows:

25       The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27       (1) "Authorized local government" means a political subdivision  
28 of the state, school district, or special purpose district with  
29 public works authority.

30       (2) "Award" means the formal decision by the state or  
31 municipality notifying a responsible bidder with the lowest  
32 responsive bid of the state's or municipality's acceptance of the bid  
33 and intent to enter into a contract with the bidder.

34       (3) "Contract" means a contract in writing for the execution of  
35 public work for a fixed or determinable amount duly awarded after  
36 advertisement and competitive bid, or a contract awarded under the  
37 small works roster process in RCW 39.04.151 through 39.04.154.

38       (4) "Municipality" means every city, county, town, port district,  
39 district, or other public agency authorized by law to require the

1 execution of public work, except drainage districts, diking  
2 districts, diking and drainage improvement districts, drainage  
3 improvement districts, diking improvement districts, consolidated  
4 diking and drainage improvement districts, consolidated drainage  
5 improvement districts, consolidated diking improvement districts,  
6 irrigation districts, or other districts authorized by law for the  
7 reclamation or development of waste or undeveloped lands.

8 (5) "Public work" means all work, construction, alteration,  
9 repair, or improvement other than ordinary maintenance, executed at  
10 the cost of the state or of any municipality, or which is by law a  
11 lien or charge on any property therein. All public works, including  
12 maintenance when performed by contract shall comply with chapter  
13 39.12 RCW. "Public work" does not include work, construction,  
14 alteration, repair, or improvement performed under contracts entered  
15 into under RCW 36.102.060(4) or under development agreements entered  
16 into under RCW 36.102.060(7) or leases entered into under RCW  
17 36.102.060(8) or maintenance contracts entered into under RCW  
18 36.54.010.

19 (6) "Responsible bidder" means a contractor who meets the  
20 criteria in RCW 39.04.350.

21 (7) "Small business" means a business meeting certification  
22 criteria for size, ownership, control, and personal net worth adopted  
23 by the office of minority and women's business enterprises in  
24 accordance with RCW 39.19.030.

25 (8) "State" means the state of Washington and all departments,  
26 supervisors, commissioners, and agencies of the state.

27 (9) "State agency" means the department of enterprise services,  
28 the state parks and recreation commission, the department of natural  
29 resources, the department of fish and wildlife, the department of  
30 transportation, any institution of higher education as defined under  
31 RCW 28B.10.016, and any other state agency delegated authority by the  
32 department of enterprise services to engage in construction,  
33 building, renovation, remodeling, alteration, improvement, or repair  
34 activities.

35 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2024.

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