
HOUSE BILL 2391

State of Washington

68th Legislature

2024 Regular Session

By Representatives Leavitt, Lekanoff, Ramel, Bronoske, Eslick, and Timmons

Read first time 01/16/24. Referred to Committee on Local Government.

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 considered ordinary
15 maintenance for contracting compliance purposes. Maintenance,
16 including maintenance required by United States coast guard
17 regulations to renew the annual certificate of inspection of a
18 county, either by itself or together with other counties that operate
19 county ferries, may use an indefinite-quantity contract.

20 (3) For the purposes of this section, "an indefinite-quantity
21 contract" means a contract pertaining to county ferry repair and

1 maintenance that provides for an indefinite quantity, within stated
2 limits, of supplies or services during a fixed period for the
3 maintenance or repair of a county ferry vessel. The county places
4 orders for individual requirements. Quantity limits may be stated as
5 number of units or as dollar values.

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

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

17 (c) The contract may also specify maximum or minimum quantities
18 that the county may order under each task or delivery order and the
19 maximum that it may order during a specific period of time. Contract
20 retainage pursuant to RCW 60.28.011 will be based on the minimum
21 guaranteed quantities.

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

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

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

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

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

37 (4) "Municipality" means every city, county, town, port district,
38 district, or other public agency authorized by law to require the
39 execution of public work, except drainage districts, diking

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

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

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

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

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

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

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

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