
SUBSTITUTE SENATE BILL 6170

State of Washington

69th Legislature

2026 Regular Session

By Senate Transportation (originally sponsored by Senator King)

READ FIRST TIME 02/06/26.

1 AN ACT Relating to adjusting monetary limits regarding
2 contracting rules for state highway construction work and
3 procurement; and amending RCW 47.28.030.

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

5 **Sec. 1.** RCW 47.28.030 and 2025 c 416 s 719 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 (~~(\$50,000 and effective July 1,~~
13 ~~2005, \$60,000)~~ \$100,000).

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 (~~(\$80,000 and effective July 1, 2005, \$100,000)~~ the
18 inflation adjusted amount for this purpose. The inflation adjusted
19 amount is \$160,000 until January 1, 2027. Beginning January 1, 2027,
20 the department must annually calculate the adjustment to this amount

1 using the national highway construction cost index and must publish
2 the current amount on its website.

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

6 (d) To enable a larger number of small businesses and veteran,
7 minority, and women contractors to effectively compete for department
8 of transportation contracts, the department may adopt rules providing
9 for bids and award of contracts for the performance of work, or
10 furnishing equipment, materials, supplies, or operating services
11 whenever any work is to be performed and the engineer's estimate
12 indicates the cost of the work would not exceed (~~(\$80,000 and~~
13 ~~effective July 1, 2005, \$100,000)~~) \$160,000.

14 (2) The rules adopted under this section:

15 (a) Shall provide for competitive bids to the extent that
16 competitive sources are available except when delay of performance
17 would jeopardize life or property or inconvenience the traveling
18 public; and

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

25 (c) May establish prequalification standards and procedures as an
26 alternative to those set forth in RCW 47.28.070, but the
27 prequalification standards and procedures under RCW 47.28.070 shall
28 always be sufficient.

29 (3) The department of transportation shall comply with such goals
30 and rules as may be adopted by the office of minority and women's
31 business enterprises to implement chapter 39.19 RCW with respect to
32 contracts entered into under this chapter. The department may adopt
33 such rules as may be necessary to comply with the rules adopted by
34 the office of minority and women's business enterprises under chapter
35 39.19 RCW.

36 (4) (a) Work for less than \$100,000 may be performed on ferry
37 vessels and terminals by state forces. During the 2025-2027 fiscal
38 biennium, work for less than \$400,000 may be performed on ferry
39 vessels and terminals by state forces.

1 (b) When the estimated cost of work to be performed on ferry
2 vessels and terminals is between \$100,000 and \$200,000, or between
3 \$400,000 and \$500,000 during the 2025-2027 fiscal biennium, the
4 department shall contact, by mail or email, contractors that appear
5 on the department's small works roster as created pursuant to
6 procedures in chapter 39.04 RCW to do specific work the contractors
7 are qualified to do to determine if any contractor is interested and
8 capable of doing the work. If there is a response of interest within
9 72 hours, the small works roster procedures commence. If no qualified
10 contractors respond with interest and availability to do the work,
11 the department may use its regular contracting procedures. If the
12 secretary determines that the work to be completed is an emergency,
13 procedures governing emergencies apply.

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

28 (d) The department shall develop a proposed ferry vessel
29 maintenance, preservation, and improvement program and present it to
30 the transportation committees of the senate and house of
31 representatives by December 1, 2010. The proposed program must:

32 (i) Improve the basis for budgeting vessel maintenance,
33 preservation, and improvement costs and for projecting those costs
34 into a 16-year financial plan;

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

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

1 (e) In developing the proposed ferry vessel maintenance,
2 preservation, and improvement program, the department shall consider
3 the following, related to reducing vessel out-of-service time:
4 (i) The costs compared to benefits of Eagle Harbor repair and
5 maintenance facility operations options to include staffing costs and
6 benefits in terms of reduced out-of-service time;
7 (ii) The maintenance requirements for on-vessel staff, including
8 the benefits of a systemwide standard;
9 (iii) The costs compared to benefits of staff performing
10 preservation or maintenance work, or both, while the vessel is
11 underway, tied up between sailings, or not deployed;
12 (iv) A review of the department's vessel maintenance,
13 preservation, and improvement program contracting process and
14 contractual requirements;
15 (v) The costs compared to benefits of allowing for increased
16 costs associated with expedited delivery;
17 (vi) A method for comparing the anticipated out-of-service time
18 of proposed projects and other projects planned during the same
19 construction period;
20 (vii) Coordination with required United States coast guard dry
21 dockings;
22 (viii) A method for comparing how proposed projects relate to the
23 service requirements of the route on which the vessel normally
24 operates; and
25 (ix) A method for evaluating the ongoing maintenance and
26 preservation costs associated with proposed improvement projects.

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