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**SENATE BILL 6170**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senator King

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)) \$160,000.~~

18 (c) When the department of transportation determines to do the  
19 work by state forces, it shall enter a statement upon its records to  
20 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 (~~(\$80,000 and~~  
8 ~~effective July 1, 2005, \$100,000)~~) \$160,000.

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) Work for less than \$100,000 may be performed on ferry  
32 vessels and terminals by state forces. During the 2025-2027 fiscal  
33 biennium, work for less than \$400,000 may be performed on ferry  
34 vessels and terminals by state forces.

35 (b) When the estimated cost of work to be performed on ferry  
36 vessels and terminals is between \$100,000 and \$200,000, or between  
37 \$400,000 and \$500,000 during the 2025-2027 fiscal biennium, the  
38 department shall contact, by mail or email, contractors that appear  
39 on the department's small works roster as created pursuant to  
40 procedures in chapter 39.04 RCW to do specific work the contractors

1 are qualified to do to determine if any contractor is interested and  
2 capable of doing the work. If there is a response of interest within  
3 72 hours, the small works roster procedures commence. If no qualified  
4 contractors respond with interest and availability to do the work,  
5 the department may use its regular contracting procedures. If the  
6 secretary determines that the work to be completed is an emergency,  
7 procedures governing emergencies apply.

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

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

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

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

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

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

38 (i) The costs compared to benefits of Eagle Harbor repair and  
39 maintenance facility operations options to include staffing costs and  
40 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.

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