

CHAPTER 183

[Substitute House Bill No. 746]

PASSENGER-ONLY FERRIES

AN ACT Relating to acquisition by the department of transportation of new passenger-only vessels; adding new sections to chapter 47.60 RCW; and repealing RCW 39.08.090 and 47.60.650.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 47.60 RCW to read as follows:

Whenever the department is authorized to purchase one or more new passenger-only ferry vessels of a proven and operational design pursuant to this section, it shall publish a notice of its intent once a week for at least two consecutive weeks in at least one trade paper and one other paper, both of general circulation in the state. The department shall mail the notice to any firm known to the department that has constructed and has had placed in operation within the previous five years a vessel meeting the department's performance criteria. The notice shall contain, but not be limited to, the following information:

(1) The number of passenger-only ferry vessels to be purchased, their passenger capacity, and the proposed delivery date for each vessel;

(2) A short summary of the requirements for prequalification of bidders including a statement that prequalification is a prerequisite to consideration by the department of any proposal, and a statement that in order to be prequalified a firm must, in addition to the requirements contained in RCW 47.60.680 and applicable rules, (a) submit complete plans and specifications for its proposed vessel and obtain the certification of the department's marine architect as to the completeness of these plans and specifications, and (b) submit evidence that its proposed vessel has a history of successful operation within the last five years;

(3) An address and telephone number that may be used to obtain the request for proposal.

NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

The department shall send to any firm that requests it, a request for proposal outlining the criteria for the passenger-only ferry vessels. The request for proposal shall include, but not be limited to, the following information:

(1) Solicitation of a proposal to sell to the department vessels of proven and operational design that meet or exceed specified performance criteria;

(2) The number of vessels to be contracted for (if more than one vessel is to be contracted for, the request for proposal shall provide for the initial purchase of one vessel with an option to purchase additional vessels);

(3) The proposed delivery date for each vessel, the port on Puget Sound where delivery will be taken, and the location where acceptance trials will be held;

(4) The maximum purchase price, and an explanation that no proposal will be considered that quotes a price greater than that amount;

(5) The amount of the required contractor's bond;

(6) A copy of the vessel construction contract that will be signed by the winning bidder;

(7) The date by which proposals for ferry vessel procurement must be received by the department in order to be considered;

(8) A requirement that all vessels proposed for purchase shall conform to the American Bureau of Shipping (ABS) and the United States Coast Guard standards for the design of passenger vessels;

(9) A statement that any proposal submitted constitutes an offer and remains open until ninety days after the deadline for submitting proposals, unless the firm submitting it withdraws it by formal written notice received by the department before the department's selection of the firm submitting the most advantageous proposal, together with an explanation of the requirement that all proposals submitted be accompanied by a deposit in the amount of five percent of the proposed cost of the first vessel to be purchased.

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

The department shall evaluate all timely proposals received from pre-qualified firms for compliance with the requirements specified in the request for proposal and shall estimate the operation and maintenance costs of each firm's passenger-only vessel design by applying appropriate criteria developed by the department for this purpose.

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

(1) Upon concluding its evaluation, the department shall:

(a) Select the firm presenting the proposal most advantageous to the state, taking into consideration the requirements stated in the request for proposal, and rank the remaining firms in order of preference, judging them by the same standards; or

(b) Reject all proposals as not in compliance with the requirements contained in the request for proposals.

(2) The department shall immediately notify those firms that were not selected as the firm presenting the most advantageous proposal of the department's decision. The department's decision is conclusive unless appeal from it is taken by an aggrieved firm to the superior court of Thurston county within five days after receiving notice of the department's final decision. The appeal shall be heard summarily within ten days after it is taken and on five days' notice to the department. The court shall hear any such

appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department was arbitrary or capricious.

NEW SECTION. Sec. 5. A new section is added to chapter 47.60 RCW to read as follows:

(1) Upon selecting the firm that has presented the most advantageous proposal and ranking the remaining firms in order of preference, the department shall:

(a) Sign a contract with the firm presenting the most advantageous proposal; or

(b) If a final agreement satisfactory to the department cannot be signed with the firm presenting the most advantageous proposal, the department may sign a contract with the firm ranked next highest in order of preference. If necessary, the department may repeat this procedure with each firm in order of rank until the list of firms has been exhausted.

(2) In developing a contract for the procurement of ferry vessels, the department may, subject to the provisions of RCW 39.25.020, authorize the use of foreign-made materials and components in the construction of ferries in order to minimize costs.

NEW SECTION. Sec. 6. A new section is added to chapter 47.60 RCW to read as follows:

Proposals submitted by firms pursuant to this section constitute an offer and shall remain open for ninety days. When submitted, each proposal shall be accompanied by a deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the proposed contract price, and no proposal may be considered unless the deposit is enclosed therewith. If the department awards a contract to a firm under the procedures of sections 1 through 6 of this act and the firm fails to enter into the contract and furnish a satisfactory bond as required by RCW 39.08.090 within twenty days, exclusive of the day of the award, its deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a ferry construction contract all proposal deposits shall be returned.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 166, Laws of 1977 ex. sess., section 44, chapter 7, Laws of 1984 and RCW 39.08.090; and

(2) Section 1, chapter 166, Laws of 1977 ex. sess., section 140, chapter 3, Laws of 1983 and RCW 47.60.650.

Passed the House March 19, 1987.

Passed the Senate April 13, 1987.

Approved by the Governor April 23, 1987.

Filed in Office of Secretary of State April 23, 1987.

CHAPTER 184

[House Bill No. 843]

URANIUM OR THORIUM MILLS—STATE'S AUTHORITY TO COLLECT MONEY FOR DECOMMISSIONING AND SURVEILLANCE MODIFIED

AN ACT Relating to collection of money for the radiation perpetual maintenance fund; amending RCW 70.121.020, 70.121.050, 70.121.100, 70.121.110, and 70.121.130; and adding new sections to chapter 70.121 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 110, Laws of 1979 ex. sess. as amended by section 1, chapter 78, Laws of 1982 and RCW 70.121.020 are each amended to read as follows:

Unless the context clearly requires a different meaning, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of social and health services.

(3) "Site" means the restricted area as defined by the United States nuclear regulatory commission.

(4) "Tailings" means the residue remaining after extraction of uranium or thorium from the ore whether or not the residue is left in piles, but shall not include ore bodies nor ore stock piles.

(5) "License" means a radioactive materials license issued under chapter 70.98 RCW and the rules adopted under chapter 70.98 RCW.

(6) "Termination of license" means the cancellation of the license after permanent cessation of operations. Temporary interruptions or suspensions of production due to economic or other conditions are not a permanent cessation of operations.

(7) "Milling" means grinding, cutting, working, or concentrating ore which has been extracted from the earth by mechanical (conventional) or chemical (in situ) processes.

(8) "Obligor-licensee" means any person who obtains a license to operate a uranium or thorium mill in the state of Washington or any person who owns the property on which the mill operates and who owes money to the state for the licensing fee, for reclamation of the site, for perpetual surveillance and maintenance of the site, or for any other obligation owed the state under this chapter.