
SUBSTITUTE HOUSE BILL 2391

State of Washington

68th Legislature

2024 Regular Session

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

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.

--- END ---