
HOUSE BILL 2709

State of Washington 60th Legislature 2008 Regular Session

By Representatives Hurst, Pettigrew, Appleton, Sells, Green, Conway, Morrell, Anderson, Sullivan, Kenney, Schual-Berke, McIntire, Wood, Hudgins, Simpson, Goodman, VanDeWege, Ormsby, and Rolfes

Read first time 01/16/08. Referred to Committee on Education.

1 AN ACT Relating to locally grown foods; reenacting and amending RCW
2 28A.335.190; and adding a new section to chapter 28A.335 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.335
5 RCW to read as follows:

6 (1) The legislature finds that the benefits of school district
7 procurement of locally grown foods include environmental protection,
8 local economic development, improved child nutrition, and food
9 security. Purchasing locally grown foods:

10 (a) Reduces the distance and changes the manner in which food
11 travels from producer to consumer, which conserves energy, decreases
12 greenhouse gas emissions, and decreases reliance on oil;

13 (b) Expands market opportunities for local farmers, which preserves
14 and strengthens food production and increases the already significant
15 contribution that agriculture makes to local and state economies;

16 (c) Contributes to the health and development of school children,
17 which bolsters their ability to achieve educational goals; and

18 (d) Reduces reliance on nonlocally grown foods, which increases
19 food access and safety.

1 (2) With this act, the legislature provides school districts the
2 authority to consider the distance food travels from the point of
3 production to the point of consumption when making food procurement
4 decisions.

5 **Sec. 2.** RCW 28A.335.190 and 2005 c 346 s 2 and 2005 c 286 s 1 are
6 each reenacted and amended to read as follows:

7 (1) When, in the opinion of the board of directors of any school
8 district, the cost of any furniture, supplies, equipment, building,
9 improvements, or repairs, or other work or purchases, except books,
10 will equal or exceed the sum of fifty thousand dollars, complete plans
11 and specifications for such work or purchases shall be prepared and
12 notice by publication given in at least one newspaper of general
13 circulation within the district, once each week for two consecutive
14 weeks, of the intention to receive bids and that specifications and
15 other information may be examined at the office of the board or any
16 other officially designated location: PROVIDED, That the board without
17 giving such notice may make improvements or repairs to the property of
18 the district through the shop and repair department of such district
19 when the total of such improvements or repair does not exceed the sum
20 of forty thousand dollars. The cost of any public work, improvement or
21 repair for the purposes of this section shall be the aggregate of all
22 amounts to be paid for labor, material, and equipment on one continuous
23 or interrelated project where work is to be performed simultaneously or
24 in close sequence. The bids shall be in writing and shall be opened
25 and read in public on the date and in the place named in the notice and
26 after being opened shall be filed for public inspection.

27 (2) Every purchase of furniture, equipment or supplies, except
28 books, the cost of which is estimated to be in excess of forty thousand
29 dollars, shall be on a competitive basis. The board of directors shall
30 establish a procedure for securing telephone and/or written quotations
31 for such purchases. Whenever the estimated cost is from forty thousand
32 dollars up to seventy-five thousand dollars, the procedure shall
33 require quotations from at least three different sources to be obtained
34 in writing or by telephone, and recorded for public perusal. Whenever
35 the estimated cost is in excess of seventy-five thousand dollars, the
36 public bidding process provided in subsection (1) of this section shall
37 be followed.

1 (3) Any school district may purchase goods produced or provided in
2 whole or in part from class II inmate work programs operated by the
3 department of corrections pursuant to RCW 72.09.100, including but not
4 limited to furniture, equipment, or supplies. School districts are
5 encouraged to set as a target to contract, beginning after June 30,
6 2006, to purchase up to one percent of the total goods required by the
7 school districts each year, goods produced or provided in whole or in
8 part from class II inmate work programs operated by the department of
9 corrections.

10 (4) Every building, improvement, repair or other public works
11 project, the cost of which is estimated to be in excess of forty
12 thousand dollars, shall be on a competitive bid process. Whenever the
13 estimated cost of a public works project is one hundred thousand
14 dollars or more, the public bidding process provided in subsection (1)
15 of this section shall be followed unless the contract is let using the
16 small works roster process in RCW 39.04.155 or under any other
17 procedure authorized for school districts. One or more school
18 districts may authorize an educational service district to establish
19 and operate a small works roster for the school district under the
20 provisions of RCW 39.04.155.

21 (5) The contract for the work or purchase shall be awarded to the
22 lowest responsible bidder as defined in RCW 43.19.1911 but the board
23 may by resolution reject any and all bids and make further calls for
24 bids in the same manner as the original call. On any work or purchase
25 the board shall provide bidding information to any qualified bidder or
26 the bidder's agent, requesting it in person.

27 (6) The board of directors of any school district may establish a
28 percentage price preference of up to twenty-five percent for the
29 purpose of increasing procurement of locally grown food.

30 (a) As used in this subsection, "locally grown food" means
31 substances or products used by humans as food or drink that are
32 planted, cultivated, harvested, raised, or collected within the state
33 of Washington or within the states and provinces participating in the
34 Pacific Northwest economic region as enacted in chapter 43.147 RCW.

35 (b) As used in this subsection, "percentage price preference" means
36 the percent by which a responsive bid from a responsible bidder whose
37 product is a locally grown food may exceed the lowest responsive bid

1 submitted by a responsible bidder whose product is not a locally grown
2 food.

3 (c) This subsection (6) does not apply to procurement of food by a
4 school if it is determined that compliance with this subsection would:

5 (i) Cause denial of federal moneys; or

6 (ii) Be inconsistent with the requirements of federal law.

7 (7) In the event of any emergency when the public interest or
8 property of the district would suffer material injury or damage by
9 delay, upon resolution of the board declaring the existence of such an
10 emergency and reciting the facts constituting the same, the board may
11 waive the requirements of this section with reference to any purchase
12 or contract: PROVIDED, That an "emergency", for the purposes of this
13 section, means a condition likely to result in immediate physical
14 injury to persons or to property of the school district in the absence
15 of prompt remedial action.

16 ((+7)) (8) This section does not apply to the direct purchase of
17 school buses by school districts and educational services in accordance
18 with RCW 28A.160.195.

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