
HOUSE BILL 2868

State of Washington 61st Legislature 2010 Regular Session

By Representatives Campbell, Dunshee, Chase, and Santos

Read first time 01/15/10. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to school district bidding procedures for purchases
2 and public works projects; and amending RCW 28A.335.190.

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

4 **Sec. 1.** RCW 28A.335.190 and 2008 c 215 s 6 are each amended to
5 read as follows:

6 ~~(1) ((When, in the opinion of the board of directors of any school
7 district, the cost of any furniture, supplies, equipment, building,
8 improvements, or repairs, or other work or purchases, except books,
9 will equal or exceed the sum of fifty thousand dollars, complete plans
10 and specifications for such work or purchases shall be prepared and
11 notice by publication given in at least one newspaper of general
12 circulation within the district, once each week for two consecutive
13 weeks, of the intention to receive bids and that specifications and
14 other information may be examined at the office of the board or any
15 other officially designated location: PROVIDED, That the board without
16 giving such notice may make improvements or repairs to the property of
17 the district through the shop and repair department of such district
18 when the total of such improvements or repair does not exceed the sum
19 of forty thousand dollars. The cost of any public work, improvement or~~

1 ~~repair for the purposes of this section shall be the aggregate of all~~
2 ~~amounts to be paid for labor, material, and equipment on one continuous~~
3 ~~or interrelated project where work is to be performed simultaneously or~~
4 ~~in close sequence. The bids shall be in writing and shall be opened~~
5 ~~and read in public on the date and in the place named in the notice and~~
6 ~~after being opened shall be filed for public inspection.~~

7 (2)) (a) Every purchase of furniture, equipment or supplies,
8 except books, the cost of which is estimated to be in excess of
9 ((forty)) fifty thousand dollars, shall be on a competitive basis. The
10 board of directors shall establish a procedure for securing telephone
11 and/or written quotations for such purchases. Whenever the estimated
12 cost is from ((forty)) fifty thousand dollars up to seventy-five
13 thousand dollars, the procedure shall require quotations from at least
14 three different sources to be obtained in writing or by telephone, and
15 recorded for public perusal. Whenever the estimated cost is in excess
16 of seventy-five thousand dollars, ((the public bidding process provided
17 in subsection (1) of this section shall be followed.

18 (3)) specifications for the purchase shall be prepared and notice
19 by publication given in at least one newspaper of general circulation
20 within the district, once each week for two consecutive weeks, of the
21 intention to receive bids and that specifications and other information
22 may be examined at the office of the board or any other officially
23 designated location. The bids shall be in writing and shall be opened
24 and read in public on the date and in the place named in the notice
25 and, after being opened, shall be filed for public inspection. The
26 contract for the purchase shall be awarded to any responsible bidder,
27 as defined in RCW 43.19.1911, submitting a bid within five percent of
28 the lowest responsive bid. The board may by resolution reject any and
29 all bids and make further calls for bids in the same manner as the
30 original call. The board shall provide bidding information to any
31 qualified bidder, or the bidder's agent, requesting it in person.

32 (b) Any school district may purchase goods produced or provided in
33 whole or in part from class II inmate work programs operated by the
34 department of corrections pursuant to RCW 72.09.100, including but not
35 limited to furniture, equipment, or supplies. School districts are
36 encouraged to set as a target to contract, beginning after June 30,
37 2006, to purchase up to one percent of the total goods required by the

1 school districts each year, goods produced or provided in whole or in
2 part from class II inmate work programs operated by the department of
3 corrections.

4 ~~((+4))~~ (2)(a) Every building, improvement, repair or other public
5 works project, the cost of which is estimated to be in excess of
6 ~~((forty))~~ one hundred thousand dollars, shall be ~~((on a competitive))~~
7 competitively bid ~~((process))~~. ~~((Whenever the estimated cost of a~~
8 ~~public works project is one hundred thousand dollars or more, the~~
9 ~~public bidding process provided in subsection (1) of this section shall~~
10 ~~be followed unless the contract is let using))~~ Complete plans and
11 specifications shall be prepared and notice given by publication in at
12 least one newspaper of general circulation within the district, once
13 each week for two consecutive weeks, of the intention to receive bids
14 and that specifications and other information may be examined at the
15 office of the board or any other officially designated location. The
16 bids shall be in writing and shall be opened and read in public on the
17 date and in the place named in the notice and, after being opened,
18 shall be filed for public inspection. The contract for the work shall
19 be awarded to any responsible bidder, as defined in RCW 39.04.350,
20 submitting a bid within five percent of the lowest responsive bid. The
21 board may by resolution reject any and all bids and make further calls
22 for bids in the same manner as the original call. The board shall
23 provide bidding information to any qualified bidder, or the bidder's
24 agent, requesting it in person. The board, without giving notice, may
25 make improvements or repairs to the property of the district through
26 the shop and repair department of such district when the total of such
27 improvements or repair does not exceed the sum of one hundred thousand
28 dollars. The cost of any public work, improvement, or repair for the
29 purposes of this subsection shall be the aggregate of all amounts to be
30 paid for labor, material, and equipment on one continuous or
31 interrelated project where work is to be performed simultaneously or in
32 close sequence.

33 (b) The small works roster process in RCW 39.04.155 or ~~((under))~~
34 any other competitive procedure authorized for school districts may be
35 used in lieu of the formal bidding procedure in (a) of this subsection.
36 One or more school districts may authorize an educational service
37 district to establish and operate a small works roster for the school
38 district under the provisions of RCW 39.04.155.

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

7 ~~(6))~~ (3) 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 public works contract(~~(PROVIDED, That))~~). An "emergency," for the
13 purposes of this section, means a condition likely to result in
14 immediate physical injury to persons or to property of the school
15 district in the absence of prompt remedial action.

16 ~~((7))~~ (4) 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.

19 ~~((8))~~ (5) This section does not apply to the purchase of
20 Washington grown food. ~~((9))~~ At the discretion of the board, a
21 school district may develop and implement policies and procedures to
22 facilitate and maximize to the extent practicable, purchases of
23 Washington grown food including, but not limited to, policies that
24 permit a percentage price preference for the purpose of procuring
25 Washington grown food. ~~((10))~~ As used in this ~~((section))~~
26 subsection, "Washington grown" has the definition in RCW 15.64.060.
27 ~~((11))~~ As used in this ~~((section))~~ subsection, "price percentage
28 preference" means the percent by which a responsive bid from a
29 responsible bidder whose product is a Washington grown food may exceed
30 the lowest responsive bid submitted by a responsible bidder whose
31 product is not a Washington grown food.

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