
SENATE BILL 5821

State of Washington

54th Legislature

1995 Regular Session

By Senator Quigley

Read first time 02/07/95. Referred to Committee on Education.

1 AN ACT Relating to school bus acquisitions; amending RCW
2 28A.160.200 and 43.19.637; adding a new section to chapter 28A.160 RCW;
3 creating a new section; providing an effective date; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 establish a state contract using a sealed competitive process for the
8 purchase of student transportation vehicles (school buses). The goals
9 of this process are:

10 (1) To reduce the cost of school bus purchases by promoting
11 competition among school bus vendors and by purchasing in volume; and

12 (2) To establish state-supported purchase prices for school buses
13 purchased by school districts and educational service districts.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.160
15 RCW to read as follows:

16 The superintendent of public instruction shall establish criteria
17 for the purchase of student transportation vehicles (school buses) in
18 accordance with the provisions of chapter 43.19 RCW as follows:

1 (1) The superintendent shall annually review school bus purchasing
2 needs and estimate the number of school buses to be purchased by
3 districts during the school year.

4 (2) The superintendent shall establish a minimum number of school
5 bus categories considering the capacity and type of vehicles necessary
6 for operation of typical Washington school districts. The
7 superintendent shall establish competitive specifications for each
8 category. Competitive specifications shall meet federal motor vehicle
9 safety standards and minimum state specifications for school buses as
10 established in rules adopted by the superintendent of public
11 instruction. Competitive specifications shall also identify options in
12 addition to the minimum specifications. Unless provided in rules
13 adopted by the superintendent of public instruction, all options shall
14 be at district expense and shall not be included in the state-supported
15 purchase price. The superintendent of public instruction shall meet at
16 least annually with districts to review school bus categories and
17 competitive specifications and to obtain school district commitments
18 for school bus purchases from a state contract.

19 (3) After establishing school bus categories, competitive
20 specifications, and school district purchase commitments, the
21 superintendent of public instruction shall request the department of
22 general administration to solicit bids for a school bus contract under
23 chapter 43.19 RCW. The department of general administration shall
24 solicit district commitments for school bus purchases from the state
25 contract.

26 (4) The department of general administration shall solicit bids or
27 proposals from school bus vendors and select the lowest responsible bid
28 that meets the needs of the state for each school bus category. The
29 department of general administration shall then issue purchase orders
30 to the vendors based on school district purchase commitments. The
31 superintendent of public instruction shall work with districts to
32 facilitate the timely inspection of, and payment for, school buses
33 delivered by contract vendors to school districts. The selected
34 contract price shall be used by the superintendent of public
35 instruction as the state-supported price for reimbursement under RCW
36 28A.160.200.

37 (5) If a district does not fulfill a commitment to purchase from
38 the state contract, the superintendent shall reduce the district's

1 state transportation vehicle reimbursement allocations by twenty-five
2 percent of the amount of the unfulfilled purchase commitment.

3 (6) Districts shall purchase all school buses using the procedures
4 in this section.

5 (7) The superintendent of public instruction shall adopt rules
6 necessary to implement requirements of this section consistent with the
7 intent of section 1, chapter . . ., Laws of 1995 (section 1 of this
8 act).

9 (8) As used in this section and RCW 28A.160.200, "districts" means
10 school districts and educational service districts.

11 (9) Student transportation vehicles purchased under this section
12 are exempt from the requirements of RCW 43.19.637.

13 **Sec. 3.** RCW 28A.160.200 and 1990 c 33 s 146 are each amended to
14 read as follows:

15 The superintendent shall ~~((determine the vehicle acquisition~~
16 ~~allocation in the following manner:))~~ reimburse school districts and
17 educational service districts for student transportation vehicle
18 (school bus) purchases as provided in this section.

19 ~~(1) ((By May 1st of each year, the superintendent shall develop~~
20 ~~preliminary categories of student transportation vehicles to ensure~~
21 ~~adequate student transportation fleets for districts. The~~
22 ~~superintendent shall take into consideration the types of vehicles~~
23 ~~purchased by individual school districts in the state. The categories~~
24 ~~shall include, but not be limited to, variables such as vehicle~~
25 ~~capacity, type of chassis, type of fuel, engine and body type, special~~
26 ~~equipment, and life of vehicle. The categories shall be developed in~~
27 ~~conjunction with the local districts and shall be applicable to the~~
28 ~~following school year. The categories shall be designed to produce~~
29 ~~minimum long range operating costs, including costs of equipment and~~
30 ~~all costs incurred in operating the vehicles. Each category~~
31 ~~description shall include the estimated state-determined purchase~~
32 ~~price, which shall be based on the actual costs of the vehicles~~
33 ~~purchased for that comparable category in the state during the~~
34 ~~preceding twelve months and the anticipated market price for the next~~
35 ~~school fiscal year. By June 15th of each year, the superintendent~~
36 ~~shall notify districts of the preliminary vehicle categories and state-~~
37 ~~determined purchase price for the ensuing school year. By October 15th~~
38 ~~of each year, the superintendent shall finalize the categories and the~~

1 ~~associated state-determined purchase price and shall notify districts~~
2 ~~of any changes. While)) It is the responsibility of each district to~~
3 ~~select and pay for each student transportation vehicle ((to be))~~
4 ~~purchased by the district((, each district shall be paid a sum)).~~
5 Districts shall purchase vehicles from the state contract established
6 under section 2 of this act, however, purchase commitments made before
7 the state contract shall be given first priority.

8 (2) The superintendent shall reimburse districts based ((only)) on
9 the ((amount of the state-determined)) category of vehicle, anticipated
10 lifetime of vehicles of this category, and state-supported purchase
11 price ((and)) for the category plus inflation as recognized by the
12 reimbursement schedule established in this section as set by the
13 superintendent ((for the category of vehicle purchased)). Categories
14 and state-supported purchase prices of vehicles shall be those used in
15 the state sealed competitive process defined in section 2 of this act.

16 ~~((+2))~~ (3) The superintendent shall develop a reimbursement
17 schedule to pay districts for the cost of student transportation
18 vehicles purchased after September 1, 1982. The accumulated value of
19 the payments and the potential investment return thereon shall be
20 designed to be equal to the replacement ((value)) cost of the vehicle
21 less its salvage value at the end of its anticipated lifetime. The
22 superintendent shall revise at least annually the reimbursement
23 payments based on the current and anticipated future cost of comparable
24 categories of transportation equipment. Reimbursements to school
25 districts for approved transportation equipment shall be placed in a
26 separate ((vehiele)) transportation vehicle fund established for each
27 school district under RCW 28A.160.130. However, educational service
28 districts providing student transportation services pursuant to RCW
29 28A.310.180(4) and receiving moneys generated pursuant to this section
30 shall establish and maintain a separate ((vehiele)) transportation
31 vehicle account in the educational service district's general expense
32 fund for the purposes and subject to the conditions under RCW
33 28A.160.130 and 28A.320.300.

34 ~~((+3))~~ (4) In the 1995-96 school year and each year thereafter,
35 state reimbursement payments shall commence only after the state-
36 supported price has been set through the state sealed competitive
37 process established in section 2 of this act.

38 (5) To the extent possible, districts shall operate vehicles
39 acquired under this section not less than the number of years or useful

1 lifetime now, or hereafter, assigned to the (~~class~~) category of
2 vehicles by the superintendent. School districts shall properly
3 maintain the transportation equipment acquired under the provisions of
4 this section, in accordance with rules established by the office of the
5 superintendent of public instruction. If a district fails to follow
6 generally accepted standards of maintenance and operation, the
7 superintendent of public instruction shall penalize the district by
8 deducting from future reimbursements under this section an amount equal
9 to the original cost of the vehicle multiplied by the fraction of the
10 useful lifetime or miles the vehicle failed to operate.

11 (~~(4)~~) (6) The superintendent shall annually develop a
12 depreciation schedule to recognize the cost of depreciation to
13 districts contracting with private carriers for student transportation.
14 Payments on this schedule shall be a straight line depreciation based
15 on the original cost of the appropriate category of vehicle.

16 **Sec. 4.** RCW 43.19.637 and 1991 c 199 s 213 are each amended to
17 read as follows:

18 (1) At least thirty percent of all new vehicles purchased through
19 a state contract shall be clean-fuel vehicles.

20 (2) The percentage of clean-fuel vehicles purchased through a state
21 contract shall increase at the rate of five percent each year.

22 (3) In meeting the procurement requirement established in this
23 section, preference shall be given to vehicles designed to operate
24 exclusively on clean fuels. In the event that vehicles designed to
25 operate exclusively on clean fuels are not available or would not meet
26 the operational requirements for which a vehicle is to be procured,
27 conventionally powered vehicles may be converted to clean fuel or dual
28 fuel use to meet the requirements of this section.

29 (4) Fuel purchased through a state contract shall be a clean fuel
30 when the fuel is purchased for the operation of a clean-fuel vehicle.

31 (5)(a) Weight classes are established by the following motor
32 vehicle types:

33 (i) Passenger cars;

34 (ii) Light duty trucks, trucks with a gross vehicle weight rating
35 by the vehicle manufacturer of less than eight thousand five hundred
36 pounds;

1 (iii) Heavy duty trucks, trucks with a gross vehicle weight rating
2 by the vehicle manufacturer of eight thousand five hundred pounds or
3 more.

4 (b) This subsection does not place an obligation upon the state or
5 its political subdivisions to purchase vehicles in any number or weight
6 class other than to meet the percent procurement requirement.

7 (6) This section does not apply to student transportation vehicles
8 purchased under RCW 28A.160.200.

9 (7) For the purposes of this section, "clean fuels" and "clean-fuel
10 vehicles" shall be those fuels and vehicles meeting the specifications
11 provided for in RCW 70.120.210.

12 NEW SECTION. **Sec. 5.** (1) Section 2 of this act is necessary for
13 the immediate preservation of the public peace, health, or safety, or
14 support of the state government and its existing public institutions,
15 and shall take effect immediately.

16 (2) Section 3 of this act shall take effect September 1, 1995.

--- END ---