Chapter 10, Laws of 1995

54th Legislature
1995 First Special Session

SCHOOL BUS ACQUISITIONS

EFFECTIVE DATE: 8/22/95 – Except Section 1 which becomes effective 6/14/95; and Section 2 which becomes effective 9/1/95

Passed by the Senate May 2, 1995
YEAS 36   NAYS 5

JOEL PRITCHARD
President of the Senate

Passed by the House May 1, 1995
YEAS 83   NAYS 6

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 5408 as passed by the Senate and the House of Representatives on the dates hereon set forth.

CLYDE BALLARD
Speaker of the House of Representatives

MIKE LOWRY
Governor of the State of Washington

MARTY BROWN
Secretary

Approved June 14, 1995

FILED

June 14, 1995 - 10:19 a.m.
AN ACT Relating to school bus acquisitions; amending RCW 28A.160.200 and 28A.335.190; adding a new section to chapter 28A.160 RCW; creating a new section; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON

NEW SECTION. Sec. 1. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year. The competitive specifications shall meet federal
motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes from school bus dealers to be in effect for one year and establish a list of the lowest competitive price quotes obtained under this subsection.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote in each category.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from the dealer who is providing the lowest competitive price quote on the list established under subsection (2) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

Sec. 2. RCW 28A.160.200 and 1990 c 33 s 146 are each amended to read as follows:

((The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) By May 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The superintendent shall take into consideration the types of vehicles purchased by individual school districts in the state. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment, and life of vehicle. The categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce

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minimum long-range operating costs, including costs of equipment and all costs incurred in operating the vehicles. Each category description shall include the estimated state-determined purchase price, which shall be based on the actual costs of the vehicles purchased for that comparable category in the state during the preceding twelve months and the anticipated market price for the next school fiscal year. By June 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state-determined purchase price and shall notify districts of any changes. While it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be paid a sum based only on the amount of the state-determined purchase price and inflation as recognized by the reimbursement schedule established in this section as set by the superintendent for the category of vehicle purchased.

(2)) (1) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. While it is the responsibility of each district to select and pay for each student transportation vehicle purchased by the district, each district shall be paid a sum based on the category of vehicle, anticipated lifetime of vehicles of this category, and state reimbursement rate for the category plus inflation as recognized by the reimbursement schedule established in this section as set by the superintendent. Categories and reimbursement rates of vehicles shall be those established under section 1 of this act. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement ((value)) cost of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate ((vehicle)) transportation vehicle fund established for each school district under RCW 28A.160.130. However, educational service districts providing student transportation services pursuant to RCW 28A.310.180(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate ((vehicle))
transportation vehicle account in the educational service district’s general expense fund for the purposes and subject to the conditions under RCW 28A.160.130 and 28A.320.300.

((3)) (2) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the (class category) of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

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

Sec. 3. RCW 28A.335.190 and 1994 c 212 s 1 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of fifty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of (a) fifteen thousand dollars, for districts with fifteen thousand five hundred or more full-time equivalent students; or (b) for districts with fewer than fifteen thousand five hundred full-
time equivalent students, fifteen thousand dollars if more than one
craft or trade is involved with the school district improvement or
repair, or ten thousand dollars if a single craft or trade is involved
with the school district improvement or repair. The cost of any public
work, improvement or repair for the purposes of this section shall be
the aggregate of all amounts to be paid for labor, material, and
equipment on one continuous or interrelated project where work is to be
performed simultaneously or in close sequence. The bids shall be in
writing and shall be opened and read in public on the date and in the
place named in the notice and after being opened shall be filed for
public inspection.

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

(3) Every building, improvement, repair or other public works
project, the cost of which is estimated to be in excess of (a) fifteen
thousand dollars, for districts with fifteen thousand five hundred or
more full-time equivalent students; or (b) for districts with fewer
than fifteen thousand five hundred full-time equivalent students,
fifteen thousand dollars if more than one craft or trade is involved
with the school district improvement or repair, or ten thousand dollars
if a single craft or trade is involved with the school district
improvement or repair, shall be on a competitive bid process. All such
projects estimated to be less than fifty thousand dollars may be
awarded to a contractor on the small works roster. The small works
roster shall be comprised of all responsible contractors who have
requested to be on the list. The board of directors shall establish a
procedure for securing telephone and/or written quotations from the
contractors on the small works roster to assure establishment of a
competitive price and for awarding contracts to the lowest responsible
bidder. Such procedure shall require that a good faith effort be made
to request quotations from all contractors on the small works roster
who have indicated the capability of performing the kind of public
works being contracted. Immediately after an award is made, the bid
quotations obtained shall be recorded, open to public inspection, and
available by telephone inquiry. The small works roster shall be
revised at least once each year by publishing notice of such
opportunity in at least one newspaper of general circulation in the
district. Responsible contractors shall be added to the list at any
time they submit a written request. Whenever the estimated cost of a
public works project is fifty thousand dollars or more, the public
bidding process provided in subsection (1) of this section shall be
followed.

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

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

(6) This section does not apply to the direct purchase of school
buses by school districts and educational services in accordance with
section 1 of this act.

NEW SECTION. Sec. 4. (1) By December 15, 1996, the superintendent
of public instruction, in consultation with the legislative budget
committee, shall prepare a report comparing:
(a) The reimbursement schedule in effect for the 1994-95 school
year with the reimbursement schedule adopted for the 1995-96 school
year;
(b) The expected state savings from using the 1995-96 schedule; and
(c) The price quotes received by the superintendent of public instruction with the prices obtained by school districts and educational service districts.

(2) The report shall be submitted to the fiscal committees of the house of representatives and the senate.

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

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

Passed the Senate May 2, 1995.
Passed the House May 1, 1995.
Approved by the Governor June 14, 1995.
Filed in Office of Secretary of State June 14, 1995.