

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1633

Chapter 223, Laws of 2013

63rd Legislature
2013 Regular Session

BIDDING REQUIREMENTS--IMPROVEMENTS AND REPAIR PROJECTS--SCHOOL
DISTRICTS

EFFECTIVE DATE: 07/28/13

Passed by the House April 22, 2013
Yeas 83 Nays 12

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2013
Yeas 33 Nays 13

BRAD OWEN

President of the Senate

Approved May 14, 2013, 11:13 a.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1633** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 14, 2013

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1633

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Capital Budget (originally sponsored by Representatives Magendanz, Haigh, Dahlquist, Santos, Pollet, Smith, Wylie, Takko, Angel, Clibborn, Condotta, and Scott)

READ FIRST TIME 02/27/13.

1 AN ACT Relating to modifying school district bidding requirements
2 for improvement and repair 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))~~ threshold
10 levels specified in subsections (2) and (4) of this section, complete
11 plans and specifications for such work or purchases shall be prepared
12 and 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~~
17 ~~without—giving—such—notice—may—make—improvements—or—repairs—to—the~~
18 ~~property—of—the—district—through—the—shop—and—repair—department—of—such~~
19 ~~district—when—the—total—of—such—improvements—or—repair—does—not—exceed~~

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

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

20 (3) Any school district may purchase goods produced or provided in
21 whole or in part from class II inmate work programs operated by the
22 department of corrections pursuant to RCW 72.09.100, including but not
23 limited to furniture, equipment, or supplies. School districts are
24 encouraged to set as a target to contract, beginning after June 30,
25 2006, to purchase up to one percent of the total goods required by the
26 school districts each year, goods produced or provided in whole or in
27 part from class II inmate work programs operated by the department of
28 corrections.

29 (4) (~~Every building, improvement, repair or other public works~~
30 ~~project, the cost of which is estimated to be in excess of forty~~
31 ~~thousand dollars, shall be on a competitive bid process.)) The board
32 may make improvements or repairs to the property of the district
33 through a department within the district without following the public
34 bidding process provided in subsection (1) of this section when the
35 total of such improvements or repairs does not exceed the sum of
36 seventy-five thousand dollars. Whenever the estimated cost of a
37 building, improvement, repair, or other public works project is one
38 hundred thousand dollars or more, the public bidding process provided~~

1 in subsection (1) of this section shall be followed unless the contract
2 is let using the small works roster process in RCW 39.04.155 or under
3 any other procedure authorized for school districts. One or more
4 school districts may authorize an educational service district to
5 establish and operate a small works roster for the school district
6 under the provisions of RCW 39.04.155.

7 (5) The contract for the work or purchase shall be awarded to the
8 lowest responsible bidder as ~~((defined))~~ described in RCW
9 ~~((43.19.1911))~~ 39.26.160(2) but the board may by resolution reject any
10 and all bids and make further calls for bids in the same manner as the
11 original call. On any work or purchase the board shall provide bidding
12 information to any qualified bidder or the bidder's agent, requesting
13 it in person.

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

23 (7) This section does not apply to the direct purchase of school
24 buses by school districts and educational services in accordance with
25 RCW 28A.160.195.

26 (8) This section does not apply to the purchase of Washington grown
27 food.

28 (9) At the discretion of the board, a school district may develop
29 and implement policies and procedures to facilitate and maximize to the
30 extent practicable, purchases of Washington grown food including, but
31 not limited to, policies that permit a percentage price preference for
32 the purpose of procuring Washington grown food.

33 (10) As used in this section, "Washington grown" has the definition
34 in RCW 15.64.060.

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

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

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Filed in Office of Secretary of State May 14, 2013.