

SB 5017 - S AMD 931
By Senator Randall

ADOPTED 01/19/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 28A.335.190 and 2013 c 223 s 1 are each amended to
4 read as follows:

5 (1) When, in the opinion of the board of directors of any school
6 district, the cost of any furniture, supplies, equipment, building,
7 improvements, or repairs, (~~(or)~~) other construction work by a
8 contractor who meets the criteria in RCW 39.04.350, or other
9 purchases, except books, will equal or exceed the threshold levels
10 specified in subsections (2) and (4) of this section, 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. The cost of any public work,
17 improvement, or repair for the purposes of this section shall be the
18 aggregate of all amounts to be paid for labor, material, and
19 equipment on one continuous or interrelated project where work is to
20 be performed simultaneously or in close sequence. The bids shall be
21 in writing and shall be opened and read in public on the date and in
22 the place named in the notice and after being opened shall be filed
23 for public inspection.

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

1 five thousand dollars, the public bidding process provided in
2 subsection (1) of this section shall be followed.

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

12 (4) The board may make improvements or repairs to the property of
13 the district through a department within the district without
14 following the public bidding process provided in subsection (1) of
15 this section when the total of such improvements or repairs does not
16 exceed the sum of seventy-five thousand dollars. Whenever the
17 estimated cost of a building, improvement, repair, or other public
18 works project is one hundred thousand dollars or more, the public
19 bidding process provided in subsection (1) of this section shall be
20 followed unless the contract is let using the small works roster
21 process in RCW 39.04.155 or under any other procedure authorized for
22 school districts. One or more school districts may authorize an
23 educational service district to establish and operate a small works
24 roster for the school district under the provisions of RCW 39.04.155.

25 (5) The contract for the work or purchase shall be awarded to the
26 lowest responsible bidder as described in RCW 39.26.160(2) but the
27 board may by resolution reject any and all bids and make further
28 calls for bids in the same manner as the original call. On any work
29 or purchase the board shall provide bidding information to any
30 qualified bidder or the bidder's agent, requesting it in person.

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

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

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

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

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

13 (11) As used in this section, "price percentage preference" means
14 the percent by which a responsive bid from a responsible bidder whose
15 product is a Washington grown food may exceed the lowest responsive
16 bid submitted by a responsible bidder whose product is not a
17 Washington grown food.

18 (12) For purposes of this section, "construction work" does not
19 include the following services: (a) Construction management services;
20 (b) value engineering; (c) constructability review; (d) building
21 commissioning; and (e) other construction-related professional and
22 personal services.

23 (13) Beginning January 1, 2023, requests for proposals or
24 qualifications, advertisements, bids, or calls for bids pursuant to
25 this section for the services listed under subsection (12) of this
26 section, must include the standard clauses required under RCW
27 39.19.050.

28 (14) Beginning January 1, 2023, requests for proposals or
29 qualifications, advertisements, bids, or calls for bids pursuant to
30 this section for the services listed under subsection (12) of this
31 section, are subject to the procurement requirements of chapter 39.10
32 or 39.80 RCW, as applicable to the method of project delivery.

33 (15) Beginning January 1, 2023, school districts may use
34 interlocal agreements under chapter 39.34 RCW to procure the services
35 listed under subsection (12) of this section only if the agreements
36 are executed following a competitive, qualification-based procurement
37 process for these services pursuant to chapter 39.10 or 39.80 RCW."

ADOPTED 01/19/2022

1 On page 1, line 1 of the title, after "Relating to" strike the
2 remainder of the title and insert "clarifying school district
3 procurement requirements for service contracts for construction
4 management, value engineering, constructibility review, and building
5 commissioning; and amending RCW 28A.335.190."

EFFECT: Makes the following changes to the bill:

(1) Excludes construction management services, value engineering, constructability review, building commissioning, and other construction-related engineering and personal services from the possible definitions of the phrase "construction work," which is a term created by the bill.

(2) Requires that, beginning January 1, 2023, specified types of school district solicitations, advertisements, and bids, issued for these services, must include the standard clauses required by the office of minority and women's business enterprises.

(3) Provides that, beginning January 1, 2023, requests for proposals or qualifications, advertisements, bids, or calls for bids for such services are subject to the alternative public works procurement requirements or architectural and engineering service contract requirements, as applicable to the method of delivery.

(4) Requires that, beginning January 1, 2023, school districts may use interlocal agreements to procure such services only if the agreements are executed following a competitive, qualification-based procurement process for these services, pursuant to alternative public works procurement requirements or architectural and engineering service contract requirements.

(5) Removes the emergency clause.

(6) Modifies the title to reference "service contracts" rather than "personal service contracts."

(7) Removes the intent section.

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