AN ACT Relating to clarifying school district procurement requirements for service contracts for construction management, value engineering, constructibility review, and building commissioning; and amending RCW 28A.335.190.

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

Sec. 1. RCW 28A.335.190 and 2013 c 223 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, other construction work by a contractor who meets the criteria in RCW 39.04.350, or other purchases, except books, will equal or exceed the threshold levels specified in subsections (2) and (4) of this section, 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 and that specifications and other information may be examined at the office of the board or any other officially designated location. 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 forty 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 forty thousand dollars up to seventy-five 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 seventy-five thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

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

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

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2) 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.

(6) 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.

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

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

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

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

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

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

(13) Beginning January 1, 2023, requests for proposals or
qualifications, advertisements, bids, or calls for bids pursuant to
this section for the services listed under subsection (12) of this
section, must include the standard clauses required under RCW
39.19.050.
(14) Beginning January 1, 2023, requests for proposals or qualifications, advertisements, bids, or calls for bids pursuant to this section for the services listed under subsection (12) of this section, are subject to the procurement requirements of chapter 39.10 or 39.80 RCW, as applicable to the method of project delivery.

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

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