

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5017**

Chapter 4, Laws of 2023

68th Legislature  
Veto Override 2023 Regular Session

SCHOOL DISTRICT PROCUREMENT—CERTAIN SERVICE CONTRACTS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate January 19, 2022  
Yeas 28 Nays 20

DENNY HECK

**President of the Senate**

Passed by the House March 4, 2022  
Yeas 96 Nays 2

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Vetoed March 31, 2022

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5017** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

March 27, 2023

**Secretary of State  
State of Washington**

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**ENGROSSED SENATE BILL 5017**

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Passed Legislature - Veto Override 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Wellman, Honeyford, Mullet, and Wilson, C.

Prefiled 12/15/20. Read first time 01/11/21. Referred to Committee on Early Learning & K-12 Education.

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

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

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

8 (1) When, in the opinion of the board of directors of any school  
9 district, the cost of any furniture, supplies, equipment, building,  
10 improvements, or repairs, (~~or~~) other construction work by a  
11 contractor who meets the criteria in RCW 39.04.350, or other  
12 purchases, except books, will equal or exceed the threshold levels  
13 specified in subsections (2) and (4) of this section, complete plans  
14 and specifications for such work or purchases shall be prepared and  
15 notice by publication given in at least one newspaper of general  
16 circulation within the district, once each week for two consecutive  
17 weeks, of the intention to receive bids and that specifications and  
18 other information may be examined at the office of the board or any  
19 other officially designated location. The cost of any public work,  
20 improvement, or repair for the purposes of this section shall be the  
21 aggregate of all amounts to be paid for labor, material, and

1 equipment on one continuous or interrelated project where work is to  
2 be performed simultaneously or in close sequence. The bids shall be  
3 in writing and shall be opened and read in public on the date and in  
4 the place named in the notice and after being opened shall be filed  
5 for public inspection.

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

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

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

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

1 board may by resolution reject any and all bids and make further  
2 calls for bids in the same manner as the original call. On any work  
3 or purchase the board shall provide bidding information to any  
4 qualified bidder or the bidder's agent, requesting it in person.

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

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

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

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

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

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

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

36 (13) Beginning January 1, 2023, requests for proposals or  
37 qualifications, advertisements, bids, or calls for bids pursuant to  
38 this section for the services listed under subsection (12) of this  
39 section, must include the standard clauses required under RCW  
40 39.19.050.

1       (14) Beginning January 1, 2023, requests for proposals or  
2 qualifications, advertisements, bids, or calls for bids pursuant to  
3 this section for the services listed under subsection (12) of this  
4 section, are subject to the procurement requirements of chapter 39.10  
5 or 39.80 RCW, as applicable to the method of project delivery.  
6       (15) Beginning January 1, 2023, school districts may use  
7 interlocal agreements under chapter 39.34 RCW to procure the services  
8 listed under subsection (12) of this section only if the agreements  
9 are executed following a competitive, qualification-based procurement  
10 process for these services pursuant to chapter 39.10 or 39.80 RCW.

Passed by the Senate January 19, 2022.

Passed by the House March 4, 2022.

Vetoed by the Governor March 31, 2022.

Filed in Office of Secretary of State March 27, 2023.

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