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HOUSE BILL 3107

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State of Washington                      55th Legislature                      1998 Regular Session

By Representatives Honeyford, Cole, Clements and Lisk

Read first time 02/04/98. Referred to Committee on Capital Budget.

1            AN ACT Relating to bid requirements for school district property;  
2 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 1995 1st sp.s. c 10 s 3 are each  
5 amended to 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, complete plans  
10 and specifications for such work or purchases shall be prepared and  
11 notice by publication given in at least one newspaper of general  
12 circulation within the district, once each week for two consecutive  
13 weeks, of the intention to receive bids therefor and that  
14 specifications and other information may be examined at the office of  
15 the board or any other officially designated location: PROVIDED, That  
16 the board without giving such notice may make improvements or repairs  
17 to the property of the district through the shop and repair department  
18 of such district when the total of such improvements or repair does not  
19 exceed the sum of (a) fifteen thousand dollars, for districts with

1 fifteen thousand five hundred or more full-time equivalent students; or  
2 (b) for districts with fewer than fifteen thousand five hundred full-  
3 time equivalent students, fifteen thousand dollars if more than one  
4 craft or trade is involved with the school district improvement or  
5 repair, or ten thousand dollars if a single craft or trade is involved  
6 with the school district improvement or repair. The cost of any public  
7 work, improvement or repair for the purposes of this section shall be  
8 the aggregate of all amounts to be paid for labor, material, and  
9 equipment on one continuous or interrelated project where work is to be  
10 performed simultaneously or in close sequence. The bids shall be in  
11 writing and shall be opened and read in public on the date and in the  
12 place named in the notice and after being opened shall be filed for  
13 public inspection.

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

25 (3) Every building, improvement, repair or other public works  
26 project, the cost of which is estimated to be in excess of (a) fifteen  
27 thousand dollars, for districts with fifteen thousand five hundred or  
28 more full-time equivalent students; or (b) for districts with fewer  
29 than fifteen thousand five hundred full-time equivalent students,  
30 fifteen thousand dollars if more than one craft or trade is involved  
31 with the school district improvement or repair, or ten thousand dollars  
32 if a single craft or trade is involved with the school district  
33 improvement or repair, shall be on a competitive bid process. All such  
34 projects estimated to be less than fifty thousand dollars may be  
35 awarded to a contractor on the small works roster. The small works  
36 roster shall be comprised of all responsible contractors who have  
37 requested to be on the list. The board of directors shall establish a  
38 procedure for securing telephone and/or written quotations from the  
39 contractors on the small works roster to assure establishment of a

1 competitive price and for awarding contracts to the lowest responsible  
2 bidder. Such procedure shall require that a good faith effort be made  
3 to request quotations from all contractors on the small works roster  
4 who have indicated the capability of performing the kind of public  
5 works being contracted. Immediately after an award is made, the bid  
6 quotations obtained shall be recorded, open to public inspection, and  
7 available by telephone inquiry. The small works roster shall be  
8 revised at least once each year by publishing notice of such  
9 opportunity in at least one newspaper of general circulation in the  
10 district. Responsible contractors shall be added to the list at any  
11 time they submit a written request. Whenever the estimated cost of a  
12 public works project is fifty thousand dollars or more, the public  
13 bidding process provided in subsection (1) of this section shall be  
14 followed.

15 (4) The contract for the work or purchase shall be awarded to the  
16 lowest responsible bidder as defined in (~~RCW 43.19.1911~~) subsection  
17 (7) of this section but the board may by resolution reject any(~~and~~)  
18 or all bids and make further calls for bids in the same manner as the  
19 original call. On any work or purchase the board shall provide bidding  
20 information to any qualified bidder or the bidder's agent, requesting  
21 it in person.

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

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

34 (7)(a) For purposes of this section, "lowest responsible bidder"  
35 means the bidder that submits the lowest bid or the bidder that is the  
36 closest bid to the average of the three lowest bids, at the discretion  
37 of the board. After the board has identified the apparent lowest  
38 responsible bidder the board may reject the apparent lowest responsible  
39 bidder based upon the following criteria:

1       (i) The ability, capacity, and skill of the bidder to perform the  
2 contract or provide the service required;  
3       (ii) The experience, qualifications, and efficiency of the bidder;  
4       (iii) Whether the bidder can perform the contract within the time  
5 specified;  
6       (iv) The quality of performance of previous contracts or services;  
7       (v) The previous and existing compliance by the bidder with laws  
8 relating to the contract or services; and  
9       (vi) Such other information as may be secured having a bearing on  
10 the decision to award the contract.  
11       (b) If the board rejects the apparent lowest responsible bidder  
12 based on any of the criteria listed in (a) of this subsection, the  
13 board may select the next lowest bidder or the next closest to the  
14 average of the three lowest bids.

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