

---

HOUSE BILL 1766

---

State of Washington

59th Legislature

2005 Regular Session

By Representatives Darneille, Cox and Kirby

Read first time 02/04/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to school district bidding requirements; and  
2 amending RCW 28A.335.190 and 28A.525.020.

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

4 **Sec. 1.** RCW 28A.335.190 and 2000 c 138 s 201 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, 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~~) seventy-five thousand dollars for the

1 period July 1, 2005, through June 30, 2007, and as subsequently  
2 provided by rule in accordance with RCW 28A.525.020, for districts with  
3 ((fifteen)) twenty-five thousand ((~~five hundred~~)) or more full-time  
4 equivalent students; ((~~or~~)) (b) fifty thousand dollars for the period  
5 July 1, 2005, through June 30, 2007, and as subsequently provided by  
6 rule in accordance with RCW 28A.525.020, for districts with fewer than  
7 twenty-five thousand and more than fifteen thousand five hundred full-  
8 time equivalent students; or (c) for districts with fewer than fifteen  
9 thousand five hundred full-time equivalent students, ((fifteen))  
10 twenty-five thousand dollars ((if more than one craft or trade is  
11 involved with the school district improvement or repair, or ten  
12 thousand dollars if a single craft or trade is involved with the school  
13 district improvement or repair)) for the period July 1, 2005, through  
14 June 30, 2007, and as subsequently provided by rule in accordance with  
15 RCW 28A.525.020. The cost of any public work, improvement or repair  
16 for the purposes of this section shall be the aggregate of all amounts  
17 to be paid for labor, material, and equipment on one continuous or  
18 interrelated project where work is to be performed simultaneously or in  
19 close sequence. The bids shall be in writing and shall be opened and  
20 read in public on the date and in the place named in the notice and  
21 after being opened shall be filed for public inspection.

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

33 (3) Every building, improvement, repair or other public works  
34 project, the cost of which is estimated to be in excess of (a)  
35 ((fifteen)) seventy-five thousand dollars for the period July 1, 2005,  
36 through June 30, 2007, and as subsequently provided by rule in  
37 accordance with RCW 28A.525.020, for districts with ((fifteen)) twenty-  
38 five thousand ((~~five hundred~~)) or more full-time equivalent students;

1    ~~((or))~~ (b) fifty thousand dollars for the period July 1, 2005, through  
2 June 30, 2007, and as subsequently provided by rule in accordance with  
3 RCW 28A.525.020, for districts with fewer than twenty-five thousand and  
4 more than fifteen thousand five hundred full-time equivalent students;  
5 or (c) for districts with fewer than fifteen thousand five hundred  
6 full-time equivalent students, (~~(fifteen))~~ twenty-five thousand dollars  
7 (~~(if more than one craft or trade is involved with the school district~~  
8 ~~improvement or repair, or ten thousand dollars if a single craft or~~  
9 ~~trade is involved with the school district improvement or repair))~~ for  
10 the period July 1, 2005, through June 30, 2007, and as subsequently  
11 provided by rule in accordance with RCW 28A.525.020, shall be on a  
12 competitive bid process. Whenever the estimated cost of a public works  
13 project is (~~(fifty))~~ one hundred thousand dollars or more for the  
14 period July 1, 2005, through June 30, 2007, and as subsequently  
15 provided by rule in accordance with RCW 28A.525.020, the public bidding  
16 process provided in subsection (1) of this section shall be followed  
17 unless the contract is let using the small works roster process in RCW  
18 39.04.155 or under any other procedure authorized for school districts.  
19 One or more school districts may authorize an educational service  
20 district to establish and operate a small works roster for the school  
21 district under the provisions of RCW 39.04.155.

22       (4) The contract for the work or purchase shall be awarded to the  
23 lowest responsible bidder as defined in RCW 43.19.1911 but the board  
24 may by resolution reject any and all bids and make further calls for  
25 bids in the same manner as the original call. On any work or purchase  
26 the board shall provide bidding information to any qualified bidder or  
27 the bidder's agent, requesting it in person.

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

37       (6) This section does not apply to the direct purchase of school

1 buses by school districts and educational services in accordance with  
2 RCW 28A.160.195.

3 **Sec. 2.** RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are each  
4 amended to read as follows:

5 The state board of education shall have the power and it shall be  
6 its duty to:

7 (1) ~~((to))~~ Prescribe rules ~~((and regulations))~~ governing the  
8 administration, control, terms, conditions, and disbursements of  
9 allotments to school districts to assist them in providing school plant  
10 facilities;

11 (2) ~~((to))~~ Approve allotments to districts that apply for state  
12 assistance whenever the board deems such action advisable and in so  
13 doing to give due consideration to the findings, reports, and  
14 recommendations of the superintendent of public instruction pertaining  
15 thereto;

16 (3) ~~((to))~~ Authorize the payment of approved allotments by warrant  
17 of the state treasurer; ~~((and))~~

18 (4) In the event that the amount of state assistance applied for  
19 exceeds the funds available for such assistance during any biennium,  
20 ~~((to))~~ make allotments on the basis of the urgency of need for school  
21 facilities in the districts that apply for assistance and/or to prorate  
22 allotments among such districts in conformity with procedures and  
23 ~~((regulations))~~ rules applicable thereto which shall be established by  
24 the state board; and

25 (5) Effective July 1st of each odd-numbered year, adjust the dollar  
26 amounts in RCW 28A.335.190 for inflation as defined in RCW  
27 28A.400.205(2) rounded to the nearest ten dollars.

--- END ---