
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2709

State of Washington

60th Legislature

2008 Regular Session

By House Appropriations Subcommittee on Education (originally sponsored by Representatives Hurst, Pettigrew, Appleton, Sells, Green, Conway, Morrell, Anderson, Sullivan, Kenney, Schual-Berke, McIntire, Wood, Hudgins, Simpson, Goodman, VanDeWege, Ormsby, and Rolfes)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to locally grown foods; reenacting and amending RCW
2 28A.335.190; adding a new section to chapter 28A.335 RCW; and creating
3 a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.335
6 RCW to read as follows:

7 (1) The legislature finds that the benefits of school district
8 procurement of locally grown foods include environmental protection,
9 local economic development, improved child nutrition, and food
10 security. Purchasing locally grown foods:

11 (a) Reduces the distance and changes the manner in which food
12 travels from producer to consumer, which conserves energy, decreases
13 greenhouse gas emissions, and decreases reliance on oil;

14 (b) Expands market opportunities for local farmers, which preserves
15 and strengthens food production and increases the already significant
16 contribution that agriculture makes to local and state economies;

17 (c) Contributes to the health and development of school children,
18 which bolsters their ability to achieve educational goals; and

1 (d) Reduces reliance on nonlocally grown foods, which increases
2 food access and safety.

3 (2) With this act, the legislature provides school districts the
4 authority to consider the distance food travels from the point of
5 production to the point of consumption when making food procurement
6 decisions.

7 **Sec. 2.** RCW 28A.335.190 and 2005 c 346 s 2 and 2005 c 286 s 1 are
8 each reenacted and amended to read as follows:

9 (1) When, in the opinion of the board of directors of any school
10 district, the cost of any furniture, supplies, equipment, building,
11 improvements, or repairs, or other work or purchases, except books,
12 will equal or exceed the sum of fifty thousand dollars, complete plans
13 and specifications for such work or purchases shall be prepared and
14 notice by publication given in at least one newspaper of general
15 circulation within the district, once each week for two consecutive
16 weeks, of the intention to receive bids and that specifications and
17 other information may be examined at the office of the board or any
18 other officially designated location: PROVIDED, That the board without
19 giving such notice may make improvements or repairs to the property of
20 the district through the shop and repair department of such district
21 when the total of such improvements or repair does not exceed the sum
22 of forty thousand dollars. The cost of any public work, improvement or
23 repair for the purposes of this section shall be the aggregate of all
24 amounts to be paid for labor, material, and equipment on one continuous
25 or interrelated project where work is to be performed simultaneously or
26 in close sequence. The bids shall be in writing and shall be opened
27 and read in public on the date and in the place named in the notice and
28 after being opened shall be filed for public inspection.

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

1 the estimated cost is in excess of seventy-five thousand dollars, the
2 public bidding process provided in subsection (1) of this section shall
3 be followed.

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

13 (4) Every building, improvement, repair or other public works
14 project, the cost of which is estimated to be in excess of forty
15 thousand dollars, shall be on a competitive bid process. Whenever the
16 estimated cost of a public works project is one hundred thousand
17 dollars or more, the public bidding process provided in subsection (1)
18 of this section shall be followed unless the contract is let using the
19 small works roster process in RCW 39.04.155 or under any other
20 procedure authorized for school districts. One or more school
21 districts may authorize an educational service district to establish
22 and operate a small works roster for the school district under the
23 provisions of RCW 39.04.155.

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

30 (6) In the event of any emergency when the public interest or
31 property of the district would suffer material injury or damage by
32 delay, upon resolution of the board declaring the existence of such an
33 emergency and reciting the facts constituting the same, the board may
34 waive the requirements of this section with reference to any purchase
35 or contract: PROVIDED, That an "emergency", for the purposes of this
36 section, means a condition likely to result in immediate physical
37 injury to persons or to property of the school district in the absence
38 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 grown
5 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 the
8 extent practicable, purchases of Washington grown food; such policies
9 and procedures may include, but are not limited to, local preferences.

10 (10) As used in this section, "Washington grown" means grown and
11 packed or processed in Washington.

12 (11) This section does not apply to procurement of food by a school
13 if it is determined that compliance with this section would:

14 (a) Cause denial of federal moneys; or

15 (b) Be inconsistent with the requirements of federal law.

16 NEW SECTION. Sec. 3. If specific funding for the purposes of this
17 act, referencing this act by bill or chapter number, is not provided by
18 June 30, 2008, in the omnibus appropriations act, this act is null and
19 void.

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