
Higher Education Committee

HB 2858

Brief Description: Regarding the purchasing authority of institutions of higher education.

Sponsors: Representatives Appleton, Anderson, Sells, White and Wallace.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides institutions of higher education the authority to participate in group purchasing agreements.
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Hearing Date: 1/19/10

Staff: Andi Smith (786-7304).

Background:

As agencies of the State of Washington, the institutions of higher education have been granted statutory authority by the Legislature, in many areas concerning general operation and administration. The enabling statutes that establish each institution and proscribe powers and duties to the various boards of regents or trustees each contain provisions that authorize the boards to delegate powers and duties to the president or his or her designee. Each has adopted specific delegations governing procurement transactions.

The Revised Code of Washington contains several chapters that deal specifically with how the procurement process will occur. They are as follows:

RCW 43.19 establishes the state procurement code. Each of the institutions has several elements of authority granted to it in 43.19: a) "The primary authority for the purchase of specialized equipment, instructional, and research material for their own use." b) Authority to conduct all other purchases in accordance with the requirements of 43.19, regardless of whether the State of Washington has mandatory use contracts in place for the goods or services required. c) The purchase of materials, supplies, and equipment for resale to other than public agencies rests with the institutions. d) Certain provisions are stated which allow for acquisitions other than through

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the formal sealed-bid process. These include: purchases from legitimate sole sources, purchases from non-profit cooperative hospital group purchasing organizations and emergency purchases.

RCW 39.29 Personal Service contracts are governed by RCW 39.29 and require that institutions must conduct these contracts in accordance with regulations adopted by the State of Washington, Office of Financial Management.

RCW 43.78 The institutions are given discretion whether to use the services of the state printer. Often times, the governing board delegates authority to conduct acquisitions of printing services to a particular department. For instance, at the University of Washington, the power is delegated to the university's Publication Services department

RCW 43.105 Department of Information Services (DIS), adopts regulations and delegates authority to individual agencies for conducting the acquisitions of data processing and communications goods and services. The institutions have been delegated authority by DIS to conduct all such acquisitions, with review required by DIS for only the largest acquisitions.

Current law authorizes cooperative purchasing to the State of Washington but only with other Federal and State governmental entities. A number of universities and colleges throughout the United States participate in group purchasing organization contracts established by consortia of universities or other entities and realize significant savings due to the combined purchasing power from member institutions.

Summary of Bill:

The institutions of higher education are authorized to make purchases that are governed by the state procurement code, state regulations regarding personal service contracts, the state printer, and the Department of Information Services, through group purchasing organizations.

Appropriation: None.

Fiscal Note: Requested on January 15, 2010.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.