

FINAL BILL REPORT

HB 2858

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Synopsis as Enacted

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

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

House Committee on Higher Education
Senate Committee on Higher Education & Workforce Development

Background:

As agencies of Washington, the institutions of higher education have been granted statutory authority 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 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.

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

RCW 43.19: General Administration.

The state procurement code establishes general requirements for state procurements of goods and services. This code grants each of the institutions several elements of authority: (1) authority for the purchase of specialized equipment, instructional, and research material for its own use; (2) authority to conduct all other purchases in accordance with the code's requirements, regardless of whether Washington has mandatory use contracts in place for the goods or services required; (3) authority to purchase materials, supplies, and equipment for resale to other than public agencies; and (4) certain provisions that allow for acquisitions other than through the formal sealed-bid process, including purchases from legitimate sole sources, purchases from non-profit cooperative hospital group purchasing organizations, and emergency purchases.

RCW 39.29: Personal Service Contracts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The laws governing personal Service contracts require that institutions conduct these contracts in accordance with regulations adopted by the Washington State Office of Financial Management.

RCW 43.78: Public Printer.

The institutions are given discretion whether to use the services of the state printer. The governing board often 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 Publications Services Department.

RCW 43.105: Department of Information Services.

The 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 the DIS to conduct all such acquisitions, with review required by the DIS for only the largest acquisitions.

Washington law authorizes state agencies to enter into cooperative purchasing, 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 savings due to the combined purchasing power from member institutions. Washington institutions of higher education are not allowed to participate in this type of consortia.

Summary:

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 DIS through group purchasing organizations.

Votes on Final Passage:

House	97	0
Senate	40	0

Effective: June 10, 2010