

ESHB 1633 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 04/12/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.335.190 and 2008 c 215 s 6 are each amended to
4 read as follows:

5 (1) When, in the opinion of the board of directors of any school
6 district, the cost of any furniture, supplies, equipment, building,
7 improvements, or repairs, or other work or purchases, except books,
8 will equal or exceed the (~~sum of fifty thousand dollars~~) threshold
9 levels specified in subsections (2) and (4) of this section, complete
10 plans and specifications for such work or purchases shall be prepared
11 and 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 and that specifications and
14 other information may be examined at the office of the board or any
15 other officially designated location(~~(: PROVIDED, That the board~~
16 ~~without giving such notice may make improvements or repairs to the~~
17 ~~property of the district through the shop and repair department of such~~
18 ~~district when the total of such improvements or repair does not exceed~~
19 ~~the sum of forty thousand dollars)). The cost of any public work,~~
20 improvement, or repair for the purposes of this section shall be the
21 aggregate of all amounts to be paid for labor, material, and equipment
22 on one continuous or interrelated project where work is to be performed
23 simultaneously or in close sequence. The bids shall be in writing and
24 shall be opened and read in public on the date and in the place named
25 in the notice and after being opened shall be filed for public
26 inspection.

27 (2) Every purchase of furniture, equipment, or supplies, except
28 books, the cost of which is estimated to be in excess of forty thousand
29 dollars, shall be on a competitive basis. The board of directors shall
30 establish a procedure for securing telephone and/or written quotations

1 for such purchases. Whenever the estimated cost is from forty thousand
2 dollars up to seventy-five thousand dollars, the procedure shall
3 require quotations from at least three different sources to be obtained
4 in writing or by telephone, and recorded for public perusal. Whenever
5 the estimated cost is in excess of seventy-five thousand dollars, the
6 public bidding process provided in subsection (1) of this section shall
7 be followed.

8 (3) Any school district may purchase goods produced or provided in
9 whole or in part from class II inmate work programs operated by the
10 department of corrections pursuant to RCW 72.09.100, including but not
11 limited to furniture, equipment, or supplies. School districts are
12 encouraged to set as a target to contract, beginning after June 30,
13 2006, to purchase up to one percent of the total goods required by the
14 school districts each year, goods produced or provided in whole or in
15 part from class II inmate work programs operated by the department of
16 corrections.

17 (4) ~~((Every building, improvement, repair or other public works
18 project, the cost of which is estimated to be in excess of forty
19 thousand dollars, shall be on a competitive bid process.))~~ The board
20 may make improvements or repairs to the property of the district
21 through a department within the district without following the public
22 bidding process provided in subsection (1) of this section when the
23 total of such improvements or repairs does not exceed the sum of
24 seventy-five thousand dollars. Whenever the estimated cost of a
25 building, improvement, repair, or other public works project is one
26 hundred thousand dollars or more, the public bidding process provided
27 in subsection (1) of this section shall be followed unless the contract
28 is let using the small works roster process in RCW 39.04.155 or under
29 any other procedure authorized for school districts. One or more
30 school districts may authorize an educational service district to
31 establish and operate a small works roster for the school district
32 under the provisions of RCW 39.04.155.

33 (5) The contract for the work or purchase shall be awarded to the
34 lowest responsible bidder as ~~((defined))~~ described in RCW
35 ~~((43.19.1911))~~ 39.26.160(2) but the board may by resolution reject any
36 and all bids and make further calls for bids in the same manner as the
37 original call. On any work or purchase the board shall provide bidding

1 information to any qualified bidder or the bidder's agent, requesting
2 it in person.

3 (6) In the event of any emergency when the public interest or
4 property of the district would suffer material injury or damage by
5 delay, upon resolution of the board declaring the existence of such an
6 emergency and reciting the facts constituting the same, the board may
7 waive the requirements of this section with reference to any purchase
8 or contract: PROVIDED, That an "emergency," for the purposes of this
9 section, means a condition likely to result in immediate physical
10 injury to persons or to property of the school district in the absence
11 of prompt remedial action.

12 (7) This section does not apply to the direct purchase of school
13 buses by school districts and educational services in accordance with
14 RCW 28A.160.195.

15 (8) This section does not apply to the purchase of Washington grown
16 food.

17 (9) At the discretion of the board, a school district may develop
18 and implement policies and procedures to facilitate and maximize to the
19 extent practicable, purchases of Washington grown food including, but
20 not limited to, policies that permit a percentage price preference for
21 the purpose of procuring Washington grown food.

22 (10) As used in this section, "Washington grown" has the definition
23 in RCW 15.64.060.

24 (11) As used in this section, "price percentage preference" means
25 the percent by which a responsive bid from a responsible bidder whose
26 product is a Washington grown food may exceed the lowest responsive bid
27 submitted by a responsible bidder whose product is not a Washington
28 grown food."

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29 On page 1, line 2 of the title, after "projects;" strike the
30 remainder of the title and insert "and amending RCW 28A.335.190."

EFFECT: The threshold for school district improvements and repairs that require competitive bidding is increased from \$40,000 to \$75,000.

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