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**SUBSTITUTE SENATE BILL 5724**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Honeyford, Fraser, and Fain)

READ FIRST TIME 02/22/13.

1       AN ACT Relating to modifying school district bidding requirements  
2 for improvement and repair projects; and amending RCW 28A.335.190.

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

4       **Sec. 1.** RCW 28A.335.190 and 2008 c 215 s 6 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  
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,

1 improvement, or repair for the purposes of this section shall be the  
2 aggregate of all amounts to be paid for labor, material, and equipment  
3 on one continuous or interrelated project where work is to be performed  
4 simultaneously or in close sequence. The bids shall be in writing and  
5 shall be opened and read in public on the date and in the place named  
6 in the notice and after being opened shall be filed for public  
7 inspection.

8 (2) Every purchase of furniture, equipment, or supplies, except  
9 books, the cost of which is estimated to be in excess of forty thousand  
10 dollars, shall be on a competitive basis. The board of directors shall  
11 establish a procedure for securing telephone and/or written quotations  
12 for such purchases. Whenever the estimated cost is from forty thousand  
13 dollars up to seventy-five thousand dollars, the procedure shall  
14 require quotations from at least three different sources to be obtained  
15 in writing or by telephone, and recorded for public perusal. Whenever  
16 the estimated cost is in excess of seventy-five thousand dollars, the  
17 public bidding process provided in subsection (1) of this section shall  
18 be followed.

19 (3) Any school district may purchase goods produced or provided in  
20 whole or in part from class II inmate work programs operated by the  
21 department of corrections pursuant to RCW 72.09.100, including but not  
22 limited to furniture, equipment, or supplies. School districts are  
23 encouraged to set as a target to contract, beginning after June 30,  
24 2006, to purchase up to one percent of the total goods required by the  
25 school districts each year, goods produced or provided in whole or in  
26 part from class II inmate work programs operated by the department of  
27 corrections.

28 ~~(4) ((Every building, improvement, repair or other public works~~  
29 ~~project, the cost of which is estimated to be in excess of forty~~  
30 ~~thousand dollars, shall be on a competitive bid process.))~~ The board  
31 may make improvements or repairs to the property of the district  
32 through a department within the district without following the public  
33 bidding process provided in subsection (1) of this section when the  
34 total of such improvements or repairs does not exceed the sum of  
35 seventy-five thousand dollars. Whenever the estimated cost of a  
36 building, improvement, repair, or other public works project is one  
37 hundred thousand dollars or more, the public bidding process provided  
38 in subsection (1) of this section shall be followed unless the contract

1 is let using the small works roster process in RCW 39.04.155 or under  
2 any other procedure authorized for school districts. One or more  
3 school districts may authorize an educational service district to  
4 establish and operate a small works roster for the school district  
5 under the provisions of RCW 39.04.155.

6 (5) The contract for the work or purchase shall be awarded to the  
7 lowest responsible bidder as ((defined)) described in RCW  
8 ((43.19.1911)) 39.26.160(2) but the board may by resolution reject any  
9 and all bids and make further calls for bids in the same manner as the  
10 original call. On any work or purchase the board shall provide bidding  
11 information to any qualified bidder or the bidder's agent, requesting  
12 it in person.

13 (6) In the event of any emergency when the public interest or  
14 property of the district would suffer material injury or damage by  
15 delay, upon resolution of the board declaring the existence of such an  
16 emergency and reciting the facts constituting the same, the board may  
17 waive the requirements of this section with reference to any purchase  
18 or contract: PROVIDED, That an "emergency," for the purposes of this  
19 section, means a condition likely to result in immediate physical  
20 injury to persons or to property of the school district in the absence  
21 of prompt remedial action.

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

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

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

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

34 (11) As used in this section, "price percentage preference" means  
35 the percent by which a responsive bid from a responsible bidder whose  
36 product is a Washington grown food may exceed the lowest responsive bid

1 submitted by a responsible bidder whose product is not a Washington  
2 grown food.

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