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HOUSE BILL 2779

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Kilduff, Magendanz, Pollet, Stanford, Lytton, and Rossetti

Read first time 01/20/16. Referred to Committee on Capital Budget.

1 AN ACT Relating to competitive bid procedures for school  
2 districts; 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 2013 c 223 s 1 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 threshold levels specified in subsections  
10 (2) and (4) of this section, complete plans and specifications for  
11 such work or purchases shall be prepared and notice by publication  
12 given in at least one newspaper of general circulation within the  
13 district, once each week for two consecutive weeks, of the intention  
14 to receive bids and that specifications and other information may be  
15 examined at the office of the board or any other officially  
16 designated location. The cost of any public work, improvement, or  
17 repair for the purposes of this section shall be the aggregate of all  
18 amounts to be paid for labor, material, and equipment on one  
19 continuous or interrelated project where work is to be performed  
20 simultaneously or in close sequence. The bids shall be in writing and  
21 shall be opened and read in public on the date and in the place named

1 in the notice and after being opened shall be filed for public  
2 inspection.

3 (2) Every purchase of furniture, equipment, or supplies, except  
4 books, the cost of which is estimated to be in excess of forty  
5 thousand dollars, shall be on a competitive basis. The board of  
6 directors shall establish a procedure for securing telephone and/or  
7 written quotations for such purchases. Whenever the estimated cost is  
8 from forty thousand dollars up to seventy-five thousand dollars, the  
9 procedure shall require quotations from at least three different  
10 sources to be obtained in writing or by telephone, and recorded for  
11 public perusal. Whenever the estimated cost is in excess of seventy-  
12 five thousand dollars, the public bidding process provided in  
13 subsection (1) of this section shall be followed. The contract for  
14 the purchase must be awarded to the lowest responsible bidder as  
15 described in RCW 39.26.160(2) but the board may by resolution reject  
16 any and all bids and make further calls for bids in the same manner  
17 as the original call. On any purchase, the board shall provide  
18 bidding information to any qualified bidder, or the bidder's agent,  
19 requesting it in person.

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

29 (4) The board may make improvements or repairs to the property of  
30 the district through a department within the district without  
31 following the public bidding process provided in subsection (1) of  
32 this section when the total of such improvements or repairs does not  
33 exceed the sum of seventy-five thousand dollars. Whenever the  
34 estimated cost of a building, improvement, repair, or other public  
35 works project is one hundred thousand dollars or more, the public  
36 bidding process provided in subsection (1) of this section shall be  
37 followed unless the contract is let using the small works roster  
38 process in RCW 39.04.155 or under any other procedure authorized for  
39 school districts. One or more school districts may authorize an  
40 educational service district to establish and operate a small works

1 roster for the school district under the provisions of RCW 39.04.155.  
2 The contract for the building, improvement, repair, or other public  
3 works project must be awarded to the lowest responsible bidder as  
4 described in RCW 39.04.350.

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

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

20 ~~((7))~~ (6) This section does not apply to the direct purchase of  
21 school buses by school districts and educational services in  
22 accordance with RCW 28A.160.195.

23 ~~((8))~~ (7) This section does not apply to the purchase of  
24 Washington grown food.

25 ~~((9))~~ (8) At the discretion of the board, a school district may  
26 develop and implement policies and procedures to facilitate and  
27 maximize to the extent practicable, purchases of Washington grown  
28 food including, but not limited to, policies that permit a percentage  
29 price preference for the purpose of procuring Washington grown food.

30 ~~((10))~~ (9) As used in this section, "Washington grown" has the  
31 definition in RCW 15.64.060.

32 ~~((11))~~ (10) As used in this section, "price percentage  
33 preference" means the percent by which a responsive bid from a  
34 responsible bidder whose product is a Washington grown food may  
35 exceed the lowest responsive bid submitted by a responsible bidder  
36 whose product is not a Washington grown food.

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