

SB 5017 - H COMM AMD

By Committee on Capital Budget

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that school
4 construction procurement processes must comply with the requirements
5 of public works laws specified in chapter 39.04 RCW. Competitive
6 bidding requirements under chapter 39.04 RCW apply to construction
7 contracts by registered contractors. Procurement requirements in RCW
8 28A.335.190 for public works by school districts are not well defined
9 and may be interpreted as being inconsistent with the requirements of
10 chapter 39.04 RCW and with the authority to contract for personal
11 services under RCW 28A.320.035. The purpose of this act is to make
12 retroactive, remedial, curative, and technical amendments to clarify
13 the intent of RCW 28A.335.190.

14 **Sec. 2.** RCW 28A.335.190 and 2013 c 223 s 1 are each amended to
15 read as follows:

16 (1) When, in the opinion of the board of directors of any school
17 district, the cost of any furniture, supplies, equipment, building,
18 improvements, or repairs, ~~((or))~~ other construction work by a
19 contractor who meets the criteria in RCW 39.04.350, or other
20 purchases, except books, will equal or exceed the threshold levels
21 specified in subsections (2) and (4) of this section, complete plans
22 and specifications for such work or purchases shall be prepared and
23 notice by publication given in at least one newspaper of general
24 circulation within the district, once each week for two consecutive
25 weeks, of the intention to receive bids and that specifications and
26 other information may be examined at the office of the board or any
27 other officially designated location. The cost of any public work,
28 improvement, or repair for the purposes of this section shall be the
29 aggregate of all amounts to be paid for labor, material, and
30 equipment on one continuous or interrelated project where work is to
31 be performed simultaneously or in close sequence. The bids shall be

1 in writing and shall be opened and read in public on the date and in
2 the place named in the notice and after being opened shall be filed
3 for public inspection.

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

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

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

37 (5) The contract for the work or purchase shall be awarded to the
38 lowest responsible bidder as described in RCW 39.26.160(2) but the
39 board may by resolution reject any and all bids and make further
40 calls for bids in the same manner as the original call. On any work

1 or purchase the board shall provide bidding information to any
2 qualified bidder or the bidder's agent, requesting 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
6 an emergency and reciting the facts constituting the same, the board
7 may waive the requirements of this section with reference to any
8 purchase or contract: PROVIDED, That an "emergency," for the purposes
9 of this section, means a condition likely to result in immediate
10 physical injury to persons or to property of the school district in
11 the absence 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
16 grown 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
19 the extent practicable, purchases of Washington grown food including,
20 but not limited to, policies that permit a percentage price
21 preference for the purpose of procuring Washington grown food.

22 (10) As used in this section, "Washington grown" has the
23 definition 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
27 bid submitted by a responsible bidder whose product is not a
28 Washington grown food.

29 (12) For purposes of this section, "construction work" does not
30 include the following services: (a) Construction management services;
31 (b) value engineering; (c) constructability review; (d) building
32 commissioning; and (e) other construction-related professional and
33 personal services.

34 (13) Requests for proposals or qualifications, advertisements,
35 bids, or calls for bids pursuant to this section for the services
36 listed under subsection (12) of this section, must include the
37 standard clauses required under RCW 39.19.050.

38 NEW SECTION. Sec. 3. This act is necessary for the immediate
39 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately."

3 Correct the title.

EFFECT: Makes the following changes to the bill:

(1) Excludes construction management services, value engineering, constructability review, building commissioning, and other construction-related engineering and personal services from the possible definitions of the phrase "construction work," which is a term created by the bill.

(2) Stipulates that specified types of school district solicitations, advertisements, and bids, issued for these services, must include the standard clauses required by the Office of Minority and Women's Business Enterprises.

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