
ENGROSSED SENATE BILL 5017

State of Washington **67th Legislature** **2021 Regular Session**

By Senators Wellman, Honeyford, Mullet, and Wilson, C.

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1 AN ACT Relating to clarifying school district procurement
2 requirements for service contracts for construction management, value
3 engineering, constructibility review, and building commissioning; and
4 amending RCW 28A.335.190.

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

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

8 (1) When, in the opinion of the board of directors of any school
9 district, the cost of any furniture, supplies, equipment, building,
10 improvements, or repairs, (~~or~~) other construction work by a
11 contractor who meets the criteria in RCW 39.04.350, or other
12 purchases, except books, will equal or exceed the threshold levels
13 specified in subsections (2) and (4) of this section, complete plans
14 and specifications for such work or purchases shall be prepared and
15 notice by publication given in at least one newspaper of general
16 circulation within the district, once each week for two consecutive
17 weeks, of the intention to receive bids and that specifications and
18 other information may be examined at the office of the board or any
19 other officially designated location. 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

1 equipment on one continuous or interrelated project where work is to
2 be performed simultaneously or in close sequence. The bids shall be
3 in writing and shall be opened and read in public on the date and in
4 the place named in the notice and after being opened shall be filed
5 for public inspection.

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

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

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

39 (5) The contract for the work or purchase shall be awarded to the
40 lowest responsible bidder as described in RCW 39.26.160(2) but the

1 board may by resolution reject any and all bids and make further
2 calls for bids in the same manner as the original call. On any work
3 or purchase the board shall provide bidding information to any
4 qualified bidder or the bidder's agent, requesting it in person.

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

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

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

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

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

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

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

36 (13) Beginning January 1, 2023, requests for proposals or
37 qualifications, advertisements, bids, or calls for bids pursuant to
38 this section for the services listed under subsection (12) of this
39 section, must include the standard clauses required under RCW
40 39.19.050.

1 (14) Beginning January 1, 2023, requests for proposals or
2 qualifications, advertisements, bids, or calls for bids pursuant to
3 this section for the services listed under subsection (12) of this
4 section, are subject to the procurement requirements of chapter 39.10
5 or 39.80 RCW, as applicable to the method of project delivery.

6 (15) Beginning January 1, 2023, school districts may use
7 interlocal agreements under chapter 39.34 RCW to procure the services
8 listed under subsection (12) of this section only if the agreements
9 are executed following a competitive, qualification-based procurement
10 process for these services pursuant to chapter 39.10 or 39.80 RCW.

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