
SENATE BILL 5724

State of Washington

63rd Legislature

2013 Regular Session

By Senators Honeyford, Fraser, and Fain

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))~~ threshold
10 levels specified in subsections (2) and (4) of this section, complete
11 plans and specifications for such work or purchases shall be prepared
12 and notice by publication given in at least one newspaper of general
13 circulation within the district, once each week for two consecutive
14 weeks, of the intention to receive bids and that specifications and
15 other information may be examined at the office of the board or any
16 other officially designated location ~~((: PROVIDED, That the board~~
17 ~~without giving such notice may make improvements or repairs to the~~
18 ~~property of the district through the shop and repair department of such~~
19 ~~district when the total of such improvements or repair does not exceed~~

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

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

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

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

1 contract is let using the small works roster process in RCW 39.04.155
2 or under any other procedure authorized for school districts. One or
3 more 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) Beginning September 1, 2013, and each September 1st thereafter,
23 the threshold levels specified in subsections (2) and (4) of this
24 section shall be adjusted based on the percentage change in the
25 implicit price deflator for the United States as published for the most
26 recent twelve-month period by the bureau of economic analysis of the
27 federal department of commerce. The office of the superintendent of
28 public instruction shall obtain the adjusted threshold level from the
29 office of financial management and publish the level in a memorandum
30 for school districts.

31 (8) This section does not apply to the direct purchase of school
32 buses by school districts and educational services in accordance with
33 RCW 28A.160.195.

34 ~~((+8))~~ (9) This section does not apply to the purchase of
35 Washington grown food.

36 ~~((+9))~~ (10) At the discretion of the board, a school district may
37 develop and implement policies and procedures to facilitate and

1 maximize to the extent practicable, purchases of Washington grown food
2 including, but not limited to, policies that permit a percentage price
3 preference for the purpose of procuring Washington grown food.

4 ~~((+10))~~ (11) As used in this section, "Washington grown" has the
5 definition in RCW 15.64.060.

6 ~~((+11))~~ (12) As used in this section, "price percentage
7 preference" means the percent by which a responsive bid from a
8 responsible bidder whose product is a Washington grown food may exceed
9 the lowest responsive bid submitted by a responsible bidder whose
10 product is not a Washington grown food.

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