

Bid or Request for Proposal Requirements

The board recognizes the importance of:

- maximizing the use of district resources;
- the need for sound business practices in spending public money;
- the requirement of complying with applicable state and federal laws governing purchasing and public works;
- the importance of standardized purchasing regulations; and
- the need for clear documentation.

I. Procurement and Public Works Using State or Local Funds

A. Furniture, Supplies, or Equipment

Whenever the estimated cost of furniture, supplies or equipment (except books) will cost:

- less than \$40,000, no competitive bidding process is required to make the purchase;
- between \$40,000 and \$75,000, the board will follow the informal competitive bidding process by requiring quotes from at least three different sources to be obtained in writing or by telephone and recorded for the public to review;
- over \$75,000, the board will follow the formal competitive bidding process by:
 1. preparing complete plans and specifications for such purchases;
 2. providing notice of the call for formal bids by publication in at least one newspaper of general circulation in the district at least once each week for two consecutive weeks;
 3. ensuring that the district takes steps to assure that when possible, the district will maximize the potential to use small and minority businesses, women's business enterprises and labor surplus firms;
 4. providing the clear and definite plans and specifications to those interested in submitting a bid;
 5. requiring that bids be in writing;
 6. opening and reading bids in public on the date and in the place named in the notice;
 7. filing all bids for public inspection after opening; and
 8. awarding the contract for the purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2).

B. Exemptions

The board may waive bid requirements for purchases:

- clearly and legitimately limited to a single source of supply;
- involving special facilities or market conditions;
- in the event of an emergency;
- of insurance or bonds; and
- involving public works in the event of an emergency.

"Emergency" means unforeseen circumstances beyond the district's control that present a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Whenever the board waives bid requirements, the board will issue a document explaining the factual basis for the exception and record the contract for open public inspection.

C. Rejection of Bids

The board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call.

D. Interlocal Cooperation Act

The board reserves the right to enter into inter-local cooperative agreements for purchases and public works with other governmental agencies pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

E. Crimes Against Children

The board will include in any contract for services with an entity or individual other than an employee of the district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of ~~his or her~~ that person's employment and who has pled guilty to or been convicted of any felony crime specified under RCW 28A.400.322. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the district immediately terminating the contract.

The superintendent will establish bidding and contract awarding procedures for all purchases of furniture, equipment, supplies (except books), or public works projects consistent with state law.

F. Use of State Funds for Improvements or Repairs

The board may make improvements or repairs to district property through a district department without following the competitive bidding process if the total cost of improvements or repairs does not exceed \$100,000. If the board estimates that the total cost of a building, improvement, repair, or other public works project is \$100,000 or more, the board will follow the formal competitive bidding process outlined above, unless the contract is let using the small works roster process authorized by RCW 39.04.155 or under any other statutory procedure authorized for school districts.

II. Procurement Using Federal Funds

When using Federal funds, in addition to following Washington requirements described above, the district shall also meet federal requirements:

A. Goods

When the district uses federal funds for procurement of **goods** (furniture, supplies, equipment, and textbooks):

- Purchases of \$10,000 or less do not require quotes. However, the district must consider price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers.
- Purchases between \$10,000 and \$250,000 must be procured using price or rate quotations from three or more qualified sources.
- Purchases of \$250,000 or more must be publicly solicited using sealed bids or requests for proposals.

B. Services

When the district uses federal funds for procurement of **services**:

- Purchases of \$10,000 or less do not require quotes. However, the district must consider price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers.
- Purchases between \$10,000 and \$250,000 must be procured using price or rate quotations from a reasonable number of qualified sources.
- Purchases of \$250,000 or more must be publicly solicited using sealed bids or requests for proposals.

C. Noncompetitive Procurement

Noncompetitive procurement may be used only when one of the following four circumstances applies:

- The item is only available from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The awarding agency (e.g., OSPI) authorizes noncompetitive procurement in response to a written request from the district; or
- After solicitation of a number of sources, competition is determined inadequate.

The district must maintain documentation supporting the applicable circumstance for noncompetitive procurement.

D. Suspension and Debarment

Before entering into federally funded vendor contracts for goods and services that equal or exceed \$25,000 and any subcontract award, the district will ensure the vendor is not suspended or debarred from participating in federal assistance programs.

E. Conflict of Interest

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by federal funds if they have a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of ~~his or her~~ their immediate family, ~~his or her~~ their partner, or an organization that employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No employee, officer, or agent of the district may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

Pursuant to RCW 42.23, no municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of that person's office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. RCW 42.23.030 lists exceptions to this rule. A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract.

III. Procedures

The superintendent or designee will establish bidding and contract awarding procedures consistent with state and federal law. All of the dollar amounts stated herein are written to match the statutory requirements in effect as of the date of this Policy; if such statutory dollar thresholds are revised, either up or down, then this policy shall be automatically adjusted to reflect the new threshold amounts

Legal References:

RCW 28A.335.190 Advertising for bids — Competitive bid procedures — Purchases from inmate work programs — Telephone or written quotation solicitation, limitations — Emergencies

RCW 28A.400.330 Crimes against children — Contractor employees — Termination of contract

RCW 39.04.155 Small works roster contract procedures — Limited public works process Definition

RCW 39.04.280 Competitive bidding requirements — Exemptions

RCW 39.26.160 Bid Awards - Considerations - Requirements and criteria to be set forth - Negotiations - Use of enterprise vendor registrations and bid notification system

RCW 39.30.060 Bids on public works — Identification, substitution of contractors

Chapter. 39.34 RCW Interlocal Cooperation Act

2 CFR Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

2 CFR 200.67 Micro-purchase

2 CFR 200.88 Simplified Acquisition Threshold
2 CFR 200.318 – General Procurement Standards
2 CFR 200.320 Methods of Procurement to be Followed
2 CFR 3485 Nonprocurement Debarment and Suspension