
SENATE BILL 6183

State of Washington

62nd Legislature

2012 Regular Session

By Senators Morton, Schoesler, Ericksen, and Roach

Read first time 01/13/12. Referred to Committee on Agriculture, Water & Rural Economic Development.

1 AN ACT Relating to bid requirements for schools purchasing
2 Washington grown foods and other goods; 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, complete plans
10 and specifications for such work or purchases shall be prepared and
11 notice by publication given in at least one newspaper of general
12 circulation within the district, once each week for two consecutive
13 weeks, of the intention to receive bids and that specifications and
14 other information may be examined at the office of the board or any
15 other officially designated location: PROVIDED, That the board without
16 giving such notice may make improvements or repairs to the property of
17 the district through the shop and repair department of such district
18 when the total of such improvements or repair does not exceed the sum
19 of forty thousand dollars. The cost of any public work, improvement or

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

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

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

27 (4) Every building, improvement, repair or other public works
28 project, the cost of which is estimated to be in excess of forty
29 thousand dollars, shall be on a competitive bid process. Whenever the
30 estimated cost of a public works project is one hundred thousand
31 dollars or more, the public bidding process provided in subsection (1)
32 of this section shall be followed unless the contract is let using the
33 small works roster process in RCW 39.04.155 or under any other
34 procedure authorized for school districts. One or more school
35 districts may authorize an educational service district to establish
36 and operate a small works roster for the school district under the
37 provisions of RCW 39.04.155.

1 (5) The contract for the work or purchase shall be awarded to the
2 lowest responsible bidder as defined in RCW 43.19.1911 but the board
3 may by resolution reject any and all bids and make further calls for
4 bids in the same manner as the original call. On any work or purchase
5 the board shall provide bidding information to any qualified bidder or
6 the bidder's agent, requesting it in person.

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

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

19 (8) This section does not apply to the purchase of Washington grown
20 food and other goods in compliance with this subsection. A Washington
21 state farmer may supplement the farmer's orders or contract with a
22 school district with food grown outside the state of Washington, if the
23 portion of out-of-state food does not exceed twenty-five percent of the
24 total value of the annual orders or contract.

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

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

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

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