AN ACT Relating to modifying school district bidding requirements for improvement and repair projects; and amending RCW 28A.335.190.

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

Sec. 1. RCW 28A.335.190 and 2008 c 215 s 6 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the (sum of fifty thousand dollars) threshold levels specified in subsections (2) and (4) of this section, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids and that specifications and other information may be examined at the office of the board or any other officially designated location (PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed...
the sum of forty thousand dollars). The cost of any public work, improvement, or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

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

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

(4) (Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of forty thousand dollars, shall be on a competitive bid process.) The board may make improvements or repairs to the property of the district without following the public bidding process provided in subsection (1) of this section when the total of such improvements or repairs does not exceed the sum of one hundred thousand dollars. Whenever the estimated cost of a building, improvement, repair, or other public works project is one hundred thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed unless the
contract is let using the small works roster process in RCW 39.04.155 or under any other procedure authorized for school districts. One or more school districts may authorize an educational service district to establish and operate a small works roster for the school district under the provisions of RCW 39.04.155.

(5) The contract for the work or purchase shall be awarded to the lowest responsible bidder as ((defined)) described in RCW ((43.19.1911)) 39.26.160(2) but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

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

(7) Beginning September 1, 2013, and each September 1st thereafter, the threshold levels specified in subsections (2) and (4) of this section shall be adjusted based on the percentage change in the implicit price deflator for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce. The office of the superintendent of public instruction shall obtain the adjusted threshold level from the office of financial management and publish the level in a memorandum for school districts.

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

(9) This section does not apply to the purchase of Washington grown food.

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

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

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

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