
Bid or Proposal Requirements

Purpose

This policy defines the parameters that determine when a competitive bid process must be used, and guides district staff responsible for soliciting proposals or bids, assigning contracts, and/or purchasing supplies, equipment or furniture.

Scope

This policy applies to the Superintendent, administrators, Facilities Supervisor, business office staff and other staff that may be involved in bidding or proposal processes.

Policy

1. The Board of Directors recognizes the importance of the need for sound business practices in spending public money, and in its actions involving the use of public funds the Board will strive for free and open competition, transparency in transactions, and comparability.
 - 1.1. The district will maximize the use of district resources, thereby avoiding the purchase of unnecessary or duplicative items.
 - 1.2. The district will comply with state and federal laws governing purchasing and public works projects, following standardized purchasing regulations.
 - 1.3. The district will ensure all staff conducting procurement or public works activities receive training and guidance in proper procedures.
2. **PROCUREMENT AND PUBLIC WORKS USING STATE FUNDS**
 - 2.1. **Furniture, Supplies or Equipment**
 - 2.1.1. When state funds are used in conjunction with federal funds, the most restrictive requirements between state and federal thresholds must be followed. Staff will refer to the table in Procedure 6220P1, section 1 for threshold comparison and guidance.
 - 2.1.2. Whenever, in the opinion of the Board, the cost of any furniture, equipment or supplies (except books) is estimated to equal or exceed \$75,000 (the state threshold), formal, competitive bids will be called for by: issuing public notice placed in at least one newspaper of general circulation within the district once each week for two consecutive weeks, unless a statutory exception permits another contracting option.
 - 2.1.3. When the cost of any supplies, equipment or furniture (except books) is estimated to exceed \$40,000 but be less than \$75,000 (the state thresholds), informal, competitive bids will be solicited from at least three different sources and obtained in writing or by telephone and recorded for public perusal. If federal funds will be used in conjunction with state funds, the lower federal threshold of \$10,000 applies.

- 2.1.4. No competitive bidding process is required for purchases of furniture, equipment or supplies under \$40,000 when using state funds. If federal funds will be used in conjunction with state funds, the lower federal threshold of \$10,000 applies.

2.2. Exemptions

- 2.2.1. The Board may waive bid requirements for state-funded purchases under any one of the following circumstances:

- 2.2.1.1. Purchases are clearly and legitimately limited to a single source of supply.

- 2.2.1.2. Purchases involving special facilities or market conditions.

- 2.2.1.3. Purchases required in the event of an emergency, including those involving public works. "Emergency" means unforeseen circumstances beyond the district's control that present a real, immediate threat to the property 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.

- 2.2.1.4. Purchases of insurance or bonds.

- 2.2.2. Whenever bid requirements are waived, the Board will issue a document explaining the factual basis for the exception and record the contract for open public inspection.

2.3. Additional Guidelines

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

- 2.3.2. The Board reserves the right to enter into interlocal cooperative agreements with other governmental agencies pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

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

2.4. Use of State Funds for Improvements or Repairs

- 2.4.1. If the estimated total cost of a building, improvement, repair, or other public works project for district property equals or exceeds \$100,000, the Board directs use of a formal, competitive bidding process for public work projects outlined in

Procedure 6220P1, unless the contract is awarded using the small works roster process authorized by RCW 39.04.155 or under any other procedure authorized for school districts.

- 2.4.2. If the estimated total cost of improvements or repairs to district property does not exceed \$75,000, the Board may authorize such work through a department in the district without following the competitive bidding process.

3. PROCUREMENT USING FEDERAL FUNDS

3.1. Goods

When the district uses federal funds for procurement of goods (furniture, supplies, equipment and textbooks), the most restrictive requirements (between state and federal thresholds) must be followed. Staff will refer to the table in Procedure 6220P1, section 1 for threshold comparison and guidance.

- 3.1.1. Purchases estimated to total \$75,000 (the state threshold) or more must be publically solicited using sealed bids or requests for proposals.
- 3.1.2. Purchases estimated to total between \$10,000 and \$75,000 (the state threshold) must be procured using price or rate quotations from three or more qualified sources.
- 3.1.3. Purchases estimated to total \$10,000 or less (micro-purchases) do not require quotes. However, the district must consider the price to be reasonable and, to the extent practical, distribute purchases equitably among suppliers.

3.2. Services

When the district uses federal funds for procurement of services, the most restrictive requirements (between state and federal thresholds) must be followed.

- 3.2.1. Purchases estimated to total \$150,000 (the state threshold) or more must be publicly solicited using sealed bids or requests for proposals.
- 3.2.2. Purchases between \$10,000 and \$150,000 (the state threshold) must be procured using price or rate quotations from a reasonable number of qualified sources.
- 3.2.3. Purchases estimated to total \$10,000 or less (micro-purchases) do not require quotes. However, the district must consider the price to be reasonable and, to the extent practical, distribute purchases equitably among suppliers.

3.3. Noncompetitive Procurement

Noncompetitive procurement may be used only when one of the following four circumstances applies. The district must maintain documentation supporting the applicable circumstance for noncompetitive procurement.

- 3.3.1. The item is only available from a single source.
- 3.3.2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.

3.3.3. The awarding agency (for example, OSPI) authorizes noncompetitive procurement in response to a written request from the district.

3.3.4. After solicitation of a number of sources, competition is determined inadequate.

3.4. 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 or contractor is not suspended or debarred from participating in federal assistance programs.

4. CONFLICT OF INTEREST

4.1. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by state or federal funds if he/she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his/her immediate family, his/her 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.

4.2. 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.

5. The Superintendent or designee will establish bidding and contract awarding procedures consistent with state and federal law.

Related Procedures

6101P1-Federal Cash and Financial Management

6106P1-Allowable Costs for Federal Programs

6210P1-Purchasing Authorization and Control

6220P1-Bid Requirements

Policy Cross References

6101-Federal Cash and Financial Management

6106-Allowable Costs for Federal Programs

6210-Purchasing Authorization and Control

Policy 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-.326 – General Procurement Standards

2 CFR 200.320 – Methods of Procurement to be Followed

2 CFR 3485 – Nonprocurement Debarment and Suspension

Management Resources

Policy & Legal News, August 2018 – Other Updates

Policy & Legal News, July 2017 – Other Updates

Policy & Legal News, October 2015

Policy & Legal News, June 2015 – Other Updates

Policy News, April 2012 – Bid requirements policy revised to address audit concerns

Policy News, February 2011 – Bid requirements

Policy News, October 2005 – Competitive Bid Process Changes

Policy News, June 2001 – Legislation Further Simplifies Bid Compliance

Policy History

Action:	Date:
Approved by the Board	May 21, 2014
Revised	December 20, 2017
Revised	September 19, 2018
Revised	

Replaces Policy 6221-Purchasing: Bids and Contracts