

## **Bid or Request for Proposal Requirements**

### **Purpose**

This procedure guides district administrators and staff responsible for the solicitation and awarding of bids, both formal and informal, for the purchase of equipment, supplies (except textbooks) or furniture, and services for public works projects.

### **Scope**

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

### **Procedure**

#### **1. FEDERAL AND STATE PROCUREMENT THRESHOLDS**

Staff must be cognizant of and adhere to both state and federal procurement thresholds (spending parameters) and procedural requirements when expending state and federal funds for goods and services, including public works projects as applicable. When federal funds are used, the most restrictive requirements between state and federal thresholds must be followed:

<b>PROCUREMENT METHOD</b>	<b>STATE LAW Thresholds/Procedures</b>	<b>FEDERAL LAW Thresholds/Procedures</b>
Formal, Competitive Bidding	<u>Goods</u> : \$75,000 or more <u>Services</u> : \$75,000 or more <u>Public Works</u> : more than \$100,000 unless using Small Works Roster	<u>Goods</u> : more than \$250,000 <u>Services*</u> : more than \$250,000
Informal, Competitive Bidding (small purchases)	<u>Goods</u> : between \$40,000-\$75,000 <u>Services</u> : between \$40,000-\$75,000 <u>Public Works</u> using Small Works Roster: \$300,000 or less; or using <u>Limited Public Works</u> : \$35,000 or less	<u>Goods</u> : between \$10,000-\$250,000 <u>Services*</u> : between \$10,000-\$250,000
No Bidding Required (micro-purchases)	<u>Goods</u> : less than \$40,000 <u>Services</u> : less than \$40,000	<u>Goods</u> : \$10,000 or less <u>Services*</u> : \$10,000 or less

*\*Services include Public Works Projects*

#### **2. FORMAL BIDS**

2.1. Staff will apply formal, competitive bidding procedures for public works or procurement (purchasing) as applicable within the state and federal procurement threshold guidelines listed in section 1 and sections 2.2-2.9 of this document.

2.2. Notice of the call for formal, written bids will be published in the district's newspaper of record once each week for two consecutive weeks.

- 2.3. The district will take steps to assure that, when possible, small and minority businesses, women's business enterprises, and labor surplus firms will be engaged.
  - 2.4. Clear and definite written plans, specifications and/or descriptions will be prepared for the work or purchases, including identification of all requirements that must be fulfilled and factors to be used for the evaluation of bids or proposals. Such information will be made available to interested parties by request and on a date specified in the public notice.
  - 2.5. Formal bids will publically be opened and read on the date, time and place named in the notice and then the bids will be filed for public inspection. Any interested member of the public may attend the bid opening.
    - 2.5.1. The bidder is solely responsible for seeing that his/her bid is received by the district prior to the time set for opening of bids.
    - 2.5.2. Any bid received after the time set for opening the bids will be returned to the bidder unopened and will receive no consideration by the district.
    - 2.5.3. The district will accept proposals in the place named and no later than the time and date named in the public notice.
  - 2.6. Formal bid or proposal tabulations may be presented at a meeting of the Board for study purposes.
  - 2.7. The Board will award formal contracts on the basis of staff recommendations.
  - 2.8. Specifications using brand names and manufacturers' catalog numbers are for identifying and establishing a standard of quality. The Board may consider bids or proposals on equal items providing the bidder or proposer specifies the brand and model and furnishes descriptive literature.
    - 2.8.1. The Board will condition its acceptance of alternative "equal" items on its inspection and testing after receipt. If not found to be equal, the items will be returned at the seller's expense and the contract canceled.
  - 2.9. The district reserves the right to reject any or all bids or proposals, waive any formalities and/or irregularities, and cancel the solicitation, if a reason exists.
  - 2.10. On construction projects, the bidder will include a notarized statement agreeing to comply with prevailing wage and affirmative action requirements. Bidders also will provide appropriate bid, performance and payment bonds.
- 3. INFORMAL COMPETITIVE BIDS**
- 3.1. The Superintendent or designee may solicit bids or proposals by telephone and/or written quotation for the purchase of furniture, equipment and supplies when utilizing state funds and the procurement threshold range of estimated costs between \$40,000 and up to \$75,000. When using federal funds and informal competitive bidding processes, the threshold range that is most restrictive applies (refer to section 1).

- 3.2. Clear and definite written specifications and/or descriptions of the material, product or service will be prepared and provided to vendors, including identification of all requirements that must be fulfilled and factors to be used for the evaluation of bids or proposals. Quotes from at least three different sources will be obtained and recorded and be available for public review if requested.
- 3.3. The Superintendent or designee may establish a date by which bids must be submitted for consideration. All telephone quotations must be confirmed promptly in writing to constitute a valid quotation.
- 3.4. Informal bid awards will be made by the Board on the basis of staff recommendations.
- 3.5. Improvement or repair projects estimated to cost less than \$75,000 may be completed through a department in the district with Board approval.
  - 3.5.1. If the total cost of the project is estimated to be between \$25,000 and \$75,000, and the project uses state funds and will require contracted services, at least three bids will be obtained in writing or by telephone for that portion of the work not completed by in-house staff.
  - 3.5.2. If the project uses federal funds and portions of the project will require contracted services, the federal procurement procedures apply. At least three bids will be obtained in writing or by telephone when the total cost of the project is estimated to cost \$10,000 or more.

#### **4. PUBLIC WORKS PROJECTS & THE SMALL WORKS ROSTER**

- 4.1. For public works projects estimated to cost \$300,000 or less, the Superintendent or designee may solicit bids by telephone, or electronic or written quotations from contractors on the appropriate Small Works Roster.
  - 4.1.1. The district will not break a project into units or phases in order to come within the scope of the Small Works Roster process or limited public works process.
- 4.2. Invitations for quotations will include an estimate of the scope and nature of the work to be completed and the materials and equipment to be furnished. Detailed plans and specifications need not be included in the invitation for bids. The bid packet should include, at a minimum, the following information:
  - (a) Completion date for the work
  - (b) Contractor's assurances (prevailing wages, fair employment, etc.)
  - (c) Bid and payment and performance bond requirements
  - (d) Opportunity to visit the work site
  - (e) Closing date for bids
  - (f) Bid form

- 4.3. Quotations may be invited from all appropriate contractors on the appropriate Small Works Roster. In the alternative, the district may invite quotations from at least five (5) contractors on the roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among contractors on the roster.
- 4.4. However, if the estimated cost of the work is from \$150,000 to \$300,000, and the district chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster, the district will notify the remaining contractors on the appropriate small works roster that it is seeking quotations on the work. The district has the sole option of determining whether this notice to the remaining contractors is made by:
  - (a) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done.
  - (b) Mailing a notice to these contractors.
  - (c) Sending a notice to these contractors by facsimile or other electronic means.
- 4.5. Immediately after an award is made, the bid quotations obtained will be recorded, open to public inspection, and available by telephone inquiry.
- 4.6. The district will award the contract to the lowest responsible bidder as defined in RCW 39.04.010. The district will make available a list of the contracts awarded under that process at least once every year. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date of award. The list shall also state the location where the bid quotations for these contracts are available for public inspection.
- 4.7. **Limited Public Works Projects**
  - 4.7.1. For limited public works projects estimated to cost less than \$35,000, the Superintendent or designee may solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate Small Works Roster.
  - 4.7.2. For projects estimated to cost less than \$35,000, in lieu of bonds the contractor may opt for the district to retain 50% of the contract amount for thirty (30) days after final acceptance of completed work or until receipt of all necessary state agency releases and settlement of liens.
  - 4.7.3. The contract may be awarded to the lowest responsible bidder as defined in RCW 39.04.010. After an award is made, the quotations received are open to public inspection and will be made available by request.
  - 4.7.4. The Superintendent or designee will attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform work in the geographic area of the work.

- 4.7.5. The district will maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four (24) months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the work performed, and the date the contract was awarded.
- 4.7.6. A project may not be divided into parts in order to qualify for the limited public works process.

**4.8. Small Works Roster Guidelines**

- 4.8.1. The Small Works Roster will be revised at least once each year by publishing, no later than the last day of March, a notice of such opportunity in at least one newspaper of general circulation in the district.
- 4.8.2. Responsible contractors will be added to the Small Works Roster any time they submit a written request and necessary records.
- 4.8.3. The Small Works Roster application form will collect the following information, at a minimum:
  - (a) Name of contractor
  - (b) State of Washington contractor's license number
  - (c) Bonding verification
  - (d) Liability insurance coverage
  - (e) Related contracts completed
  - (f) References (bond and clients)
- 4.8.4. Contractors desiring to be placed on or remain on the Small Works Roster are required to keep current records of applicable licenses, certifications, registrations, bonding, and insurance or other appropriate matters on file with the district.
- 4.8.5. Staff will refer to the Washington State Small Works Roster Manual (RCW 39.04.156) for additional guidance.

**5. DETERMINATION AND NOTIFICATION OF AWARDS FOR PURCHASING AND PUBLIC WORKS**

- 5.1. The contract for purchases (goods and services) will be awarded to the lowest responsible bidder as described in RCW 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. In determining whether the bidder is a responsible bidder under RCW 39.26.160(2), the district must consider the following elements:
  - (a) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

- (b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
  - (c) Whether the bidder can perform the contract within the time specified.
  - (d) The quality of performance of previous contracts or services.
  - (e) The previous and existing compliance by the bidder with laws relating to the contract or services.
  - (f) Whether, within the three-year period immediately preceding the date of the bid solicitation, the bidder has been determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated any provision of Chapter 49.46, 49.48, or 49.52 RCW, as defined in RCW 49.48.082. Before award of a contract, a bidder will submit to the district a signed statement in accordance with RCW 9A.72.085 verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of this subsection of RCW.
  - (g) The district may secure such other information having a bearing on the decision to award the contract.
- 5.2. Before award of a public works contract, a bidder must meet the following responsibility criteria to be a responsible bidder and qualified for award of a public works project. The bidder must:
- (a) At the time of bid submittal, have a certificate of registration in compliance with Chapter 18.27 RCW.
  - (b) Have a current state unified business identifier number.
  - (c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW.
  - (d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3)
  - (e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation.
  - (f) Until December 31, 2013, not have violated RCW 39.04.370 more than one time as determined by the Department of Labor and Industries.

(g) Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of Chapter 49.46, 49.48, or 49.52 RCW. Before award of a contract, a bidder will submit to the district a signed statement in accordance with RCW 9A.72.085 verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of this subsection.

5.3. In addition to the bidder responsibility criteria, the district may adopt relevant supplemental criteria in accordance with RCW 39.04.350(3) for determining bidder responsibility applicable to a particular project with which the bidder must meet.

## 6. **CONTRACTS**

6.1. Formal written contracts will be prepared for all major (over \$75,000) construction and repair projects. After a majority of the Board votes to approve a contract, the Board President and Secretary will sign the contract on behalf of the Board and record the action in the minutes of the board meeting.

6.2. All contracts will provide that, in the event that the district files a suit to enforce the terms of the contract, the venue for the suit will be the county in which the district is located. All contracts will also provide that if the district is successful in the suit, the court may order reimbursement of the district's attorney's fees and court costs in such amount as the court deems reasonable.

6.3. Any contract for services with an entity or individual other than an employee of the district shall 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 will be grounds for the district immediately terminating the contract.

7. Staff will be responsible for documenting all procurement, bidding and proposal activities. Record details should include, but not be limited to, the rationale for the method of procurement, the basis of the contract price, contractor selection or rejection, and selection of contract type.

### **Supporting Documentation**

6220F1-Small Works Roster Application

6220F2-Public Works Projects Notifications and Awards

*Small Works Roster, A Guide for Washington's Local Governments, MRSC, current version*

**Document History**

<b>Action:</b>	<b>Date:</b>
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