

6220P: BID AND CONTRACT REQUIREMENTS

Purchasing: Bids and Contracts

The district is subject to both state and federal procurement laws for the acquisition of goods, services, and public works projects. State laws govern the majority of procurement activity; however, where state procurement laws are silent and the procurement utilizes federal funding (in whole or in part) purchases must follow the federal procurement regulations.

This procedure identifies the state and federal requirements for procurements at the various dollar thresholds identified by law.

Purchasing of Furniture, Equipment, or Supplies

Whenever the estimated cost of purchasing future, equipment or supplies, except items exempted by law, equals or exceeds \$75,000 the formal bid process described below in A through F, under *Bid Solicitation*, must be followed. When the estimated cost equals or exceeds \$40,000 but is less than \$75,000 the superintendent or designee must conduct a competitive process but is not required to go through the formal bid process. Solicitation of such competitive process may be made through telephone, electronic, or written means from at least three vendors.

Public Works

Public works projects are all work, construction, alteration, repair, or improvement that is executed at the cost of the district. Such projects estimated to cost in excess of \$40,000 shall be awarded on a competitive bid process to the lowest responsible bidder. The competitive process may vary depending on the estimated cost as follows:

- A. Public works projects estimated to cost at least \$40,000 may be performed by the district's maintenance department.
- B. Public works projects estimated to cost at least \$40,00 but not exceeding \$100,000 may be accompanied through a competitive bid process per RCW 28A.335.190 or 39.04.155. This process shall include requesting a minimum of three quotations from responsible contractors.
- C. Public works projects estimated to cost at least \$100,000 but not exceeding \$300,00 may be accomplished by either of the following methods:
 1. Bids may be called for using the formal bid process described below in A through F, under *Bid Solicitation*, of these procedures; or
 2. A small works roster process, meeting the requirements of RCW 39.04.155 may be utilized. When using the small works roster, for work estimated to cost less than \$150,000 the district shall solicit quotations from at least five contractors on the appropriate small works roster and shall equitably distribute opportunity to quote. For work estimated to cost between \$150,000 and \$300,000 all appropriate contracts on the small works roster must be notified that bids are being sought for the project. Such notice may be accomplished by a direct contact via mail or electronic means or publication in a newspaper of general circulation within the district.
- D. Public works projects estimated to cost in excess of \$300,000 shall be awarded through the formal bid process described below in A through F, under *Bid Solicitation*, of these procedures.

Bid Solicitation

The following procedures shall be in effect for purchasing through the formal competitive bidding process, unless a purchase is otherwise exempted:

- A. Bids shall be submitted in writing, opened and read in public at the time and place stated in the official advertisement for bids. It shall be the bidder's sole responsibility to see that their bid is delivered to the appropriate district location prior to the time set for opening of bids. Any bid received after the time set for opening the bids shall be returned to the bidder unopened and shall receive no consideration by the district.

- B. Bid results shall be presented to the board for consideration of award in a timely manner. Selection of the successful bidder shall be made by the board with the assistance of staff recommendations.
- C. Brand names and manufacturers' catalog numbers used in specifications are for the purpose of identification and to establish a standard of quality. Bids on equal items shall be considered providing the bidder specifies brand and model and furnishes descriptive literature. The acceptance of alternative "equal" items shall be conditioned on the district's inspection and consideration. The district shall be the sole judge as to acceptability of alternate items.
- D. The district shall reserve the right to reject any or all bids, waive any formalities and make the award in its best interest.
- E. The bidder shall submit all required documentation requested in the bid specifications in addition to providing the project cost.
- F. Contracts will be awarded to the lowest responsible bidder meeting specifications. Factors to be considered in determining the lowest responsible bidder in addition to cost include:
 - 1. The ability, capacity and skill of the bidder to perform the work required;
 - 2. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - 3. The ability of the bidder to perform the work in the time specified;
 - 4. The quality of performance of previous contracts or services;
 - 5. The previous and existing compliance of the bidder with laws relating to public works; and
 - 6. Such other information related to the performance of the contract, as the district deems advisable.

Small Works Roster

The following procedures shall be in effect for maintaining a small works roster:

- A. The small works roster shall be updated at least once each year by publishing a notice in at least one newspaper of general circulation in the district. Such notice shall indicate where contractors may secure information and application forms related to the small works roster, including the district website.
- B. Interested contractors must complete an application form that is designed to collect such information as name of contractor, State of Washington contractor's license number, bonding verification, insurance coverage, related contracts completed, and references.
- C. Contractors listed on the small works roster will be requested to update such information at least once each year. Contractors shall be added to the small works roster at any time they submit a completed application form and shall be removed from the roster if attempts to reach contractor are unsuccessful.

The following procedures shall be in effect for utilizing the small works roster for a project:

- A. Written plans and specifications shall be prepared which describe the scope and nature of the work to be performed, materials to be used, the required completion date, and all documentation requirements that the contractor must meet.
- B. Bids shall be solicited from qualified contractors and the contract awarded to the lowest responsible bidder.
- C. Annually a list of contracts awarded to contractors on the small works roster shall be made available for public inspection.

Contracts for Purchases

An acceptable bid or offer and a district purchase order shall constitute the only contract necessary for the purchase of furniture, equipment or supplies and minor repairs or construction projects.

Formal written contracts shall be prepared for all major construction and repair projects. Such contracts shall include language necessary to protect the rights of the district.

Contracts involving formal bid awards shall be signed by the superintendent or designee on behalf of the district, after approval by a majority vote of the board.

Federal Procurement Requirements

Furniture, equipment, supplies or professional services to be procured utilizing Federal Funds shall follow the same procedures detailed within this section in compliance with RCW 28A.335.190 as well as meet the Education Department General Administrative Regulations (EDGAR) as set forth in 34 CFR Part 80, Section 36 as follows:

An order for supplies or other property that totals \$75,000 or more must be publicly solicited using sealed bids. Orders for less than \$75,000 may be procured using price or rate quotations from three or more qualified sources.

A professional service contract that totals \$100,000 or more must be publicly solicited using sealed bids. Service contracts for less than \$100,000 may be procured using price or rate quotations from three or more qualified sources.

Procurement by noncompetitive proposals may only be used when it is infeasible to use informal quotes or sealed bids AND one of the following circumstances applies:

- The items are 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 authorizes noncompetitive proposals; or
- After solicitation of a number of sources, competition is determined inadequate.

For any procurement transaction over \$25,000, the vendor or contractor must not be suspended or debarred from participating in federal assistance programs (as determined by using the Federal Excluded Parties List System (EPLS) or a certification statement to this effect by the vendor or contractor). Federal debarment applies to the prime contractor and any subsequent subcontractors.

Competitive procurement shall be required for other purchases not covered by state law or otherwise exempted which are estimated to have a total cost in excess of \$3,000. Whenever the estimated total cost of such a purchase shall be from \$3,000 to \$100,000, solicitation of competitive quotes from an adequate number of responsible vendors shall be conducted. Whenever the estimated total cost of such a purchase shall exceed \$100,000, the bidding process outlined above in A through F, under *Bid Solicitation*, shall be followed.

Competitive Bidding Exemptions

In addition to exemptions that are specifically detailed by law, RCW 39.04.280 supplements competitive bidding exemptions for the following conditions, regardless of funding source:

- A. Purchases that are clearly and legitimately limited to a single source of supply;
- B. Purchases involving special facilities or market conditions;
- C. Purchases in the event of an emergency;
- D. Purchases of insurance or bonds; and
- E. Public Works in the event of an emergency.

In addition to A through E above, competitive procurement procedures may be waived for federally funded procurements if a service is to be provided via an interlocal agreement with another public agency, if the service provider is

mandated as part of another recognized contractual agreement, or by any other exemption made available by the federal government.

The determination that a bidding exemption condition exists shall first be considered by the finance director or procurement supervisor, who will approve bidding exemptions up to \$40,000, regardless of funding source.

For exemptions above \$40,000 but less than \$75,000 (\$100,000 for federally funded procurements), the finance director or procurement supervisor will make a recommendation to the superintendent or designee to approve the exemption.

Exemptions greater than \$75,000 (\$100,000 for federally funded procurements) shall be presented to the board for declaration of sole source or emergency.

Purchases involving special facilities, market conditions, insurance, or bonds may be approved by the district office administration as needed.
