

Management Support

Purchasing: Bid Requirements and Contracts

The Board recognizes the importance of:

- Maximizing the use of district resources;
- The need for sound business practices in spending public money;
- The requirement of complying with state and federal laws governing purchasing and public works;
- The importance of standardized purchasing regulations; and
- The need for clear documentation.

The Superintendent will establish bidding and contract awarding procedures for all purchases of furniture, equipment and supplies and for all public works projects. Public works include construction, alterations, repair and improvements of any dollar amount, other than ordinary maintenance. Such procedures will ensure compliance with state and federal regulations and provide a means to obtain competitive pricing for district expenditures. The procedures will also promote open competitive participation by vendors.

Crimes against Children

The Board will include in any contract for services with an entity or individual (other than an employee of the district) a provision requiring the contractor to prohibit any of its employees who have contact with children at a public school during the course of his or her employment who has ever been convicted or pled guilty to any felony crime specified under RCW 28A.400.322. The contract will also provide that failure to comply with this requirement is grounds for immediate termination of the contract.

I. State Funded Procurement and Public Works

A. Procurement Using State Funds for Furniture, Supplies, or Equipment

Whenever the estimated cost of furniture, supplies or equipment (except books) will cost:

- Less than \$40,000, no formal competitive bidding process is required to make the purchase and administration may use its discretion to determine how to obtain pricing that is in the best interest of the district;
- Between \$40,000 and \$75,000, the informal competitive bidding process may be used by requiring three quotes from at least three different sources to be obtained in writing or by telephone, electronic submission ;
- Over \$75,000, the district will follow the formal competitive bidding process by:
 1. Preparing and providing clear and definite plans and specifications for such purchases for those interested in submitting a bid;
 2. Providing notice of the call for formal bids by publication in at least one newspaper of general circulation in the district at least once each week for two consecutive weeks;

3. Requiring bids must be in writing;
4. Opening and reading bids in public on the date and in the place named in the notice;
5. Making all bid results available to the public after opening.

B. Exemptions

The Board may waive bid requirements for purchases in these cases:

- Clearly and legitimately limited to a single source of supply;
- Involving special facilities or market conditions;
- In the event of an emergency;
- Purchasing insurance or bonds; and
- Involving public works in the event of an emergency

“Emergency” means unforeseen circumstances beyond the district’s control that present a real and immediate threat to the proper performance of essential functions or will likely result in material loss or damage to the property, bodily injury, or loss of like if immediate action is not taken. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by Board Resolution no later than two weeks following the award of the contract.

C. Rejection of Formal Bids

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

D. Small Works Roster

The Board has authorized the establishment of a small works roster for use in selecting contractors for public work projects. The Superintendent will establish procedures for establishing and maintaining the small works roster.

E. Public Works

Public Works projects are defined as work, construction, alteration, repair, or improvement of any amount other than ordinary maintenance executed at the cost of the district. The threshold amounts listed are dollar amounts before sales tax.

- Projects under \$50,000 require a minimum of three quotes and may use the limited small works procurement method;
- Projects between \$50,000 and \$250,000, the district’s small work roster may be used. Requesting at least five quotes is required when using the small works roster process on projects estimated to cost up to \$250,000;
- Projects between \$250,000 and \$350,000 may use the district’s small work roster. All appropriate contractors on the roster must be notified or a formal bid process may be used;
- The formal bid process must be used for any project estimated to be over \$100,000, unless the small works roster is used for projects estimated to cost up to \$350,000.
- The formal bid process must be used for any project estimated to be over \$350,000.

F. Use of State Funds for Improvements or Repairs

The district may make improvements or repairs to district property through a district department without following the competitive bidding process if the total cost of improvements or repairs does not exceed \$75,000. If the district estimates that the total cost of a building, improvement, repair, or other public works project is \$100,000 or more, the district will follow the formal competitive bidding process outlined above.

II. Federal Funded Procurement

A. Procurement Using Federal Funds for Goods (Furniture, Supplies Equipment, or Textbooks)

When the district uses federal funds for procurement of goods, including furniture, supplies, and equipment the following applies:

- Purchases of \$10,000 or less (or \$40,000 or less if the district has completed the low-risk auditee self-certification process) do not require quotes. When the district uses federal fund for the procurement of textbooks, the allowable self-certification limit is \$50,000. However, the district must consider the price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers;
- Purchases between \$10,000 (or \$40,000 if the district has completed the low-risk auditee self-certification process) and \$75,000 must be procured using price or rate quotations from three or more qualified sources;
- Purchases of \$75,000 or more must be publicly solicited using sealed bids or requests for proposals.

B. Use of Federal Funds for Services:

When the district uses federal funds for the procurement of services the following applies:

- Purchases of \$10,000 or less (or \$50,000 or less if the district has completed the low-risk auditee self-certification process) do not required quotes. However, the district must consider price to be reasonable, and , to the extent practical, distribute purchases equitably among suppliers;
- Purchases between \$10,000 (or \$50,000 if the district has completed the low-risk auditee self-certification process) and \$250,000 must be procured using price or rate quotations from a reasonable number of qualified sources;
- Purchases of \$250,000 or more must be publicly solicited using sealed bids or requests for proposals.

C. Self-Certification

The district may self-certify itself as a low-risk auditee in accordance with 2 CFR § 200.320 and 2 CFR § 200.520 using form 6220F4.

D. Noncompetitive Procurement

Noncompetitive procurement may be used only when one of the following five circumstances applies:

- Acquiring property or services that do not exceed \$10,000 (or \$40,000 if the district has completed the low-risk auditee self-certification process);

- The item is 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 (e.g., OSPI) authorizes noncompetitive procurement in response to a written request from the district; or
- After solicitation of a number of sources, competition is determined inadequate.

The district must maintain documentation supporting the applicable circumstance for noncompetitive procurement.

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

F. Conflict of Interest

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

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.

Cross Reference: Policy 5251 Conflict of Interest

Legal References: RCW 28A.335.190 Advertising for bids—Competitive Bid procedure—
. Purchases from inmate work programs –
Telephone or written quotation solicitations,
limitations - Emergencies
solicitation, limitations--Emergencies
RCW 28A.400.330 Crimes against children - Contractor employees—
Termination of Contract
RCW 39.04.155 Small Works Roster- Contract Award Procedures -
Limited Public Works Process
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
2 CFR Part 200	Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards
2 CFR 200.67	Micro-Purchase
2 CFR 200.318	General Procurement Standards
2 CFR 200.320	Methods of Procurement to be Followed
2 CFR 200.520	Criteria for a low-risk audit

Priority: Essential

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