



MANAGEMENT SUPPORT

Requirements for 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 the procurement utilizes federal funding (in whole or in part) purchases must follow the more restrictive of the state or federal procurement regulations.

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

Requirements should always be considered district wide. When the total requirement is considered a Direct Buy, competitive quotes are not required. When the total requirement falls under the Informal Solicitation procedure, solicitation of competitive quotes from at least three (3) vendors shall be conducted. Solicitation of such competitive process may be made through telephone, electronic, or written means. When the total requirement falls under the Formal Solicitation procedure, the formal bid process described in the Formal Solicitation section of this procedure must be followed.

Purchase of Furniture, Equipment, or Supplies, or Services that are not Public Works

For all furniture, supplies or equipment, or general services that are purchased at the cost of the district must follow certain competitive bidding thresholds. The competitive process may vary depending on the total overall cost of the requirement, and which funds are used.

- A. Using State Funds only for furniture, equipment, or services (books are exempt):
 - 1. Less than \$40,000 can be a Direct Buy;
 - 2. Between \$40,000 and \$75,000, requires an informal competitive bidding process by requiring quotes from at least three different sources to be obtained in writing or by telephone and recorded for the public to review; and
 - 3. Over \$75,000, the board will follow the Formal Solicitation section of this procedure.
- B. **When the district uses federal funds for procurement of textbooks, the allowable self-certification is \$50,000.** Using all or any part of Federal Funds for procurement of goods **including** (furniture, supplies, **and** equipment, ~~and textbooks~~):
 - 1. Purchases of \$10,000 or less do not require quotes. However, the district must consider the price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers;
 - 2. Purchases between \$10,000 and \$75,000 must be procured using price or rate quotations from three or more qualified sources; and
 - 3. Purchases of \$75,000 or more must follow the Formal Solicitation process.

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If the district qualifies as a low-risk auditee in accordance with criteria in [2 CFR § 200.520](#) or has documentation of a low-risk assessment after an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, the following thresholds may be used instead of those described above:

- 1. Purchases of \$40,000 or less do not require quotes. However, the district must consider the price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers;**
- 2. Purchases between \$40,000 and \$75,000 must be procured using price or rate quotations from three or more qualified sources; and**
- 3. Purchases of \$75,000 or more must be publicly solicited using sealed bids or requests for proposals.**

C. Using Federal Funds for all or part of contracted services:

1. Purchases of \$10,000 or less do not require quotes. However, the district must consider the price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers;
2. Purchases between \$10,000 and \$250,000 must be procured using price or rate quotations from a reasonable number of qualified sources; and
3. Purchases of \$75,000 or more must follow the Formal Solicitation process.

If the district qualifies as a low-risk auditee in accordance with criteria in [2 CFR § 200.520](#) or has documentation of a low-risk assessment after an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, the following thresholds may be used instead of those described above:

- 1. Purchases of \$50,000 or less do not require quotes. However, the district must consider the price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers;**
- 2. Purchases between \$50,000 and \$250,000 must be procured using price or rate quotations from a reasonable number of qualified sources; and**
- 3. Purchases of \$250,000 or more must be publicly solicited using sealed bids or requests for proposals.**

D. Disbarment and suspension requirements for Federal Funds:

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.

E. Noncompetitive use of Public Funds allowed under specific circumstances:

- 1. Acquiring property or services that do not exceed \$10,000 (or if the district qualifies as a low-risk auditee in accordance with criteria in [2 CFR § 200.520](#) or has documentation of an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, \$40,000);**

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- 21.** The item is only available from a single source;
- 32.** The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- 43.** The awarding agency (e.g., OSPI) authorizes noncompetitive procurement in response to a written request from the district; or
- 54.** After solicitation of a number of sources, competition is determined inadequate.

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

Procurement requirements for furniture, equipment, supplies or non-Public Works services

Requirement	Using	District-Wide Goods and Services Requirement Dollar Value				
		Less than \$10K	\$10K - \$40K	\$40K - \$75K	\$75K - \$250K	\$250K +
Furniture, equipment, or supplies, except items exempted by law	State Funds RCW 28A.335.190 EDGAR 80.36	Direct Buy	Direct Buy	Informal Solicitation (3 Quotes)	Formal Solicitation	Formal Solicitation
	Federal Funds* 2 C.F.R. § 200.320 OMB M-18-18	Direct Buy	Informal Solicitation (3 Quotes)*	Informal Solicitation (3 Quotes)	Formal Solicitation	Formal Solicitation
Contracted Services	State Funds RCW 28A.335.190 EDGAR 80.36	Direct Buy	Direct Buy	Informal Solicitation (3 Quotes)	Formal Solicitation	Formal Solicitation
Professional Services that are not Public Works	Federal Funds* 2 C.F.R. § 200.320 OMB M-18-18	Direct Buy	Informal Solicitation (3 Quotes)*	Informal Solicitation (3 Quotes)	Informal Solicitation (3 Quotes)	Formal Solicitation
Exempt Items	Any funding	Competition waived but must be documented and approved by the procurement supervisor.				
Any goods or services requirement that is not Public Works	Interlocal Cooperative Purchasing Agreement RCW 28A.335.190 EDGAR 80.36 Chapter 39.34 RCW	Competition must be accomplished by other agency that meets or exceeds the district's competitive requirement and approved by the procurement supervisor.				

***If the district qualifies as a low-risk auditee in accordance with criteria in [2 CFR § 200.520](#) or has documentation of a low-risk assessment after an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, the following thresholds may be used instead of those described above:**

- 1. Purchases of \$50,000 or less do not require quotes. However, the district must consider the price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers;**

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Public Works

Public works projects are all work, construction, alteration, repair, or improvement that is executed at the cost of the district. Public works projects estimated to cost in excess of \$100,000 shall be awarded on a competitive bid process to the lowest responsible bidder.

- A. Public works projects estimated to cost less than \$75,000 may be performed by the district's maintenance department;
- B. Public works projects estimated to cost at least \$100,000, but not exceeding \$350,000, may be accomplished by either of the following methods:
 1. Bids may be called for using the formal bid process described in the Formal Solicitation section of this procedure; or
 2. The Small Works Roster process, meeting the requirements of [RCW 39.04.155](#).
- C. Public works projects estimated to cost in excess of \$350,000 shall be awarded through the formal bid process described in the Bid Solicitation section of this procedure.
- D. The contract for the work or purchase shall 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.

Procurement requirements for Public Works requirements:

Requirement	Using	District-Wide Public Works Requirement Dollar Value						
		Less than \$10K	\$10K - \$40K	\$40K - \$75K	\$75K - \$100K	\$100K - \$150K	\$250K - \$350K	\$350K +
Construction, Building, Renovation, Remodeling, Alteration, Repair or Improvement of Real Property								
	State Funds	Direct Buy or SWR	Direct Buy or SWR	Direct Buy or SWR	Direct Buy or SWR	Formal Solicitation	Formal Solicitation	Formal Solicitation
	Federal Funds*	Direct Buy or SWR	Informal Solicitation (3 Quotes)*	Informal Solicitation (3 Quotes)	Informal Solicitation (3 Quotes)	Formal Solicitation	Formal Solicitation	Formal Solicitation
	Small Works Roster RCW 39.04.155			Informal Solicitation (5 Quotes from the Roster)	Informal Solicitation (5 Quotes from the Roster)	Informal Solicitation (5 Quotes from the Roster)	Formal Solicitation using Small Works Roster and advertising	Not applicable
	In House	Use without competition			Not applicable			

***If the district qualifies as a low-risk auditee in accordance with criteria in [2 CFR § 200.520](#) or has documentation of a low-risk assessment after an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, the following thresholds may be used instead of those described above:**

- 1. Purchases of \$50,000 or less do not require quotes. However, the district must consider the price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers;**

Professional Services

When soliciting the services of architects, landscape architects, engineers, or surveyors the process required in [Chapter 39.80 RCW](#) shall also be followed regardless of the cost of the services.

Alternative Public Works Contracting Procedures

Public works projects may also be executed using the Alternative Public Works Contracting Procedures per [Chapter 39.10 RCW](#), including but not limited to General Contractor/Construction Manager (GC/CM), Design-Build and Job Order Contracting.

Formal Solicitation

The following procedures shall be in effect for purchasing and public works through the formal competitive bidding or Request for Proposal (RFP) process, unless a purchase is otherwise exempted:

- A. Bids shall be submitted in writing, opened and read in public on the date, at the time and place stated in the official advertisement for bids. After being opened, formal bids shall be filed for public inspection. 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 will be returned to the bidder unopened and will receive no consideration by the district.
- B. Brand names and manufacturer's 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.
- C. The bidder shall submit all required documentation requested in the bid specifications in addition to providing the project cost.
- D. The district shall reserve the right to reject any or all bids, waive any formalities, and/or irregularities, and make the award in its best interest.
- E. 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.
- F. On construction projects, the bidder will include a notarized statement, agreeing to comply with prevailing wage and affirmative action requirements. The bidder will also provide payment and performance bonds.

Purchasing and Public Works Awards

- A. The contract for the work or purchase will be awarded to the lowest responsible bidder as described in [RCW 39.26.160\(2\)](#), or as a result of competitive negotiation described in [RCW 39.04.270](#), 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:
1. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
 2. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 3. Whether the bidder can perform the contract or provide the service within the time specified;
 4. The quality of performance of previous contracts or services;
 5. The previous and existing compliance by the bidder with laws relating to the contract or services;
 6. 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 judgement 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 RCW](#), [Chapter 49.48 RCW](#), or [Chapter 49.52 RCW](#) (before award of a contract, a bidder shall 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); and
 7. Such other information as may be secured having a bearing on the decision to award the contract.
- B. Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:
1. At the time of bid submittal, have a certificate of registration in compliance with [Chapter 18.27 RCW](#);
 2. Have a current state unified business identifier number;
 3. 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](#);
 4. Not be disqualified from bidding on any public works contract under [RCW 39.06.010](#) or [RCW 39.12.065\(3\)](#);

5. 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;
6. 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 RCW](#), [Chapter 49.48 RCW](#), or [Chapter 49.52 RCW](#) (before award of a contract, a bidder shall submit to the district a signed statement in accordance with [RCW 9A.72.085](#); and
7. Verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of this subsection.

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 which the bidder must meet.

Small Works Roster

The district will employ the following steps to engage a contractor for a small works project:

- A. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed, as well as materials and equipment to be furnished. Completion date; contractor's assurances (prevailing wages, fair employment, etc.); bid and payment and performance bond requirements; opportunity to visit the work site; closing date; and bid form may be provided, however, detailed plans and specifications need not be included in the invitation;
- B. The district may invite quotations from all appropriate contractors on the appropriate small works roster. As an alternative, the district may invite quotations from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from \$250,000 to \$350,000, 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: (i) publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means;
- C. Immediately after an award is made, the bid quotations obtained will be recorded, open to public inspection, and available by telephone or electronic request; and

- D. 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.

Conflicts 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.

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 with action recorded in the minutes of the board meeting. All contracts will provide that, in the event of a suit by the district to enforce the terms of the contract, venue for the suit will be the county in which the district is located.

The district shall 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 employee of the contractor from working at a public school, who has contact with children at a public school during the course of his or her employment, and who has pled guilty to or been convicted of any felony crime specified under [RCW 28A.400.322](#). The contract shall also contain a provision that any failure to comply with this section shall be grounds for the district immediately terminating the contract for cause.

Competitive Bidding Exemptions

In addition to exemptions that are specifically detailed by law ([RCW 28A.160.195](#)), including books, services, Washington grown food, and school buses, [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.

"Emergency" means unforeseen circumstances beyond the district's control that present a real, immediate threat to the proper 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.

The determination that a bidding exemption condition exists shall first be considered by the chief financial officer or the procurement supervisor, who will approve bidding exemptions up to \$150,000, regardless of funding source.

For exemptions above \$150,000 the chief financial officer or the procurement supervisor will present a recommendation to the board for declaration of sole source or emergency.

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

For all Projects and Purchases

For projects and purchases the following rules shall also apply:

- A. All solicitations will contain a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description will not contain features that unduly restrict competition. Detailed product specifications should be avoided if at all possible, but the description of the technical requirements may include a statement of the qualitative nature of the material, product or services to be procured. Where necessary, the technical requirements must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.
- B. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids. The invitation for bids, which shall include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- C. Brand name or equivalent descriptions may be used when it is impractical or uneconomical to make a clear and accurate description of the technical requirements. The specific features of the named brand which must be met by offers must be clearly stated.
- D. The district will take necessary affirmative steps to ensure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. To accomplish this, the district will:
 - When using solicitation lists, place qualified small and minority businesses and women's business enterprises on such lists;
 - Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

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- Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - Establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - Use services and assistance, as appropriate, of such organizations as the Small Business Administration (www.sba.gov) and the Minority Business Development Agency (www.mbda.gov) of the Department of Commerce; and
 - Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.
- E. The district's contracts must contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards when federal funding is used.

Cross reference: [Board Policy 6220](#)

Requirements for Bids and Contracts

Adopted: September 1981
Revised: June 6, 1994
Revised: June 1, 1998
Revised: August 2000
Revised: November 2002
Revised: August 2005
Revised: December 2008
Revised: August 2009
Updated: March 2012
Revised: May 2013
Revised: June 2014
Updated: March 2017
Revised: May 2019
Updated: August 2019
Revised: October 2019
Revised: April 2020
PROPOSED: December 2020