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General

The School District's Board of Directors is authorized under State of Washington law, including RCW 28A.320.035, to contract in the School District's name and on its behalf "for goods and services, including but not limited to contracts specifically authorized in statute or rule, as well as [contracts for] other educational, instructional, and specialized services."

A. The School District's Board of Directors intends to delegate to the Superintendent and other School District staff the ability to enter into certain types of contracts and amendments to contracts on the Board of Directors' behalf for contracts of a limited value and duration. These categories of contracts and the limits of the Board of Directors' delegation are set forth in Attachment A.

B. All contracts for which the School District's Board of Directors has delegated contracting authority to the Superintendent and other School District staff shall be ratified by the Board of Directors through Board action at an open public meeting.

C. It is the intent of the School District to comply with all laws, including federal laws, that apply to Public Works and Purchases. Thus, to the extent not addressed by this policy, the School District shall comply with all applicable laws.

Definitions

A. The "Award Requirements" for Public Work include the following statutory requirements before an Award is made. The lowest responsive bidder shall:

1. Have a current state unified business identifier number;

2. If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required by Title 51 RCW;

3. Have an employment security department number as required by Title 50 RCW;

4. Have a state excise tax registration number as required by Title 82 RCW; and

5. Not be disqualified from bidding on any public works contract under RCW 39.06.010 (unregistered or unlicensed contractors) or RCW 39.12.065(3) (prevailing wage violations).

B. A "Bid" is a formal offer to contract with the School District on the terms specified. Unless otherwise specified in this policy, all Bids must be in writing and will be opened and read in public on the date and in the place named in the notice. After being opened, all Bids will be filed for public inspection.
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C. The “Cost” of any Public Work is the sum of all money paid for labor, material, and equipment on one continuous or interrelated project. RCW 28A.335.190(1). Projects will not be broken into units or phases for the purpose of avoiding the maximum dollar Cost of a contract. RCW 39.04.155(4). Cost does not include sales tax. The Cost levels specified in this policy will automatically change to the extent the underlying statutory authority changes.

D. “Public Work” includes all construction, repair, or improvement, other than ordinary maintenance, executed at the cost of the School District. RCW 39.04.010.

E. “Purchase” means the School District’s purchase of furniture, equipment or supplies, except books, and is not applicable to contracts for Public Works or services. RCW 28A.335.190(2).

F. To be considered “Responsible,” a bidder must meet the Award Requirements and the following supplemental criteria applicable to this Project (together, the “Responsibility Criteria”) to the satisfaction of the School District:

1. The ability, capacity, and skill to perform the contract or provide the service required;
2. The character, integrity, reputation, judgment, experience, and efficiency;
3. The ability to perform the contract within the time specified;
4. The quality of performance of previous contracts or services; and
5. The previous and existing compliance with laws relating to the contract or services.

The Superintendent may also apply the following additional criteria (together, “Supplemental Responsibility Criteria”) to Public Work:

1. Demonstration of successful completion of equivalent projects of a scope and magnitude equal to or greater than the Project bid.
2. The designated Project Manager shall have the successful experience in project management and scheduling of projects of scope and complexity similar to the Project.
3. The designated Superintendent shall have the successful supervision of projects of similar scope and complexity.
4. The bidder is not currently a party to a formal dispute resolution proceeding with the School District—i.e., pending mediation, arbitration or litigation.
5. Other objective criteria allowed by Washington law and reasonably approved by the Superintendent.
Purchases

**Formal Purchases Over $50,000**

A. *Estimated Cost.* The School District may use the following process at any Cost level, but it will use this process when the Cost of any purchase of goods is estimated to exceed the amount specified in RCW 28A.335.190(1) [currently $50,000].

B. *Solicitation.* Plans and specifications for the purchase will be published in at least one newspaper of general circulation within the School District, once a week for two consecutive weeks, along with notice of its intent to receive Bids, and notice that the specifications and other information may be examined at a designated location. RCW 28A.335.190(1).


D. *Rejection.* The School District may reject any and all Bids.

E. *Award.* If a contract is awarded, the School District will contract with the lowest responsive and Responsible bidder based on the Responsibility Criteria and any Supplemental Responsibility Criteria. If Bids for alternates have been solicited, the School District will accept alternates in its discretion and will include Bids for accepted alternates along with base Bids to determine the lowest Bid.

**Option: Competitive Basis for Purchases between $40,000 and $75,000**

A. *Estimated Cost.* When the Cost is estimated to exceed the lower amount specified in RCW 28A.335.190(2) [currently $40,000] but below the higher amount specified in RCW 28A.335.190(2) [currently $75,000].

B. *Solicitation.* A Purchase at this Cost level will be on a “competitive basis.” The School District will secure telephone and/or written quotations from at least three different vendors whenever possible. RCW 28A.335.190(2). The School District will not disclose the amount of any quotation until all quotations are received.


D. *Rejection.* The School District may reject any and all quotations.

E. *Award.* If a contract is awarded, the School District will contract with the responsive and Responsible vendor (based on the Responsibility Criteria and any Supplemental Responsibility Criteria) submitting the lowest quotation. Immediately after the award is
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made, the quotations will be recorded, open to public inspection, and shall be available by telephone inquiry.

**Option: Procurement of Purchases below $40,000**

A. *Estimated Cost.* When the Cost is estimated to be less than the amount specified in RCW 28A.335.190(2) [currently $40,000].

D. *Solicitation.* The School District will secure telephone and/or written quotations from at least two different vendors whenever possible.


D. *Rejection.* The School District may reject any and all quotations.

E. *Award.* If a contract is awarded, the School District will contract with the responsive and Responsible vendor (based on the Responsibility Criteria and any Supplemental Responsibility Criteria) submitting the lowest quotation. Immediately after the award is made, the quotations will be recorded, open to public inspection, and shall be available by telephone inquiry.

**Buses**

The purchase of school buses will be in accordance with RCW 28A.160.195.

RCW 28A.335.190(7).

**Public Works**

**Formal Solicitation of Public Work Over $50,000**

A. *Estimated Cost.* The School District may use the following process at any Cost level, but it will use this process when the Cost of Public Work is estimated to exceed the amount specified in RCW 28A.335.190(1) [currently $50,000],

B. *Solicitation.* Plans and specifications for the work will be published in at least one newspaper of general circulation within the School District, once a week for two consecutive weeks, along with notice of its intent to receive Bids, and notice that the specifications and other project information may be examined at a designated location.

RCW 28A.335.190(1) and RCW 39.04.020.

C. *Plans and specifications.*

1. A certified copy of approved plans and cost estimate will be filed in the School District office before taking any action. RCW 39.04.020.
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2. Estimates will show the estimated Cost of the work, the estimated quantity, unit cost, and total cost of each class of work, the time limit allowed for the completion of the work, and the estimated dates of commencement and completion. RCW 39.04.050.

D. Rejection. The School District may reject any and all Bids.

E. Award. If a contract is awarded, the School District will contract with the lowest responsive and Responsible bidder based on the Responsibility Criteria and any Supplemental Responsibility Criteria. If Bids for alternates have been solicited, the School District will accept alternates at its discretion and will include Bids for accepted alternates along with base Bids to determine the lowest Bid.

**Option: Competitive Bidding for Public Work between $40,000 and $50,000**

A. Estimated Cost. All Public Work with a Cost estimated to exceed the amount specified in RCW 28A.335.190(4) [currently $40,000] but below the amount specified in RCW 28A.335.190(1) [currently $50,000] shall use a “competitive bid process.”

B. Solicitation. The School District will solicit oral or written Bids on the described Public Work from more than one prospective contractor. The School District will not disclose the amount of any Bid until all Bids are received.

C. Rejection. The School District may reject any and all Bids.

D. Award. If awarded, the School District will contract with the lowest responsive and Responsible bidder based on the Responsibility Criteria and any Supplemental Responsibility Criteria. If Bids for alternates have been solicited, the School District will accept alternates at its discretion and will include Bids for accepted alternates along with base Bids to determine the lowest Bid.

**Option: Shop and Repair Department Performance of Public Work Under $40,000**

Public Work with an estimated Cost less than the amount specified in RCW 28A.335.190(1) [currently $40,000] may, at the discretion of the Superintendent, be completed by the shop and repair department of the School District.

**Option: Small Works Under $300,000 (School District Resolution No. 655)**

A. Regular Small Works Option. This is an option for awarding contracts for construction, renovation, repair, or improvement, for Public Work estimated to Cost less than the amount specified in RCW 39.04.155(1) [currently $300,000]. The School District hereby establishes a small works roster procedure pursuant to the following process.

RCW 39.04.155(2)(b).

Roster
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A. A “general” small works roster and small works rosters for the categories of work determined by the Superintendent will be created. RCW 39.04.155(2)(a).

B. The small works rosters may distinguish between contractors based on geographic areas. RCW 39.04.155(2)(a).

C. All small works rosters will consist of all Responsible contractors requesting inclusion on the roster. RCW 39.04.155(2)(a).

D. Responsible contractors shall be added to rosters upon written request at any time, provided they provide the required information, including without limitation satisfactory licenses, registrations, bondability, and insurance. RCW 39.04.155(2)(a).

E. To remain on small works roster, contractors must remain Responsible and keep records of all licenses, registrations, bondability, and insurance on file with School District. Quotations will not be sought from any contractor if such information on file is not current. RCW 39.04.155(2)(a).

F. Rosters will be identified and additional contractors solicited at least once a year via publication in a local newspaper of general circulation. RCW 39.04.155(2)(a).

Quotations

A. A contract awarded from a small works roster need not be advertised. RCW 39.04.155(2)(d).

B. Invitations for quotations shall include an estimate of the materials and equipment needed and the scope and nature of work to be performed. Detailed plans and specifications need not be included in the invitation. RCW 39.04.155(2)(c).

C. The School District will secure telephone or written quotations either from all appropriate contractors on the small works roster, or from at least five contractors from the appropriate small works roster who have indicated the capability of performing the type of work being contracted. If the cost is estimated to be greater than the lower amount specified in RCW 39.04.155(2)(c) [currently $150,000], any contractors not invited to quote will be notified by mail, advertisement or electronically that quotations are being sought. RCW 39.04.155(2)(c).

D. So that certain contractors are not favored, the School District will record each time a contractor is solicited and, absent good cause, will solicit an approximately equal number of times each year each contractor that has indicated the capability of performing the type of work being contracted on each roster. RCW 39.04.155(2)(c).

Award
PROCUREMENT

A. Immediately after an award is made, all quotations will be recorded, open to inspection, and available via telephone inquiry. RCW 39.04.155(2)(e).

B. The School District may reject any and all quotations.

C. If a contract is awarded, the School District will contract with the lowest Responsible and responsive quoter based on the Responsibility Criteria and any Supplemental Responsibility Criteria. If quotations for alternates have been solicited, the School District will accept alternates in its discretion and will include quotations for accepted alternates along with base quotations to determine the lowest quotation.

Records

A. A list of the contracts awarded will be made available at least once a year.

B. The list will include the contractor, the contract amount, a brief description of the work performed, and the date it was awarded.

C. The list will also state the location where the Bid quotations for these contracts are available for inspection. RCW 39.04.200.

Other Small Works Roster Sources

A. The School District may authorize an educational service district to establish or other authorized party and/or operate on the School District’s behalf a small works roster consistent with RCW 39.04.155. and RCW 28A.335.190(4).

B. Any interlocal or other agreement establishing a small works roster must be separately approved by the Board.

C. Limited Small Works Option for Public Work Under $35,000. This is an option for awarding contracts for Public Work estimated to Cost less than the amount specified in RCW 39.04.155(3) [currently $35,000].

The School District will:

1. Solicit electronic or written quotations from at least three contractors from the small works roster;

2. If a contract is awarded, the School District will award the contract to the lowest Responsible quoter;

3. The School District will attempt to allocate opportunities for limited small works projects among contractors; and
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4. The School District will make the quotations available for public inspection or by
electronic request. RCW 39.04.155(3).

5. The School District will maintain a list of all contractors contacted and contracts
awarded during the previous two years using the Limited Small Works Option. The
list will include the contractor's name and registration number, the amount of the
contract, a brief description of the work performed, and the date the contract was
awarded.

Option: Other Public Procurement Methods

If the School District determines that Public Work should be awarded by a method other than
competitive bid or a small works roster process, and the probable Cost of the work will
exceed the amount specified in RCW 39.04.020 [currently $25,000], then the School District
will publish a description of the work in a general newspaper within the School District on at
least one occasion more than fifteen days before work begins. An accurate account of all
Costs of the work will also be kept in accordance with the budgeting, accounting, and
reporting provisions prescribed by law. RCW 39.04.070.

Option: Alternative Public Works

A. GC/CM Contracting Procedure.

1. A "GC/CM contract" is a contract having with a maximum allowable construction
cost that is negotiated with a selected firm to provide services during the design phase
of a project and to act as construction manager and general contractor during the

2. The GC/CM contracting procedure will be used if and when the Board makes the
appropriate statutory determinations by separate resolution and gains the required

B. Design-Build Contracting Procedure.

1. A "design-build contract" is a contract between the School District and another party
in which the other party agrees both to design and build the facility, portion of the

2. The design-build contracting procedure will be used if and when the Board makes the
appropriate statutory determinations by separate resolution and gains the required

C. Job Order Contracting Procedure.
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1. A “job order contract” is a contract between the School District and a contractor in which the contractor agrees to perform an indefinite quantity of Public Work during a fixed period using negotiated work orders. RCW 39.10.210.

2. If the School District desires to utilize the job order contracting procedure, it will do so by separate resolution.

Professional Services

General (School District Resolution No. 655)

A. Professional services providers include those possessing specialized skill, education, and knowledge, and include, but are not limited to, architectural, engineering, design, accounting, bond and insurance brokerage, legal, real estate appraisal, and construction management professionals and consultants.

B. The School District will engage professional service providers in a manner consistent with Washington law. Procurement and administration of service contracts is usually the responsibility of the Superintendent and appropriate staff, and the execution of such contracts is subject to the dollar limitations set forth in Attachment A.

Architectural and Engineering Services (School District Resolution No. 655)

The School District will comply with RCW 39.80 in selecting and contracting for professional architectural and engineering services.

Exemptions from Competitive Bid Requirements

Waiver of the Competitive Bid Requirements

A. Occurrences. The Board may waive competitive bid requirements for:
   1. Purchases that are limited to a single source of supply;
   2. Purchases involving special facilities or market conditions;
   3. Purchases in the event of an emergency;
   4. Purchases of insurance or bonds; or
   5. Public works in the event of an emergency. RCW 39.04.280(1).

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1. If the School District would suffer material injury by delay as a result of an emergency, the facts leading to the School District’s decision to declare an emergency will be specified. The School District may then waive the competitive bid requirements with reference to any Purchase or Public Works contract. RCW 28A.335.190(5) and RCW 39.04.280(2)(b).

2. An “emergency” means a condition presenting an immediate threat to performance of essential School District functions or a condition likely to result in immediate physical injury to persons or property of the School District. RCW 28A.335.190(5) and RCW 39.04.280(3).

C. Waiver by Written Policy.

1. The Board establishes the following policy for waiver of competitive bid requirements.

2. The Superintendent may waive competitive bid requirements when any of the situations in Section 4.1.1 above occurs.

3. Both the contract and factual basis for the waiver will be recorded and open to the public immediately after the award. RCW 39.04.280(2)(a). When an emergency necessitates Public Work, publication of a description and Cost estimate of the work may be made within 7 days after the commencement of the work. RCW 39.040.020.

Electronic Data Processing and Telecommunications Systems Exception

The School District may acquire electronic data processing systems and telecommunications systems through competitive negotiation. RCW 39.04.270(2).

A. “Competitive negotiation” will include at least the following:

1. Notice. A request for proposal will be prepared and submitted to an adequate number of sources to solicit reasonable competition. Notice of the request for proposal will be published in a newspaper of general circulation within the School District at least 13 days before the last date when proposals will be received. The request for proposal shall identify all significant evaluation factors, including price. RCW 39.04.270(3).

2. Procedures. The Superintendent will provide reasonable procedures for evaluation of the submitted proposals, identification of qualified sources, and for the selection of the proposal. RCW 39.04.270(3).

3. Award. The award shall be made to the qualified proposer whose proposal is most advantageous to the School District, with price and other factors considered. The
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School District may reject proposals for cause and request new proposals.  
RCW 39.04.270(3).

Building Engineering Systems Exception

"Building engineering systems" means those systems where contracts have customarily been awarded with a requirement that the contractor provide final approved specifications.  

A. The School District may award contracts of any value for the design, fabrication, and installation of building engineering systems using:

1. A competitive-bid or a request-for-proposal process where bidders are required to provide final specifications and a Bid price for the design, fabrication, and installation of building engineering systems, with the final specifications being approved by an appropriate regulatory body; or

2. A competitive bid process where bidders are required to provide final specifications for the design, fabrication, and installation of building engineering systems as part of a larger project with the final specifications for the building engineering systems portion of the project being approved by an appropriate regulatory body.  
RCW 39.04.290(1).

Performance-Based Contracts

The Public Works bidding requirements do not apply to performance-based contracts for energy equipment as defined in RCW 39.35A.020(3). RCW 39.04.170.

Public Works and Purchases Funded in Whole or in Part With Federal Funds

The School District may receive federal funds to use, in whole or in part, for Public Works or Purchases. The School District’s receipt of such funds may require the School District to comply with specific procurement and contracting requirements. The School District will comply with all such requirements.

Legal References:  
RCW 28A.320.035  Contracting authority for good and services

Title 51 RCW  Industrial insurance coverage for the
bidders’ employees working in Washington

Title 50 RCW  Employment security department number

Title 82 RCW  State excise tax registration number
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RCW 39.06.010  Unregistered or unlicensed contractors
RCW 39.12.065(3)  Prevailing wage violations
RCW 39.80
RCW 28A.160.195
RCW 28A.335.190(1)
RCW 28A.335.190(2)
RCW 28A.335.190(4)
RCW 28A.335.190(5)
RCW 28A.335.190(7)
RCW 35.35A.020(3)
RCW 39.04.020
RCW 39.04.050
RCW 39.04.070
RCW 39.04.010
RCW 39.04.155
RCW 39.04.155(1)
RCW 39.04.155(3)
RCW 39.04.155(4)
RCW 39.04.155(2)(a)
RCW 39.04.155(2)(b)
RCW 39.04.155(2)(c)
RCW 39.04.155(2)(d)
RCW 39.04.155(2)(e)
RCW 39.04.170
RCW 39.04.200
RCW 39.04.270(2)
RCW 39.04.270(3)
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RCW 39.04.280 (1)
RCW 39.04.280(2)(a)
RCW 39.04.280(2)(b)
RCW 39.04.280(3)
RCW 39.04.290(1)
RCW 39.04.290 (2)(a)
RCW 39.040.020
RCW 39.10.210
RCW 39.10.270
RCW 39.10.280
RCW 39.10.300
RCW 39.10.340

Adoption Date: July 12, 2012
Vashon Island School District No. 402

ATTACHMENT A
CONTRACTING AUTHORITY DELEGATION MATRIX