

## Bid or Proposal Requirements Policy 6220

The board of directors of the Kelso School District 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.

### PROCUREMENT AND PUBLIC WORKS USING STATE FUNDS

#### A. Furniture, Supplies or Equipment

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

- less than \$40,000, no competitive bidding process is required to make the purchase;
- between \$40,000 and \$75,000, the board will follow the 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;
- over \$75,000, the board will follow the formal competitive bidding process by:
  1. preparing clear and definite plans and specifications for such ~~work or~~ purchases;
  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. ensuring that the district takes steps to assure that when possible, the district will use small and minority businesses, women's business enterprises and labor surplus firm.
  4. providing the clear and definite plans and specifications to vendors interested in submitting a bid;
  5. requiring that bids be in writing;
  6. opening and reading bids in public on the date and in the place named in the notice; and
  7. filing all bids for public inspection after opening.

#### B. Exemptions

The board may waive bid requirements for purchases:

- clearly and legitimately limited to a single source of supply;
- involving special facilities or market conditions;
- in the event of an emergency;
- of 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, 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.

Whenever the board waives bid requirements, the board will issue a document explaining the factual basis for the exception and record the contract for open public inspection.

**C. Rejection of 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. Interlocal Cooperation Act**

The board reserves the right to enter into an inter-local cooperative agreement for purchases and public works with other governmental agencies pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

**E. Crimes Against Children**

The board 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 ground for the district immediately terminating the contract.

**F. Use of State Funds for Improvements or Repairs**

The board 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 board estimates that the total cost of a building, improvement, repair, or other public works project is \$100,000 or more, the board will follow the formal competitive bidding process outlined above unless the contract is let using the small works roster process authorized by RCW 39.04.155 or under any other procedure authorized for school districts. There are no statutory bidding requirements for public works projects involving improvements or repairs that are within the \$75,000 to \$100,000 range. For projects in this range, the district may consider: using its small works roster process, under RCW 39.04.155; using an inter-local agreement or contract with a vendor of the district's choice, without any competitive process, under RCW 28A.335.190; or choosing to require quotes for the work to make the process more competitive.

**PROCUREMENT USING FEDERAL FUNDS**

**A. Goods**

When the district uses federal funds for procurement of **goods** (furniture, supplies, equipment, and textbooks):

- Purchases of \$10,000 or less do not require quotes. However, the district must consider price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers.
- Purchases between \$10,000 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. Services**

When the district uses federal funds ~~are used~~ for procurement of **services**:

- Purchases of \$10,000 or less do not require quotes. However, the district must consider price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers.
- Purchases between \$10,000 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. Noncompetitive Procurement**

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

- 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., OSP) authorizes a 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.

**D. 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.

**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.

**PROCEDURES**

The superintendent or designee will establish bidding and contract awarding procedures consistent with state and federal law.

Legal References:	RCW 28A.335.190	Advertising for bids – Competitive bid procedures – Purchases from inmate work programs – Telephone or written quotation solicitation, limitations – Emergencies.
	RCW 28A.400.330	Crimes against children – Contractor

	employees – Termination of contract
RCW 39.04.155	Small works roster contract procedures –
	Limited public works process – Definition
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 – Identifications,
	substitution of contractors
Chapter 39.34 RCW	Interlocal Cooperation Act
2 CFR Part 200	Uniform Administrative Requirements, Cost
	Principles, and Audit Requirements for
	Federal Awards
2CFR 200.67	Micro-purchase
2 CFR 200.88	Simplified Acquisition Threshold
2 CFR 200.88	Simplified Acquisition Threshold
2 CFR 200.318	General Procurement Standards
2 CFR 200.320	Methods of Procurement to be followed
2 CRF 200.318.326	
2 CFR 3485	Non-procurement Debarment and
	Suspension

Management Resources:	Policy Alert, January 2019
	Policy and Legal News, August 2018
	Policy and Legal News, July 2017
	Policy and Legal News, March 2016
	Policy and Legal News, October 2015
	Policy and Legal News, June 2015
	Policy and Legal News, June 2013
	Policy and Legal News, April 2012
	Policy and Legal News, February 2011
	Policy News, October 2005, Competitive Bid Process Changes
	Policy News, June 2001 Legislation Further Simplified Bid
	Compliance

ADOPTED: 2.12.07

REVISED: 4.25.16 | 6.10.19