MANAGEMENT SUPPORT

Bid or Request for Proposal Requirements

The Pullman School District Board of Directors 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.

I. Procurement and Public Works Using Non-Federal 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 its informal competitive bidding procedure; and
- over $75,000, the board will follow its formal competitive bidding process by:
    1. preparing clear and definite plans and specifications for such 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 firms;
    4. providing the clear and definite plans and specifications to those 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. Use of Non-Federal 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 its formal competitive bidding procedure outlined above, unless the contract is let using the small works roster process authorized by RCW 39.04.151 through 39.04.154 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 under $100,000. For projects in this range, the district may consider any of these options: using its small works roster process, under RCW 39.04.151 through 39.04.154; 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.

C. Construction-Related Services

The board, when contracting for construction-related professional and personal services, shall include in bid documents language that encourages participation by minority or women-owned business enterprises. The services covered by this section include, but are not limited to, construction management services, value engineering services, and building commissioning services.

D. 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.

The board may also waive bid requirements for making improvements to district property if it contracts with an eligible local organization, such as a chamber of commerce, service organization, or other community, youth, or athletic association. Such organizations may utilize non-paid volunteers for completing the projects. The total value of such contracts may not exceed the lesser of $75,000 or $2 per resident of the district in a calendar year.

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.

E. 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.

F. Interlocal Cooperation Act

In coordination with the Interlocal Cooperation Act, Chapter 39.34 RCW, the district may enter into cooperative purchasing agreements with other governmental entities or groups of governmental entities. These agreements may allow the district to purchase items using an existing agreement without going through the standard procurement bid requirements.

Prior to enactment of any agreement under this authority, the district will review the work of the governmental entity to ensure the following requirements are met:

1. The governmental entity conducted its own procurement process relating to the contract under consideration.
    a. The awarding entity must maintain adequate documentation on the procurement process for the contract under consideration.
    b. The awarding entity must have posted the bid notice on a website maintained by a public agency, purchasing cooperative, or other service provider, or posted a link on the state's web portal.
2. The contract contains language that it is open for use by other entities and is not expired.
3. The specifications laid out in the contract match the specifications identified by the district. Any options that are agreed to in the contract are available to the district; any options that are not agreed to in the contract are not allowed.
4. Any cooperative agreement for public works projects contains the same specifications and the scope of the work is essentially the same for the district as for the contract's signatory district.
5. Ensure the cost is reasonable based on a cost/price analysis.

Once the district has completed these steps, it may enter into an agreement with the other entity to utilize their contract. The contract must be signed by both parties prior to any procurement taking place on the part of the district.

G. 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 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.

H. Women and Minority Owned Businesses

The district will ensure that it is providing every opportunity for businesses owned by women or minorities to submit bids on any contract. The district will maintain documentation of efforts to collect bids from women or minority-owned businesses as a part of the bidding process. The district will also ensure that any small works roster or similar list is open and available to participation by women or minority-owned businesses, and that such businesses on its small works roster are treated fairly and equally when requesting bids.

II. Procurement Using Federal Funds

A. Goods

When the district uses federal funds for procurement of textbooks, the allowable self-certification is $50,000. When the district uses federal funds for procurement of **goods,** including furniture, supplies, and equipment:

- Purchases of $~~10,000~~15,000 or less do not require quotes. However, the district must consider the price to be reasonable based on research, experience, purchase history, or other information and must document this determination. In addition, to the extent practical, purchases must be distributed equitably among suppliers.
- Purchases between $~~10,000~~15,000 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 its formal bidding procedure.

B. Services

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

- Purchases of $~~10,000~~15,000 or less do not require quotes. However, the district must consider price to be reasonable based on research, experience, purchase history or other information and must document this determination. In addition, to the extent practical, purchases should be distributed equitably among suppliers.
- Purchases between $~~10,000~~15,000 and $~~250,000~~350,000 must be procured using price or rate quotations from a reasonable number of qualified sources.
- Purchases of $~~250,000~~350,000 or more must be publicly solicited using the district's formal bidding procedure.

C. Noncompetitive Procurement

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

- The value of the acquired property or services that does not exceed $~~10,000~~15,000

- 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.

D. Cost/Price Analysis

The district will perform a cost or price analysis in connections with every procurement action in excess of the federal simplified acquisition threshold, currently set at ~~$250,000~~350,000 or other limits identified in 48 CFR 2.101, including contract modifications. The method and degree of analysis is dependent on facts surrounding the procurement situation, but should include, as a starting point, independent estimates before receiving bids or proposals.

In cases where no price competition exists and in all cases where the district performs the cost analysis, profit must be negotiated as a separate element in the process. To ensure profit is fair and reasonable, consideration must be given to the complexity of the work performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performances, and industry standard profit rates in the surrounding geographical area.

Costs or prices based on estimated costs for contracts are allowed only to the extent that the costs incurred or cost estimates would be allowable under 2 CFR 200.400 - .476.

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.

G. Interlocal Cooperation Act

In coordination with the Interlocal Cooperation Act, Chapter 39.34 RCW, the district may enter into cooperative purchasing agreements with other governmental entities or groups of governmental entities. These agreements may allow the district to purchase items using an existing agreement without going through the standard procurement bid requirements.

Prior to enactment of any agreement under this authority, the district will review the work of the governmental entity to ensure the following requirements are met:

1. The governmental entity conducted its own procurement process relating to the contract under consideration.
    a. The awarding entity must maintain adequate documentation on the procurement process for the contract under consideration.
    b. The awarding entity must have posted the bid notice on a website maintained by a public agency, purchasing cooperative, or other service provider, or posted a link on the state's web portal.
    c. The contracting agency must ensure that it met any procurement requirements laid out in 2 CFR §200.317 – 200.327.
2. The contract contains language that it is open for use by other entities and is not expired.
3. The specifications laid out in the contract match the specifications identified by the district. Any options that are agreed to in the contract are available to the district; any options that are not agreed to in the contract are not allowed.
4. Any cooperative agreement for public works projects contains the same specifications and that the scope of the work is essentially the same for the district as for the contract's signatory district.
5. Ensure the cost is reasonable based on a cost/price analysis.
6. The district must verify that the awarding entity is neither suspended nor debarred from participating in federal assistance programs.
7. The district must also verify that the contract contains all contract provisions described in 2 CFR §200.327 and Appendix II to Part 200.

Once the district has completed these steps, it may enter into an agreement with the other entity to utilize their contract. The contract must be signed by both parties prior to any procurement taking place on the part of the district.

H. Women and Minority-Owned Businesses

The district will ensure that it is providing every opportunity for businesses owned by women or minorities to submit bids on any contract. The district will maintain documentation of efforts to collect bids from women or minority-owned businesses as a part of the bidding process. The district will also ensure that any small works roster or similar list is open and available to participation by women or minority-owned businesses, and that such businesses on its small works roster are treated fairly and equally when requesting bids. The district will also include language requiring any prime contractor that employs subcontractors to show proof that it provides equal opportunity for bidding to women or minority-owned businesses.

I. Federal Agency or Pass-Through Entity Review

The district will maintain records of all purchases made using Federal funds and shall provide, upon request, any and all documentation to the Federal awarding agency or the state pass-through entity for compliance with all rules and regulations.

III. 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 39.04.280	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 – Review, report of subcontractor listing requirements
Chapter. 39.34 RCW	Interlocal Cooperation Act
2 CFR Part 200	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
2 CFR 200.67	Mirco-purchase
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 CFR 200.324	Contract Cost and Price
2 CFR 200.520	Criteria for a low-risk auditee
2 CFR Part 3485	Nonprocurement Debarment and Suspension
2 CFR 200.321	Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms
2 CFR 200.325	Federal awarding agency or pass-through entity review

Management Resources:
2023 – July Issue
2021 – December Issue
2020 – December Issue
2019 – January Policy Alert
2018 - August Issue
2017 - July Issue
2016 - March Issue
2015 - October Policy Issue
2015 - June Policy Issue
2013 - June Issue
2012 - April Issue
2011 - February Issue
Policy News, October 2005 Competitive Bid Process Changes
Policy News, June 2001 Legislation Further Simplifies Bid Compliance

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