

## **BID or PROPOSAL REQUIREMENTS**

The board of directors of the North Kitsap 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 and public works regulations; and
- the need for clear documentation.

### **I. 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 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 vendors interested in submitting a bid;
  5. require that bids be in writing;
  6. open and read bids in public on the date and in the place named in the notice; and
  7. file 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.

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Whenever the board waives bid requirements, the board will issue a document explaining the factual basis for the exception and the contract will be recorded and open for 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 inter-local cooperative agreements for purchases and public works with other governmental agency pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

**E. Crimes Against Children**

The board shall include in each 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 will also contain a provision that any failure to comply with this section shall be grounds for the district immediately termination of the contract.

The superintendent will establish bidding and contract awarding procedures for all purchases of furniture, equipment, supplies (except books), or public works projects consistent with state law.

**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 \$75,000 or more, the board will follow the formal competitive bidding process outlined above, unless the contract is using the small works roster process authorized by RCW 39.04.155 or under any other procedure authorized for school districts.

**II. Procurement Using Federal Funds**

**A. Goods**

When federal funds are used 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 \$250,000 must be procured using price or rate quotations from three or more qualified sources.
- Purchases of \$250,000 or more must be publicly solicited using sealed bids.

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**B. Services**

When 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.

**C. Noncompetitive Proposals**

Procurement by **noncompetitive** proposals may only be used 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., OSPI) authorizes a noncompetitive proposal in response to a written request from the district; or
- After solicitation of a number of sources, competition is determined inadequate.

The district may maintain documentation supporting the applicable circumstances for noncompetitive proposals.

**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.

**E. 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 which 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.

**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

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 Micro-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 3485 Nonprocurement Debarment and Suspension

Management Resources: Policy & Legal News

2018 August Issue

2017 July Issue

2016 March Issue

2015 October Issue

2015 June Policy Issue

2013 June Issue

2012 April Issue

2011 February Issue

October 2005 Competitive Bid Process Changes

June 2001 Legislation Further Simplifies Bid Compliance

Revised: February 28, 2019

Revised: February 22, 2018

Revised: January 26, 2017

Revised: December 8, 2016

Revised: January 14, 2016

Revised: September 28, 2015

Revised: September 26, 2013

Revised: January 14, 2010

Revised: July 20, 2007

Revised: June 22, 2006

Revised: September 14, 2000

6000 Series Adopted February 11, 1999

North Kitsap School District