

BIDS, REQUESTS FOR PROPOSALS, AND QUOTATIONS

The Northwest Educational Service District 189 (NWESD 189) Board establishes this policy to ensure all procurements comply with Washington State and federal regulations, while permitting the timely acquisition of goods and services at fair and reasonable prices. For the purposes of this policy, all dollar limits will be instituted on the basis of the entire cost of the acquisition with each vendor for the project. This policy is to guide the purchases of goods, services, and the procurement of public works.

The Board recognizes:

- 1) With the exception of public works and electronic data processing or telecommunication purchases, the State of Washington has not provided state laws or regulations governing the procurement of goods or services for educational service districts.
- 2) Federally funded transactions must meet federal General Procurement Standards as detailed in 2 CFR 200.318.
- 3) When the NWESD 189 enters into an interlocal agreement, it is not expected to obtain quotes or seek competition because 2 CFR 200.318(e) encourages governmental entities to enter into interlocal agreements to maximize economy and efficiency.

Therefore, the Board establishes the following procurement expectations:

- 1) "Public works" means all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed for NWESD 189 facilities, or which is by law a lien or charge on any property therein. All public works will comply with applicable public work statutes. All public works including maintenance, when awarded by competitive bid, will comply with RCW [39.12](#).
- 2) Purchases of electronic data processing or telecommunications equipment, software or services will comply with RCW 39.04.270.
- 3) Washington State public school districts, educational service districts (ESDs), and the Office of Superintendent of Public Instruction (OSPI) are considered vital components of the Washington K-12 Education System (System). The efficiency and effectiveness of and between the component members of the System is recognized and authorized by Washington State and federal statutes (RCW 39.34.010 and 2 CFR 200.318 (e)). This System, individually and collectively, provides for the benefit of public education and is of paramount importance. Therefore, competitive procurement procedures between the component members of the System is not a good use of resources and will not be required.
- 4) When the NWESD 189 enters into an interlocal agreement with other governmental entities, it is not expected to obtain quotes or seek competition because Washington State

and federal statutes [RCW 39.34.010 and 2 CFR 200.318(e)] encourage governmental entities to enter into interlocal agreements to maximize economy and efficiency.

- 5) The Superintendent will establish procedures for purchasing goods, services or public works such that purchases, other than those made between governmental entities, will be on a competitive basis as follows:
  - A) Formal sealed bids or requests for proposals will be publicly solicited from responsible vendors whenever the total cost is estimated to exceed two hundred fifty thousand dollars (\$250,000) for any purchase made from federally funded and/or non-federally funded programs.
  - B) Formal sealed bids or requests for proposals will be publicly solicited from responsible vendors whenever the total cost of goods or materials funded by school district cooperative members with federal and/or non-federal resources is estimated to exceed the limit set pursuant to RCW 28A.335.190 (\$75,000 at the time of this Policy adoption).
  - C) Competitive quotes will be solicited from responsible vendors whenever the total cost is estimated to exceed forty thousand dollars (\$40,000) but be less than the applicable bid limit set in either 5A) or 5B) for i) any purchase made from non-federally funded programs, or ii) goods and/or services funded by school district cooperative members with federal and/or non-federal resources.
  - D) Competitive quotes will be solicited from responsible vendors whenever the total cost is estimated to exceed the federal “micro purchase” limit (\$10,000 at the time of this Policy adoption), but be less than the applicable bid limit set in either 5A) or 5B) for i) any purchase made from federally funded programs, or ii) services and goods funded by school district cooperative members with federal resources.
- 6) Except as described above, NWESD 189 staff will employ cost effective methods for acquiring goods, services, and public works in accordance with procedures established by the Superintendent.
- 7) Noncompetitive procurement may be used only when one of the following circumstances apply. The factual basis for the noncompetitive procurement must be recorded and filed with the NWESD 189 Fiscal Services Department.
  - A) Purchases clearly and legitimately limited to a single source of supply.
  - B) After solicitation of a number of sources, competition is determined inadequate.
  - C) Purchases, including public works, in the event of an emergency.
  - D) Purchases of insurance or bonds.
  - E) Purchases of books funded from non-federal sources.
  - F) Purchases clearly identified as either non-federally funded or for which the federal funding portion does not exceed the quote and bid limits noted above and are approved in advance by the Superintendent or designee.
  - G) The awarding entity (e.g., OSPI) authorizes noncompetitive procurement in response to a written request.

H) Other events so determined by the Superintendent.

If an emergency exists, the Superintendent, or his/her designee, may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the NWESD 189 to address the emergency situation. For purposes of this section "emergency" means unforeseen circumstances beyond the control of the NWESD 189 that either (a) present a real, immediate threat to the proper performance of essential functions; or, (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

- 8) When bidding and/or purchasing is being done on behalf of member districts, the applicable statutes and regulations will be followed. However, it is understood and will be proactively communicated to member districts that they are ultimately responsible to ensure their own legal compliance.
- 9) Before entering into federally funded vendor contracts for goods and services that equal or exceed twenty five thousand dollars (\$25,000) and any subcontract award, the NWESD 189 will ensure the vendor is not suspended or debarred from participating in federal assistance programs.
- 10) The Board will include in any contract for services with an entity or individual other than an employee of the NWESD 189 a provision requiring the contractor to prohibit any employee of the contractor from working at a NWESD 189 site or program who has contact with children at a NWESD 189 site or program 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 will be grounds for the NWESD 189 immediately terminating the contract.
- 11) No employee, officer or agent of the NWESD 189 may participate in the selection, award or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest. Such a conflict may arise when the employee, officer or agent, any member of his/her immediate family, his/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 NWESD 189 may solicit or accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts. Exceptions may be made with the approval of the Superintendent for situations in which the gift is an unsolicited item of nominal value. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

First Reading:  
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Reference:  
RCW 28A.310.200

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		RCW 39.30.060
		RCW 39.34
		RCW 43.19.1911
		2 CFR 200.318
		2 CFR 200.320
		2 CFR 200.67
		2 CFR 200.88
		2 CFR 3485
		2 CFR Part 200