

Bid or Request for Proposal Requirements

The following procedures will be in effect for purchasing and public works through the bidding or request for proposal process:

1. The District will publicly open and read formal bids on the date, time, and place named in the notice and then will file the bids for public inspection. Any interested member of the public may attend the bid opening. It will be the bidder's sole responsibility to see that the District receives his/her bid prior to the time set for opening of bids. The District will return any bid received after the time set for opening the bids to the bidder unopened and without consideration. The District will accept proposals in the place named and no later than the date and time named in the notice;
2. Formal bid or proposal tabulations may be presented at a meeting of the Board for study purposes;
3. The Board will award a formal contract based on staff recommendations;
4. Specifications using brand names and manufacturers' catalog numbers are for identifying and establishing a quality standard. The Board may consider bids or proposals on equal items providing the bidder or proposer specifies brand and model and furnishes descriptive literature. The Board will condition its acceptance of alternative "equal" items upon its inspection and testing after receipt. If the Board does not find the items to be equal, it will return the items at the seller's expense and cancel the contract;
5. The District will reserve the right to reject any or all bids or proposals, waive any formalities, and/or irregularities, and cancel the solicitation, if a reason exists;
6. On construction projects, the bidder will include a notarized statement agreeing to comply with prevailing wage and affirmative action requirements. The bidder will also provide payment and performance bonds;
7. The Superintendent or designee may solicit bids or proposals by telephone and/or written quotation for purchases of furniture, equipment and supplies that have an estimated cost in excess of \$40,000 up to \$75,000. At least three telephone or written quotations will be secured prior to the date established by the Superintendent or designee. All telephone quotations must be confirmed promptly in writing to constitute a valid quotation; and
8. For public works projects estimated to cost \$350,000 or less, the Superintendent or designee may solicit bids by telephone, electronic or written quotations from contractors on the appropriate small works roster. The District will not break a project into units or phases in order to come within the scope of the small works roster process or limited public works process.

The following will be in effect for purchasing and public works awards:

The contract for the work or purchase shall be awarded to the lowest responsible bidder as described in RCW 39.26.160(2), but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. In determining whether the bidder is a responsible bidder under RCW 39.26.160(2), the district must consider the following elements:

1. The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

2. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
3. Whether the bidder can perform the contract within the time specified;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws relating to the contract or services;
6. Whether, within the three-year period immediately preceding the date of the bid solicitation, the bidder has been determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated any provision of chapter 49.46, 49.48, or 49.52 RCW, as defined in RCW 49.48.082. Before awarded a contract, a bidder shall submit to the district a signed statement in accordance with RCW 9A.72.085, verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of this subsection of RCW; and
7. The district may secure such other information as may have bearing on the decision to award the contract.
8. Before award of a public works contract, a bidder must meet the following responsibility criteria to be a responsible bidder and qualified for award of a public works project. The bidder must:
9. At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;
10. Have a current state unified business identifier number;
11. If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number, as required in Title 50 RCW; and a state excise tax registration number, as required in Title 82 RCW;
12. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);
13. If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington State Apprenticeship and Training Council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes, as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation;
14. Until December 31, 2013, not have violated RCW 39.04.370 more than one time as determined by the Department of Labor and Industries; and
15. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW (before award of a contract, a bidder shall submit to the district a signed statement in accordance with RCW 9A.72.085 verifying under penalty of perjury that the bidder is in compliance with the responsible bidder criteria requirement of this subsection).

In addition to the bidder responsibility criteria, the District may adopt relevant supplemental criteria in accordance with RCW 39.04.350(3) for determining bidder responsibility, applicable to a particular project with which the bidder must meet.

Formal written contracts will be prepared for all major construction and repair projects. After a majority of the Board votes to approve a contract, the board president/chair and/or secretary sign the contract on behalf of the Board and record the action in the minutes. All contracts will provide that, if the District files suit to enforce the terms of the contract, the venue will be the county where the District is located. All contracts will also provide that if the District is successful in the suit, the court may order reimbursement of the district's attorney fees and court costs, as the court deems reasonable. Any contract for services with an entity or individual other than an employee of the district shall include a provision requiring the contractor to prohibit any of its employees who has pled guilty to or been convicted of any felony crime specified under RCW 28A.400.322 and who would have contact with children at a public school during the course of his or her employment from working at a public school. 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.

Revised: February 9, 2021