
PROCUREMENT OF FEDERALLY FUNDED SERVICES

The Burlington-Edison School District # 100 Board recognizes:

- 1) Federal funding requirements permit grantees and sub-grantees to use their established procurement procedures providing they conform to a) applicable state and local statutes and regulations, and b) to applicable federal law and standards.
- 2) The State of Washington has not provided state laws or regulations governing the procurement of services.
- 3) Washington State public school districts, educational service districts (ESDs), and the Office of Superintendent of Public Instruction (OSPI) are considered partners in the Washington K-12 Education System (System). Washington State and federal law both a) encourage and authorize the use of intergovernmental transactions as an economically responsible alternative to competitive procurements from private providers, and b) reflect a presumption that intergovernmental agreements result in the most efficient and effective use of public funds (RCW 39.34.010 and 34 CFR 80.36(b)(5)).
- 4) Federal 34 CFR Part 80.36(d)(1) permits “small purchase procedures” for purchases less than one hundred thousand dollars (\$100,000). Specifically, it notes, the “simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000) require sealed bids.”
- 5) In the absence of any state law over the procurement of professional services and books, the State Auditors Office has agreed to instruct its auditors to select federally funded transactions above three thousand dollars (\$3,000) when testing for competitive solicitation.

Therefore, the Board establishes the following procurement of services expectations:

- 1) The efficiency and effectiveness of and between the component members of the Washington K-12 Education System (System) is recognized. 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 shall not be required.
- 2) Every federally funded purchase of services or books (note- RCW 28A.335.190 provides lower limits relative to furniture and equipment), other than those between component members of the System, shall be on a competitive basis dependent on the following procurement limits:
 - A) Competitive procurement is in effect for any federally funded services or books with a cost estimated to be in excess of three thousand dollars (\$3,000).
 - B) Whenever the estimated cost is from three thousand dollars (\$3,000) up to one hundred thousand dollars (\$100,000), the procedure shall require solicitation of competitive quotes from responsible vendors.

- C) Whenever the estimated cost is in excess of one hundred thousand dollars (\$100,000), a public bidding process established by the Superintendent shall be followed.
- 3) Competitive procurement procedures for services may be waived in the following instances. When such waivers are implemented a) the Superintendent shall be notified, and b) the factual basis for the exception must be recorded and filed with the District's business office.
- A) Purchases that are clearly and legitimately limited to a single source of supply.
 - B) Purchases involving special facilities or market conditions.
 - C) Purchases, including public works, in the event of an emergency.
 - D) Purchases of insurance or bonds.
 - E) Other events so determined by the Superintendent.
- 4) 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 District to address the emergency situation. For purposes of this section "emergency" means unforeseen circumstances beyond the control of the District 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.

Reference:

RCW 28A.155.060
RCW 28A.155.160
RCW 28A.160.120
RCW 28A.225.250
RCW 28A.310.200
RCW 28A.320.035
RCW 28A.335.190
RCW 39.34.030
RCW 39.34.080
34 CFR 80.36

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