

S P O K A N E C O U N T Y L I B R A R Y D I S T R I C T

Policy Title	Procurement		
Approval Date	July 15, 1982	Revision Date	July 1, 2024
Related Policies	Fixed Assets HR06: Employee Conduct		
Statutory References	RCW 27.12 RCW 39.04 RCW 39.10 RCW 39.12 RCW 39.24 RCW 39.26 RCW 39.30.045 RCW 39.32 RCW 39.34 RCW 39.80 RCW 43.09.2855 RCW 60.28 WAC 296-127-010 WAC 296-127-023		
Other References	<ul style="list-style-type: none"> • Washington State Department of Enterprise Services (DES) Policies: 125-03, 130-00 & 140- 00 • Washington State Department of Ecology Environmentally Preferable Purchasing • Uniform Guidance procurement standards in 2 CFR §200.318-200.327 		
Purpose	<p>When procuring public works or goods and services, Spokane County Library District (District) solicits competition to the fullest possible extent, in accordance with applicable law. The objective of competition is to promote confidence in the integrity and cost-effectiveness of the District's procurements while maximizing economic benefits. Toward this end, the purchasing method for most goods and services shall be based on a triad of cost, quality, and availability, while the purchasing method for public works will be as otherwise required by law.</p> <p>It is the goal of the District to encourage Small Businesses (RCW 39.26.010(22)), Veterans (RCW 39.26.240), Minority and Women's Business Enterprises (RCW 39.26.245), and inmate work programs (RCW 39.26.250) to be actively involved in the District's purchases. However, the District shall neither discriminate against, nor give preferential treatment to such businesses. The District recognizes an in-state business procurement preference. (RCW 39.26.260)</p>		

In the event of the amendment of any law, regulation, or ordinance incorporated into this policy or upon which this policy relies, the policy shall be deemed amended in conformance with those changes.

In cases where this policy conflicts with any local ordinance, state or federal law, the terms of that law, and its underlying rules or regulations shall prevail. In all other cases, Spokane County Library District policies and practices prevail.

The Board reserves the right to change and/or modify this policy at any time, as circumstances dictate and in accordance with applicable law.

Policy

District policy will be organized by levels of competition in the bidding process and types of procurement.

Types of Procurement

The following are recognized as the primary different types of procurement for the District.

- Public Works
- Personal Services
- Architectural & Engineering Services
- Purchased Goods and Services not made in connection to a public works project
- Electronic Data Processing, Telecommunications Equipment, Software, or Related Services

Other types of procurement for the District may be allowed under the Revised Code of Washington, depending on the circumstances.

Estimating Purchase

Before applying the dollar bidding limits in the following sections, the total cost of each procurement or purchase must be estimated, excluding sales tax. Determining the estimated cost is a crucial first step, since the determination will dictate which procurement or purchasing method is used. Given that making an exact estimate is seldom possible, the person making the estimate should determine the fair and reasonable value of the work to be performed (or the purchase to be made), given the particular conditions that will be faced and the requirements of the proposed project or purchase.

The cost estimate should reflect the amount the District considers fair and reasonable and that it is willing to pay for the work or purchase contemplated. Several approaches can be used to make an estimate, including but not limited to: 1) The District can consider the actual cost of performance, considering the current cost of labor, equipment, and materials. Obviously, use of this approach requires that the estimator has a good working knowledge of construction methods, equipment, and market conditions. 2) The District can determine estimate by using historical data. The estimator reviews recently awarded contracts, making adjustments for the proposed project and the current market conditions. 3) The District can combine historical bid data with actual cost data.

In determining the cost of a public works project, all amounts paid for materials, supplies, equipment, and labor on the construction of that project must be included, excluding sales tax.

Approval Authority for Purchased Goods and Services (Unrelated to Public Works)

Contracts for goods and services less than \$350,000 shall be awarded by the Executive Director or designee. Contracts for goods and services over \$350,000 shall be awarded by the Board of Trustees.

Levels of Competitive Bidding for Public Works Projects

Public Works Projects include Public Works, Public Works Maintenance and Public Building Service Maintenance contracts.

RCW 39.04 defines and governs the laws and regulations for Public Works projects for the District. Prevailing wages per RCW 39.12.020 are required on all Public Works, Public Works Maintenance, and Public Building Service Maintenance contracts of any size.

The District must use Competitive Solicitation for Public Works projects. The following standards are established by the District:

1. Public Works Project estimated to be less than \$5,000

Public Works Projects less than \$5,000 are made with approval from the Executive Director or designee. Public Works Projects less than \$5,000 may be procured using a uniform small works roster process as provided in RCW 39.04.152 or otherwise require a Competitive Solicitation process with a minimum of 13-day advertisement for non-emergency purchases. The District will maintain a small public works roster through MRSC Rosters. The District may use an electronic bidding and notification system. Sealed bids may be awarded by the Executive Director or designee. All work requires a contract and insurance certificate on file. A performance bond and payment bond in the amount of 100% of the contract amount, including sales tax, is not required. Retainage on the contract is not required. A combined Intent & Affidavit Prevailing Wage form must be filled out by the contractor and submitted to the District.

2. Public Works Project estimated to be more than \$5,000 and up to \$150,000

Public Works Projects \$5,000 to \$150,000 are made with approval from the Executive Director or designee. Public Works Projects in excess of \$5,000 to \$150,000 may be procured using a uniform small works roster process as provided in RCW 39.04.152 or otherwise require a Competitive Solicitation process with a minimum of 13-day advertisement for non-emergency purchases. The District will maintain a small public works roster through MRSC Rosters. The District may use an electronic bidding and notification system. Sealed bids may be awarded by the Executive Director or designee. All work requires a contract and insurance certificate on file. A performance bond and payment bond in the amount of 100% of the contract amount, including sales tax, is required. Upon request by the contractor, the District may waive the bond and retain 10% of the contract amount for 30 days after the date of final acceptance or the work, or until the receipt of all necessary releases from the Department of Revenue and Department of Labor and Industries, whichever is later. The contractor must file Prevailing Wage Intent and Affidavit reports with Department of Labor and Industries, with a copy to the District.

3. Public Works Project estimated to be more than \$150,000 and up to \$350,000

Public Works Projects \$150,000 to \$350,000 are made with approval from the Executive Director or designee. Public Works Projects in excess of \$150,000 to \$350,000 may be procured using a uniform small works roster process as provided in RCW 39.04.152 or otherwise require a Competitive Solicitation process with a minimum 13-day advertisement for non-emergency purchases. The District will maintain a small public works roster through MRSC Rosters. The District may use an electronic bidding and notification system. Sealed bid awards may be awarded by the Executive Director or designee. All work requires a contract and insurance certificate on file. A performance bond and payment bond in the amount of 100% of the contract amount, including sales tax, is required. Unless requested by the Contractor and agreed to by the District, the District will retain 5% of the contract amount for 30 days after the date of final acceptance of the work, or until the receipt of all necessary releases from the Department of Revenue and Department of Labor and Industries, whichever is later. The contractor must file Prevailing Wage Intent and Affidavit reports with Labor and Industries, with a copy to the District.

4. Public Works Project estimated to be more than \$350,000

Public Works Projects of \$350,000 and more require Board approval and a Competitive Solicitation with a minimum 13-day advertisement. The District may use an electronic bidding and notification

system. Sealed bid awards are to be made by the Board. All projects require a contract and insurance certificate on file. The contractor is required to supply a 5% performance bond and a 5% bid bond. The District will retain 5% of the contract amount for 30 days after final acceptance of the work, or until the receipt of all necessary releases from the Department of Revenue and Department of Labor and Industries, whichever is later. The contractor must file Prevailing Wage Intent and Affidavit reports with Labor and Industries, with a copy to the District.

General Levels of Competitive Bidding

The following are general levels of competitive bidding established by the District:

1. Micro-Purchase

Some level of competition is recommended but not mandatory. Inquiries to one to three qualified vendors describing, as applicable, the required goods or services and determining pricing, schedules, and qualifications will suffice. A good faith effort shall be made to secure the best value for the District at the lowest price possible. For purchases under \$35,000.

2. Informal Competition

The District shall prepare a written solicitation including, at a minimum, a description of the required goods or services, the project schedule or delivery date needed, a request for pricing and qualifications, and the due date for replies. Solicitation of three to five qualified vendors is recommended. If three qualified vendors cannot be reasonably identified, the District will document in writing its informal competition process procurement and, if applicable, specifically explain why three qualified vendors were not reasonably identified. For purchases from \$35,000 to \$350,000.

3. Competitive Solicitation

The District will prepare a formal solicitation such as a Request for Proposal (RFP), Request for Qualifications (RFQ) or Invitation for Bid (IFB), which will describe all project requirements in order for vendors to understand the District's needs and how responses will be evaluated. The RFP, RFQ or IFB will be published via appropriate legal notice. Responses will be submitted via sealed bids and opened in accordance with the terms of the formal solicitation. The result will be used to determine the lowest, responsive, and responsible bidder. For purchases above \$350,000.

Personal Services

Personal services involve technical services and expertise provided by a consultant to accomplish a specific study, project, task, or other work. These activities and services are mostly intellectual in nature. The District will maintain its consultant and vendor list in MRSC Rosters and may use this process to solicit personal services. The District may use an electronic bidding and notification system.

Except for architectural and engineering services, library districts have no statutory restrictions on contracting for personal services; alternatively, they have flexibility in setting their own policies and limits. The following are the limits established by the District for procurement of personal services: general levels of competitive bidding.

Architectural and Engineering Services

Architectural and engineering services, although a type of personal service, have their own requirements established in RCW 39.80. All local governments, including library districts, must follow RCW 39.80 for procuring architectural and engineering (A/E) services. The following are the

limits established by the District for procurement of architectural and engineering services: Competitive Solicitation. The District will maintain its consultant and vendor list in MRSC Rosters and may use this process to solicit architectural and engineering services. The District may use an electronic bidding and notification system.

Purchased Goods and Services

Purchased goods and services, not in connection to a public works project, are those provided by vendors for routine, necessary, and continuing functions of the District. They are usually repetitive, routine, or mechanical in nature, often supporting the day-to-day operations of the District. State law does not place any limits or requirements on the procurement of purchased goods and services not otherwise connected to a public works project. The following are the limits established by the District for procurement of purchased goods and services: general levels of competitive bidding. The District will maintain its consultant and vendor list in MRSC Rosters and may use this process to solicit purchased goods and services. The District may use an electronic bidding and notification system.

Electronic Data Processing, Telecommunications Equipment, Software, or Related Services

Purchases of goods and services in connection with electronic data processing, telecommunications equipment, software or related services will be purchased through Competitive Solicitation. The District will maintain its consultant and vendor list in MRSC Rosters and may use this process to solicit goods and services in connection with electronic data processing, telecommunications equipment, software or related services. The District may use an electronic bidding and notification system. (RCW 39.04.270)

Exceptions to Competitive Bidding Requirements

The following is a non-exclusive list of District-deemed Sole Source goods and services allowed to be exceptions from competitive bidding requirements.

- Purchases from Master Contracts, Cooperative Purchasing Agreements, Intergovernmental Agreements.
- Exceptions to the Competitive Solicitation requirements listed in RCW 39.04.280 (Public Works), RCW 39.26.100 (Goods and Services), 39.26.125 (Competitive Solicitation), RCW 39.26.130 (Emergency Solicitation), RCW 39.26.140 (Sole Source Contracts), and RCW 39.30.045 (Auctions).
- Original equipment manufacturer (OEM) maintenance service contracts and parts when procured directly from the OEM, or from the sole OEM designated reseller. This exemption does not apply if there is more than one OEM designated reseller.
- Software maintenance or support services when procured from the proprietary owner of the software (Owner), or from the Owner-designated maintenance and support service provider. This exemption does not apply if there is more than one Owner-designated maintenance and support service provider.
- Additional software licenses for solutions that were acquired through a competitive process, provided the licenses are equivalent in scope to the licenses that were included in the original purchase. Software license renewals are not exempt.
- Contracts where the vendor is specifically required by a grant or legislation.

- Contracts for medical services or made by medical professionals.
- Postal and postal services when not using consolidated mail.
- Utilities such as garbage, heat, sewer, cable television, electricity, water, fire protection and recycling services.
- Professional development obtained from a third party, such as conferences, seminars, professional licenses, professional organization memberships, and professional publications.
- Replacement or repair of rental equipment when required by the rental agreement.
- Contracts with instate nonprofit agency for the blind under RCW 19.06.020.
- Mass media services (e.g., newspapers, journals, television, radio, billboards, or social media) only when no comparable competition exists for reaching the target audience with the intended media type.
- Used goods to include equipment, vehicles and furniture only when the same or similar articles are not available from more than one source.
- Educational and Certification Testing services when the entity providing the services is the only recognized authority.
- Special facilities or market conditions.
- Insurance or bonds.
- Leases of real property.
- Alternative public works contracting procedures under RCW 39.10.

Competitive bidding requirements may also be waived pursuant to DES policies 125-03 (Direct Buy Purchases), 130-00 (Emergency Purchases of Goods and Services) and 140-00 (Sole Source Contracts).

If a purchase is made based on an exemption, the District shall document in writing the factual basis for the exemption.

Credit Cards

As permitted by RCW 43.09.2855, the District may contract to establish a credit card account. All credit card invoices should be paid in their entirety on a monthly basis to avoid incurring finance charges.

Grants and Funding Source Requirements

For all grants, either federal, state, or privately funded, the District shall ensure that the related purchase activity will be in accordance with the applicable rules, regulations, and any other terms and conditions contained within the grant award.

If the District receives any funding, with differing or more stringent procurement or purchasing requirements than those set forth in this policy, which may include but are not limited to federal funding, state funding related to federal funds, and grants, then the more stringent procurement or purchasing requirements shall apply.

Environmentally Preferable Purchasing (EPP) Activities

A number of laws and executive orders require Washington state agencies to increase environmentally preferred purchasing (EPP). While the District is not required to follow the mandates of the state's EPP programs, the District's intent is to follow the program whenever economically feasible. Accordingly, strong consideration will be made in the selection of EPP compliant goods, even though an item's price may not be lower than a similar, non-compliant item.

Definitions

Bid Limits – Dollar amounts below which competitive bids or the Small Works Roster process are not required for the purchase of equipment, supplies or materials or for Public Works Projects.

Competitive Solicitation – A documented formal process providing an equal and open opportunity to bidders and culminating in a selection based on predetermined criteria. (RCW 39.26.010(6))

Convenience Contract – A contract for specific goods or services, or both, that is solicited and established in accordance with procurement laws and rules for use by a specified group of agencies as needed from time to time. (RCW 39.26.070)

Cooperative Purchasing Agreement – An agreement for the procurement of any goods or services with one or more states, state agencies, local governments, local government agencies, federal agencies, or tribes, in accordance with an agreement entered into between the participants. The cooperative purchasing may include, but is not limited to, joint or multiparty contracts between the entities, and Master Contracts or Convenience Contracts that are made available to other public agencies. Cooperative Purchasing Agreements must be through contracts awarded through a Competitive Solicitation process. (RCW 39.26.060 In-state agreements; RCW 39.34.030 interstate agreements)

Emergency Purchases – The unforeseen circumstances beyond the control of District that either:

- (a) present a real, immediate, and extreme threat to a proper performance of essential functions; or (b) may reasonably be expected to result in material loss or damage to property, bodily injury, or loss of life, if immediate action is not taken. (RCW 39.26.130)

Goods – Products, materials, supplies, or equipment provided by a contractor. (RCW 39.26.010(12))

Intergovernmental Agreements – A contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform. (RCW 39.34.080) This also includes the United States government (RCW 39.32.070 to 39.32.090). (RCW 39.26.125(10))

In-state Business – A business that has its principal office located in Washington. (RCW 39.26.010(13))

Master Contract - A contract for specific goods or services, or both, that is solicited and established by DES in accordance with procurement laws and rules on behalf of and for general use by agencies as specified by DES. (RCW 39.26.010(15))

Micro-Purchase – A purchase under \$50,000, may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents its files accordingly. Purchase cards may be used as a method of payment for micro-purchases. (2 CFR 200.320(a)(1))

MRSC Rosters – A statewide small public works, consultant, and vendor roster service of the Municipal Research and Services Center (MRSC). The District will utilize MRSC Rosters for maintaining the District’s publicly available rosters for small public works, consultant and vendor rosters. The District may utilize MRSC Rosters for the bidding and notice requirements for all procurement methods where allowed by RCW or policy.

Ordinary Maintenance – Maintenance work performance by the regular employees of the state or any county, municipality, or political subdivision created by its laws. (WAC 296-127-010(7)(b)(ii))
Public Building Service Maintenance Contracts – Janitorial service contractors and cover only work performed by janitors, waxers, shampooers, and window cleaners. (WAC 296-127-023)

Public Works – All work, construction, alteration, repair, or improvement other than Ordinary Maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All Public Works, including maintenance when performed by contract, shall comply with chapter RCW 39.12. (RCW 39.04.010(5))

Public Works Maintenance – Keeping existing facilities in good usable, operational condition. (WAC 296-127-010(7)(a)(iv))

Purchase – The acquisition of goods or services, including the leasing or renting of goods. (RCW 39.26.010(20))

Quote – A process through which verbal, written or electronic quotations are solicited from suppliers and vendors for equipment, supply and material contracts with total estimated costs below the bid limits following notification as established by local agency policies, if any, and in which price is the primary basis for consideration and contract award.

Services – Labor, work, analysis, or similar activities provided by a contractor to accomplish a specific scope of work. (RCW 39.26.010(21))

Small Business – An In-state Business, including a sole proprietorship, corporation, partnership, or other legal entity, that: (a) Certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either: (i) Fifty or fewer employees; or (ii) A gross revenue of less than \$7,000,000 annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or (b) Is certified with the office of women and minority business enterprises under chapter 39.19 RCW. (RCW 39.26.010(22))

Sole Source – A contractor providing goods or services of such a unique nature or sole availability that the contractor is clearly and justifiably the only practicable source to provide the goods or service. (RCW 39.26.010(23))

The District will make a good faith effort to implement this policy in a fair and consistent manner.

The Executive Director will establish administrative procedures necessary to implement this policy.