

SPOKANE COUNTY LIBRARY DISTRICT

POLICY: Procurement

Approval Date: July 15, 1982

Revision Date: June 18, 2019

RELATED POLICIES:

Fixed Assets

HR 6: Employee Conduct

STATUTORY REFERENCES:

RCW 27.12

RCW 39.04

RCW 39.26

RCW 39.80

RCW 43.09.2855

WAC 296-127-010

OTHER REFERENCES:

Washington State Department of Enterprise Services Policies: 130-00 & 140-00

Washington State Department of Ecology Environmentally Preferable Purchasing

Purpose

When procuring goods and services, Spokane County Library District (District) solicits competition to the fullest possible extent. 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.

General Policy

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

Levels of Competitive Bidding

The following are general levels of competitive bidding.

1. Minimal Competition

Some level of competition is recommended but not mandatory. Email or telephone inquiries to one to three qualified vendors describing the required goods or services and requesting pricing, schedules and qualifications will suffice. The District will document in writing its minimal competition process for procurement.

2. Informal Competition

The District shall prepare a written solicitation including, at a minimum, a description of the required goods or service, the project schedule or delivery date needed, a request



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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.

3. Formal Competition

The District will prepare a formal solicitation such as a Request for Proposal (RFP) 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 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 to determine the lowest, responsive and responsible bidder.

Types of Procurement

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

- Public Works
- Personal Services
- Architectural & Engineering Services
- Purchased Goods and Services not made in connection to a public works project

1. Public Works

RCW 39.04 describes and governs the laws and regulations for public works projects for the District. Public works is defined in RCW 39.04.010 as "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." "Ordinary maintenance" is defined in WAC 296-127-010(7)(b)(iii) "as work not performed by contract and that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year), to service, check, or replace items that are not broken; or work not performed by contract that is not regularly scheduled, yet is required to maintain the asset so that repair does not become necessary."

The District must use competitive bidding for public works projects; state statutes do not establish any specific bid limits or specific competitive processes for library districts. The District established the following limits for public works projects:

- Informal Competition
Informal competition may be used for public works projects less than \$50,000. Contracts for the awarding of these informally competitive projects shall be awarded by the Executive Director or designee.
- Formal Competition
The formal competition or bidding process will be used for all public works projects in excess of \$50,000. Contracts for the awarding of public works projects shall be awarded by the Board of Trustees.



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Prevailing wages per RCW 39.12 are required on all public works contracts of any size.

2. 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.

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:

- Minimal Competition
For purchases under \$8,000, the District may use minimal competition.
- Informal Competition
For purchases from \$8,000 to \$50,000, the District may use informal competition.
- Formal Competition
For purchases in excess of \$50,000, the District shall use formal competition. Contracts for the awarding of personal services shall be awarded by the Board of Trustees.

3. 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. All contracts for architectural and engineering services shall be awarded by the Board of Trustees.

4. 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.

Library districts have no statutory restrictions on contracting for purchased services; alternatively, they have flexibility in setting their own policies and limits. The following are the limits established by the District for procurement of purchased services.

- Minimal Competition
For purchases under \$8,000, the District may use minimal competition.
- Informal Competition
For purchases from \$8,000 to \$50,000, the District may use informal competition.



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- **Formal Competition**
For purchases in excess of \$50,000, the District shall use formal competition. Contracts for the awarding of purchased services shall be awarded by the Board of.

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 pursuant to Department of Enterprise Services (DES) policy 140-00.

- Goods and services that meet an emergency requirement (DES policy 130-00)
- Purchases from qualified Master Contracts and DES-approved cooperative contracts
- Utilities
- Postage & postal services
- Original equipment manufacturer repair services
- Software maintenance or support services when procured from the proprietary owner of the software
- Professional licenses and memberships
- Conferences and seminars
- Repair or replacement of rental equipment when required by the rental agreement
- Mass media services

Competitive bidding requirements may also be waived pursuant to RCW 39.04.280 for the following purposes:

- Purchases that are clearly and legitimately limited to a single source of supply. If a purchase is made based on a single source of supply, the District shall document in writing the factual basis for the purchase and why it was “clearly and legitimately limited to a single source of supply.”
- Purchases involving special facilities or market conditions.
- Purchases or public works in the event of an emergency. “Emergency” means unforeseen circumstances beyond the control of the District that either: (a) Present a real, immediate threat to the property 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. If a purchase or public works contract is awarded due to an emergency, a written finding of the existence of the emergency shall be made by the Board of Trustees or its designee within two (2) weeks following the award of the contract.
- Purchases of insurance or bonds.

Competitive bidding requirements may also be waived pursuant to RCW 39.34.030 for purchases in cooperation with other public agencies or purchasing cooperatives, so long as cooperative purchase was done in a manner consistent with the bidding and procurement requirements of the District and the District has entered into an interlocal agreement with the other public agency or purchasing cooperative.



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Credit cards

As permitted by RCW 43.09.2855, the District may contract to establish a credit card account with a cumulative credit limit not to exceed \$50,000. All credit invoices shall be paid in their entirety on a monthly basis to avoid incurring finance charges.

Grants

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.

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.

The Executive Director will establish administrative procedures necessary to implement this policy. In accordance with the administrative procedures, any appeal of an administrative action under this policy will first be made in writing to the Executive Director. Any subsequent appeal of Executive Director action and/or decision will be made in writing to the Board of Trustees.

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



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