

Purchasing Policy: Procurement

The Board recognizes that Washington educational service districts are not required to follow the provisions of RCW 28A.335.190, however, the Board shall adopt purchasing criteria in alignment with school districts. Further, where procurement is funded by Federal sources, the more conservative of state or Federal guidelines and requirements under 2 CFR Part 200 shall be followed.

Competitive procurement procedures for goods and services under this criteria may be waived in the following instances. When such waivers are implemented, the ESD Superintendent or his/her designee shall be notified, and the factual basis for the exception must be recorded and filed with the ESD business office.

- A. Purchases that are clearly and legitimately limited to a single source of supply;
- B. Purchases, including Public Works, executed in the event of an emergency;
- C. Purchases of insurance or bonds;
- D. Personal or professional services procured with non-Federal funds, to include, but not limited to, attorneys, brokers or agents, educational consultants, psychologists, therapists, instructional staff, financial consultants, and data processing consultants.
- E. Architect and engineering services, where RCW 39.80 shall be followed;
- F. Purchases expressly authorized by an awarding or pass-through funding agency in response to a written request from ESD;
- G. Other purchases so determined by the Superintendent.

If an emergency exists, the Superintendent or his/her designee, may declare an emergency situation exists, waive competitive requirements and award all necessary contracts on behalf of ESD to address the emergency situation. For purposes of this section, "emergency" shall mean unforeseen circumstances beyond the control of ESD 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.

Procurement for public works are addressed in Policy 6225.

Vendor Relations

Financial and business transactions of ESD shall conform to the law and be consistent with sound and ethical business practices. Purchasing decisions shall be made on the basis of objectivity and will not be influenced by friendships or other personal relationships. Board members, administrators or staff shall not accept a gift or favor from vendors or prospective vendors or other firms or individuals who have had or hope to have transactions with ESD. Financial interests of board members, administrators or staff in any ESD purchase, sale or other transaction is prohibited.

Legal References:

*RCW 28A.335.190; RCW 39.80
2 CFR Part 200
RCW 42.23.030 Interest in contract prohibited-Exceptions
RCW 42.23.040 Remote interests*

Cross References:

6210 Purchasing Policy: Authorization and Control
6225 Public Works Purchasing Policies
1610 Conflicts of Interest (Board)
5251 Conflicts of Interest

Adoption Date: **3-6-75**

Revised Dates: **1-24-84; 3-29-88; 3-26-91; 9-25-17; 9-24-18**

Renumbered: **408 to 411 6-22-10; 405 and 411 to 6211 9-25-17**