Bid or Request for Proposal Requirements

The board recognizes the importance of:

- maximizing the use of district resources;
- the need for sound business practices in spending public money;
- the requirement of complying with state and federal laws governing purchasing and public works;
- the importance of standardized purchasing and public works regulations; and
- the need for clear documentation.

I. Procurement and Public Works Using Non-Federal Funds

A. Furniture, Supplies or Equipment

Whenever the estimated cost of furniture, supplies, or equipment (except books) will cost:

- less than $40,000, no competitive bidding process is required to make the purchase;
- between $40,000 and $75,000, the board will follow the informal competitive bidding procedure; and
- over $75,000, the board will follow the formal competitive bidding process by:
    1. preparing clear and definite plans and specifications for such purchases;
    2. providing notice of the call for formal bids by publication in at least one newspaper of general circulation in the district at least once each week for two consecutive weeks;
    3. ensuring that the district takes steps to assure that when possible, the district will use small and minority businesses, women's business enterprises and labor surplus firms;
    4. providing the clear and definite plans and specifications to those interested in submitting a bid;
    5. requiring that bids be in writing;
    6. opening and reading bids in public on the date and in the place named in the notice; and
    7. filing all bids for public inspection after opening.

B. Use of Non-Federal Funds for Improvements or Repairs

The board may make improvements or repairs to district property through a district department without following the competitive bidding process if the total cost of improvements or repairs does not exceed $75,000. If the board estimates that the total cost of a building, improvement, repair, or other public works project is $100,000 or more, the board will follow its formal competitive bidding process outlined above, unless the contract is let using the small works roster process authorized by RCW 39.40.151 through RCW 39.04.155 or under any other procedure authorized for school districts. There are no statutory bidding requirements for public

works projects involving improvements or repairs that are under $100,000. For projects in this range, the district may consider any of these options: using its small works roster process, under RCW 39.40.151 through RCW 39.04.155; using an inter-local agreement or contract with a vendor of the district's choice, without any competitive process, under RCW 28A.335.190; or choosing to require quotes for the work to make the process more competitive.

C. Construction-related services
The board, when contracting for construction-related professional and personal services, shall include in bid documents language that encourages participation by minority or women-owned business enterprises. The services covered by this section include, but are not limited to, construction management services, value engineering services, and building commissioning services.

D. Exemptions
The board may waive bid requirements for purchases:

- clearly and legitimately limited to a single source of supply;
- involving special facilities or market conditions;
- in the event of an emergency;
- of insurance or bonds; and
- involving public works in the event of an emergency.

"Emergency" means unforeseen circumstances beyond the district's control that present a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

The board may also waive bid requirements for making improvements to district property if it contracts with an eligible local organization, such as a chamber of commerce, service organization, or other community, youth, or athletic association. Such organizations may utilize non-paid volunteers for completing the projects. The total value of such contracts may not exceed the lesser of $75,000 or $2 per resident of the district in a calendar year.

Whenever the board waives bid requirements, the board will issue a document explaining the factual basis for the exception and record the contract for open public inspection.

E. Rejection of Bids
The board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call.

F. Interlocal Cooperation Act
In coordination with the Interlocal Cooperation Act, Chapter 39.34 RCW, the district may enter into cooperative purchasing agreements with other governmental entities or groups of governmental entities. These agreements may allow the district to purchase items using an existing agreement without going through the standard procurement bid requirements.

Prior to enactment of any agreement under this authority, the district will review the work of the governmental entity to ensure the following requirements are met:

1. The governmental entity conducted its own procurement process relating to the contract under consideration.
    a. The awarding entity must maintain adequate documentation on the procurement process for the contract under consideration.
    b. The awarding entity must have posted the bid notice on a website maintained by a public agency, purchasing cooperative, or other service provider, or posted a link on the state's web portal.
2. The contract contains language that it is open for use by other entities and is not expired.
3. The specifications laid out in the contract match the specifications identified by the district. Any options that are agreed to in the contract are available to the district; any options that are not agreed to in the contract are not allowed.
4. Any cooperative agreement for public works projects contains the same specifications and the scope of the work is essentially the same for the district as for the contract's signatory district.
5. Ensure the cost is reasonable based on a cost/price analysis.

Once the district has completed these steps, it may enter into an agreement with the other entity to utilize their contract. The contract must be signed by both parties prior to any procurement taking place on the part of the district.

G. Crimes Against Children

The board will include in any contract for services with an entity or individual other than an employee of the district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime specified under RCW 28A.400.322. 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.

H. Women and Minority Owned Businesses

The district will ensure that it is providing every opportunity for businesses owned by women or minorities to submit bids on any contract. The district will maintain documentation of efforts to collect bids from women or minority-owned businesses as a part of the bidding process. The district will also ensure that any small works roster or similar list is open and available to participation by women or minority-owned businesses, and that such businesses on its small works roster are treated fairly and equally when requesting bids.

II. <u>Procurement Using Federal Funds</u>

A. Goods

When the district uses federal funds for procurement of textbooks, the allowable self-certification is $50,000. When the district uses federal funds for procurement of **goods, including** furniture, supplies, and equipment:

- Purchases of $10,000 or less do not require quotes. However, must consider price to be reasonable based on research, experience, purchase history, or other information and

must document this determination. In addition, to the extent practical, purchases must be distributed equitably among suppliers.

- Purchases between $10,000 and $75,000 must be procured using price or rate quotations from three or more qualified sources.
- Purchases of $75,000 or more must be publicly solicited using its formal bidding procedure.

Self-Certification
If during a given fiscal year, the district qualifies as a low-risk auditee in accordance with criteria in 2 C.F.R. § 200.520, as determined by the auditor, or has documentation it received a low risk assessment after an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, then the district may use the following Self Certification thresholds instead of the ones described above:

- Purchases of $40,000 or less do not require quotes. However, the district must consider the price to be reasonable based on research, experience, purchase history or other information and must document this determination. In addition, to the extent practical, purchases must be distributed equitably among suppliers.
- Purchases between $40,000 and $75,000 must be procured using price or rate quotations from three or more qualified sources.
- Purchases of $75,000 or more must be publicly solicited using the district's formal bidding procedure.

If the district uses Self-Certification, the Superintendent will develop Self-Certification procedures to accompany this policy. Additionally, if the district qualifies for Self-Certification and wants to go above the $40,000 or $50,000 Self-Certification limits, the district reserves the right to seek approval for higher limits from OSPI.

B. Services
When the district uses federal funds for procurement of **services**:

- Purchases of $10,000 or less do not require quotes. However, the district must consider price to be reasonable based on research, experience, purchase history or other information and must document this determination. In addition, ~~and,~~ to the extent practical, purchases should be distributed equitably among suppliers.
- Purchases between $10,000 and $250,000 must be procured using price or rate quotations from a reasonable number of qualified sources.
- Purchases of $250,000 or more must be publicly solicited using the district's formal bidding procedure.

Self-Certification
If during a given fiscal year, the district qualifies as a low-risk auditee in accordance with criteria in 2 C.F.R. § 200.520, as determined by the auditor, or has documentation it received a low risk assessment after an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, then the district may use the following Self-Certification thresholds instead of the ones described above:

- Purchases of $50,000 or less do not require quotes. However, the district must consider the price to be reasonable based on research, experience, purchase history or other information and must document this determination. In addition, to the extend practical, purchases should be distributed equitably among suppliers.
- Purchases between $50,000 and $250,000 must be procured using price or rate quotations from a reasonable number of qualified sources.
- Purchases of $250,000 or more must be publicly solicited using sealed bids or requests for proposals.

If the district uses Self-Certification, the Superintendent will develop Self-Certification procedures to accompany this policy. Additionally, if the district qualifies for Self-Certification and wants to go above the $40,000 or $50,000 Self-Certification limits, the district reserves the right to seek approval for higher limits from OSPI.

C. Noncompetitive Procurement

Noncompetitive procurement may be used only when one of the following five circumstances applies:

- Acquiring property or services that do not exceed $10,000 (or in the case of a school district who qualifies as a low-risk auditee in accordance with criteria in 2 C.F.R. § 200.520 or has documentation of an annual internal institutional risk assessment to identify, mitigate, and manage financial risks, $40,000);
- The item is only available from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The awarding agency (e.g., OSPI) authorizes noncompetitive procurement in response to a written request from the district; or
- After solicitation of a number of sources, competition is determined inadequate.

The district must maintain documentation supporting the applicable circumstance for noncompetitive procurement.

D. Cost/Price Analysis

The district will perform a cost or price analysis in connections with every procurement action in excess of the federal simplified acquisition threshold, currently set at $250,000 or other limits identified in 48 CFR 2.101, including contract modifications. The method and degree of analysis is dependent on facts surrounding the procurement situation, but should include, as a starting point, independent estimates before receiving bids or proposals.

In cases where no price competition exists, and in all cases where the district performs the cost analysis, profit must be negotiated as a separate element in the process. To ensure profit is fair and reasonable, consideration must be given to the complexity of the work performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performances, and industry standard profit rates in the surrounding geographical area.

Costs or prices based on estimated costs for contracts are allowed only to the extent that the costs incurred or cost estimates would be allowable under 2 CFR 200.400 - .476.

E. Suspension and Debarment
Before entering into federally funded vendor contracts for goods and services that equal or exceed $25,000 and any subcontract award, the district will ensure the vendor is not suspended or debarred from participating in federal assistance programs.

F. Conflict of Interest
No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No employee, officer, or agent of the district may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal.

G. Interlocal Cooperation Act
In coordination with the Interlocal Cooperation Act, Chapter 39.34 RCW, the district may enter into cooperative purchasing agreements with other governmental entities or groups of governmental entities. These agreements may allow the district to purchase items using an existing agreement without going through the standard procurement bid requirements.

Prior to enactment of any agreement under this authority, the district will review the work of the governmental entity to ensure the following requirements are met:

1. The governmental entity conducted its own procurement process relating to the contract under consideration.
    a. The awarding entity must maintain adequate documentation on the procurement process for the contract under consideration.
    b. The awarding entity must have posted the bid notice on a website maintained by a public agency, purchasing cooperative, or other service provider, or posted a link on the state's web portal.
    c. The contracting agency must ensure that it met any procurement requirements laid out in 2 CFR §200.317 – 200.327.
2. The contract contains language that it is open for use by other entities and is not expired.
3. The specifications laid out in the contract match the specifications identified by the district. Any options that are agreed to in the contract are available to the district; any options that are not agreed to in the contract are not allowed.
4. Any cooperative agreement for public works projects contains the same specifications and that the scope of the work is essentially the same for the district as for the contract's signatory district.
5. Ensure the cost is reasonable based on a cost/price analysis.
6. The district must verify that the awarding entity is neither suspended nor debarred from participating in federal assistance programs.
7. The district must also verify that the contract contains all contract provisions described in 2 CFR §200.327 and Appendix II to Part 200.

Once the district has completed these steps, it may enter into an agreement with the other entity to utilize their contract. The contract must be signed by both parties prior to any procurement taking place on the part of the district.

H. Women and Minority-Owned Businesses
The district will ensure that it is providing every opportunity for businesses owned by women or minorities to submit bids on any contract. The district will maintain documentation of efforts to collect bids from women or minority-owned businesses as a part of the bidding process. The district will also ensure that any small works roster or similar list is open and available to participation by women or minority-owned businesses, and that such businesses on its small works roster are treated fairly and equally when requesting bids. The district will also include language requiring any prime contractor that employs subcontractors to show proof that it provides equal opportunity for bidding to women or minority-owned businesses.

I. Federal Agency or Pass-Through Entity Review
The district will maintain records of all purchases made using Federal funds and shall provide any and all documentation to the Federal awarding agency or the state pass-through entity for compliance with all rules and regulations.

III. <u>Procedures</u>
The superintendent or designee will establish bidding and contract awarding procedures consistent with state and federal law.

Legal References:	RCW 28A.335.190 Advertising for bids Competitive bid procedures Purchases from inmate work programs Telephone or written quotation solicitation, limitations Emergencies
	RCW 28A.400.330 Crimes against children Contractor employees Termination of contract
	RCW 39.04.155 Small works roster contract procedures Limited public works process Definition
	RCW 39.04.280 Competitive bidding requirements Exemptions
	RCW 39.26.160 Bid Awards - Considerations - Requirements and criteria to be set forth - Negotiations - Use of enterprise vendor registrations and bid notification system
	RCW 39.30.060 Bids on public works Identification, substitution of contractors
	Chapter. 39.34 RCW Interlocal Cooperation Act
	2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
	2 CFR 200.67 Micro-purchase
	2 CFR 200.88 Simplified Acquisition Threshold
	2 CFR 200.318 General Procurement Standards

2 CFR 200.320 Methods of Procurement to be Followed

2 CFR 3485 Nonprocurement Debarment and Suspension

2 CFR 200.520 Criteria for a low-risk auditee

2 CFR 200.324 Contract Cost and Price

2 CFR 200.321 Contracting with small and minority businesses, womens business enterprises, and labor surplus area firms.

2 CFR 200.325 Federal awarding agency or pass-through entity review.

Management Resources:

2021 - December Issue

2020 - December Issue

2019 - January 2019 - January Policy Alert

2018 - August Issue

2017 - July Issue

2016 - March Issue

2015 - October Policy Issue

2015 - June Policy Issue

2013 - June Issue

2012 - April Issue

2011 - February Issue

Policy News, October 2005 Competitive Bid Process Changes

Policy News, June 2001 Legislation Further Simplifies Bid Compliance

Adoption Date: 09.23.86
Washougal School District
Revised: 01.11.94; 09.27.94; 05.24.11; 05.22.12; 01.28.14; 10.20.15; 11.28.17; 06.25.19; 2.25.25

Procedure - Bid or Request for Proposal Requirements

Informal Competitive Bidding

For purchases of goods or services, other than public works, that fall within the district's range for informal bidding, the following process will be used.

1. The district will reach out to various sources to obtain quotations for the goods or services to be purchased.
2. The district will get quotations from no less than three different sources.
3. If there are not three sources available, the district will record the attempts to contact all available sources and document the limited number of sources.
4. Quotations shall be documented and be available for the public to review following the awarding of the contract.

Formal Competitive Bidding Process

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

1. The district will prepare clear and definite plans or specifications for the goods or services to be purchased.
2. The district will provide notice of the call for formal bids by publication in at least one newspaper of general circulation in the district once a week for two consecutive weeks.
    1. The notice will direct potential bidders to full bid requirements.
    2. The notice will provide notice of how sealed bids are to be received.
    3. The notice will also include information about the date, time, and place where bids will be opened.
3. 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;
4. Formal bid or proposal tabulations may be presented at a meeting of the board for study purposes;
5. The board will award a formal contract on the basis of staff recommendations;
6. 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, the board will return the items at the seller's expense and cancel the contract;
7. 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;

    1. The district may reject bids by resolution; and
    2. Provide notice of acceptable of further bids in the same manner as the original notice.
8. 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.
9. 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. Each year, the district will publish a notice of opportunity regarding the small works roster in at least one newspaper of general circulation in the district and then revise the small works roster accordingly. The district will also add responsible contractors to the small works roster any time a contractor submits a written request and necessary records. The application form shall be designed to collect such information as (l) name of contractor, (2) state of Washington contractor's license number, (3) bonding verification, (4) liability insurance coverage, (5) related contracts completed, and (6) references (bond and clients). Contractors desiring to be placed on or remain on the small works roster are required to keep current records of applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the district.

<u>Small Works Process</u>

For public works contracts that are under $350,000 exclusive of state sales tax, the district may utilize a small works roster for the project.

In establishing the small works roster, the district must require contractors wishing to be placed on the roster to indicate if they are women, minority, or veteran-owned, or meet statutory definitions of a small business. The district will either create its own small works roster or it may, through interlocal agreements, use small works rosters created by another district or governmental entity.

All solicitation for bids or direct contracts shall include a scope of work that includes the nature of the work as well as materials and equipment to be furnished. It is not necessary to have detailed plans and specifications.

For any work being done through a small works roster, the district will secure written or electronic quotations to ensure that a competitive price is obtained. The district will award the contract to the lowest responsible and responsive bidder. For small works contracts under $150,000 not including sales taxes, the district may directly contract with a contractor meeting the statutory definition of a small business as follows:

1.
    1. If the district’s small works roster has six or more small businesses, the district must rotate through the businesses on the roster and must utilize different contractors for different projects.

2. If there are five or fewer small businesses on the roster, the district may choose to directly contract with any of the businesses.
3. In all cases, the district must contact any small, minority, women, or veteran-owned businesses on the roster when using this method.

If the contract is under $5,000, there is no requirement for retainage or performance bonds. For any other small works process, the district may waive or reduce the retention requirements by assuming the liability for any non-payment of labors, mechanics, subcontractors, materialpersons, suppliers, taxes and any penalties relating to these.

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

A. 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.

B. 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:

1. At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;
2. Have a current state unified business identifier number;
3. 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;

4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3);
5. 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;
6. 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
7. 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).

C. For any public works contract, the district shall retain a portion of the amount paid to the contractor, based on the following guidelines:

1. For any contract awarded using the small works roster procedure that is valued under $5,000, the district may waive retainage.
2. For any contract under $150,000, the district may retain ten percent (10%) of the contract in lieu of a payment and performance bond.
3. For any other contract, the district will retain five percent (5%) of the contract until such time as the project has been accepted as complete and all liens released.
4. The contractor may submit a bond to cover amounts that would otherwise be retained by the district.
5. Amounts retained by the district will either:
    a. Be held in a fund by the district;
    b. Be deposited in an interest-bearing account for the contractor; or
    c. Be deposited in an escrow account for the investment in bonds and securities as identified by the contractor.

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 secretary sign the contract on behalf of the board and record the action in the minutes. All contracts will provide that, in the event that 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.

When purchases are made with Federal funds, the district will follow these additional guidelines and procedures.

1.
    1. The district will, to the greatest extent practicable, ensure that goods, products, or materials are produced in the United States (2 CFR 200.322).
    2. When bids or competitive solicitation is required, the district will ensure that the requirements are not written in such a way as to prevent competition, such as specifying a name brand of item (2 CFR 200.319).
    3. The district will ensure that there are enough qualified sources to ensure maximum open and free competition, and that potential bidders are not unjustly precluded from bidding (2 CFR 200.319).
    4. All contracts shall include the following provisions in the contract language, as applicable (2 CFR Appendix II to Part 200):
        A. It must address remedies for instances where contractor violate the terms of the contract.
        B. If in excess of $10,000, it must include language addressing termination for cause.
        C. It must include an Equal Employment Opportunity clause.
        D. If the contract is for a public work project, language that the Davis-Bacon Act will be followed, mandating that laborers and mechanics shall be paid at the prevailing wage rate.
        E. If the contract is in excess of $100,000, language must be included for overtime payments for laborers and mechanics who work in excess of 40 hours per week, and that they will not be required to work in unsanitary, hazardous, or dangerous conditions.
        F. If the contract is in excess of $150,000, it must include language that requires adherence to the standards of the Clean Air Act and the Federal Water Pollution Control Act.
        G. That the contractor, and any subcontractors, are not suspended or debarred from receiving Federal funding.
    5. If the district is using Federal funds for a construction or public works project, the district will ensure the contractor pays prevailing wages pursuant to the Davis-Bacon Act (40 USC 3141 *et seq.*, 29 CFR 5.5). This includes receiving and retaining certified payroll records from the contractor and any subcontractor(s) on the project.

When procuring food for all child nutrition-related programs, the district will follow these additional guidelines.

1. Purchases of food should include, to the maximum extent possible, items that meet the requirements of being domestically grown or substantially produced in the United States. Substantially produced means over 51% of the processed food comes from products produced in the United States.
2. The district may include language providing for a preference for unprocessed food purchased for child nutrition program to be grown locally.
    a. "Locally" shall include "Washington grown" in accordance with RCW 15.64.060.
    b. "Unprocessed" means the food that is delivered to the district retains its inherent character, as defined in 7 CFR 210.22(g)(2), 7 CFR 215.14a(e), 7 CFR 220.16(f)(2), 7 CFR 225.17(e)(2), and 7 CFR 226.22(n)(2), as applicable to the appropriate program.
    c. Such language preference may include a provision to award contracts to companies that are not the lowest responsive, responsible bidder in an effort to meet these provisions.

To the extent it is practicable to do so, the district will ensure that materials purchases of supplies made with Federal funds contain the highest levels of recovered materials possible, under the Solid Waste Disposal Act.

Washougal School District
Date: 02.25