

# Race to the Top-District Procurement Quote and Bid Thresholds

October 21, 2013

# Federal Requirements

- Purchases using RTTT-D Federal money must conform to Federal requirements covered in EDGAR §80.36.
- Use Federal requirements unless State or District requirements are more strict.

# Federal Procurement – EDGAR

## §80.36

- (d)(1) – Small purchase procedures
  - Purchasing services less than \$100,000, or property or supplies less than \$75,000\*.
  - SAO has “rule of thumb” of \$3,000 minimum.
  - Price or rate quotations obtained from adequate number of qualified sources. PSESD recommends “Adequate number of qualified sources” as a minimum of 3 quotes.

\* State law is more restrictive for supplies/property purchases between \$75,000 and \$100,000.

# Federal Procurement – EDGAR

## §80.36

- Competitive sealed bids are required for purchases of services over \$100,000 or property/materials over \$75,000\*.
  - Invitation to bid must be publicly advertised.
  - Sealed bids are opened at time and place specified.
  - Awarded to lowest responsive and responsible bidder.
  - Any or all bids may be rejected if there is a sound, documented reason.

\* State law is more restrictive for supplies/property purchases between \$75,000 and \$100,000.

STATE PURCHASING LAWS RCW 28A.335.190		FEDERAL PURCHASING LAWS EDGAR §80.36	
SUPPLIES/PROPERTY	SERVICES	SUPPLIES/PROPERTY	SERVICES
Over \$75,000 Competitive Bids Required	No statutory requirements for bidding services.	Over \$75,000 Competitive Bids Required	Over \$100,000 Competitive Bids Required
\$40,000 to \$75,000 Competitive Quotes Required		Less Than \$75,000 Small Purchase Procedures	Less Than \$100,000 Small Purchase Procedures
Under \$40,000 No formal bid require- ments.		SAO \$3,000 "minimum"	SAO \$3,000 "minimum"

# Sole Source – EDGAR

## §80.36

- (d)(4) – Procurement by noncompetitive proposals
- Award is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:
  - A. The item is available only from a single source;
  - B. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - C. The awarding agency authorizes noncompetitive proposals; or
  - D. After solicitation of a number of sources, competition is determined inadequate.

# Sole Source

- Document, document, document. Justification must be in writing.
- Who approves the justification?
- Vendor or contractor cannot provide sole source justification.
- Naming a vendor or contractor in a district's RTTT-D investment funds proposal does not justify a sole source nor does it satisfy procurement requirements.