Chapter 132F-164 WAC

BIDDING PROCEDURES FOR PURCHASING AND CONTRACTING

WAC

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WAC 132F-164-010 Promulgation. Pursuant to the authority granted by RCW 43.19.190 and chapter 34.04 RCW the Seattle Community College District hereby promulgates the following rules and regulations with respect to bidding, bids, and contracts.

[Order 11, § 132F-164-010, filed 4/19/73.]

WAC 132F-164-020 Bids. A bid describes the requirement of the district accurately and completely in an attempt to describe materials in such a way as to enhance competition. Bids will be prepared in such a way as to avoid unnecessary restrictive specifications or requirements. Insofar as practicable, competitive formal sealed bids shall be used as standard procedures for all purchases, utilizing the following guidelines:

(1) Items to be purchased at any one time are greater than $500.

(2) There are sufficient qualified bidders to enable competitive pricing.

(3) The requirements of the purchaser can be described clearly, accurately, and completely.

(4) There is sufficient time to process the bid.

[Order 11, § 132F-164-020, filed 4/19/73.]

WAC 132F-164-030 Bid forms. Bid documents, depending on materials to be purchased, may vary. As a general practice, however, all bids as received from vendors shall be filled out in ink or by typewriter and they must be signed by an authorized representative. Unsigned bids will be rejected at the time of bid opening. Bids may include, but are not limited to the advertisement to the bid, the invitation to bid, the specifications and divisions thereof, instructions to bidders, general terms and conditions, special conditions, technical specifications, and any addenda issued thereto.

[Order 11, § 132F-164-030, filed 4/19/73.]

WAC 132F-164-040 Bid lists. Bid lists for various commodities may be maintained by the district, and this information may be exchanged between state agencies and institutions. (Note: It is obvious that for geographical reasons, some vendors names will appear on bid lists of some institutions and not on others, so that the addition or deletion of names from a bid list will consider biographical advantages as well as competitive advantage.)

[Order 11, § 132F-164-040, filed 4/19/73.]

WAC 132F-164-050 Opening of bids. An official bid opening officer will pick up the days bids to be opened from the bid clerk, proceed to the bid room at the designated opening time and, along with an assistant or witness, open each bid envelope for a particular bid.

[Order 11, § 132F-164-050, filed 4/19/73.]

WAC 132F-164-060 Receipt and safeguard of bids. All bids will be received by the designated bid clerk, immediately date-stamped and filed appropriately. Should a bid be received that is not in a properly identifiable envelope and inadvertently opened, the bid will be immediately resealed by the person opening the bid, dated and signed.

[Order 11, § 132F-164-060, filed 4/19/73.]

WAC 132F-164-070 Cancellation prior to opening. Should the requirements of the district change prior to the opening of the bid, the bid may be cancelled by issuing an addendum.

[Order 11, § 132F-164-070, filed 4/19/73.]

WAC 132F-164-080 Late bids. A bid that is received in the purchasing department and time-stamped after the exact time set for opening will be categorized as a "late bid." Late bids will be returned to the bidder unopened. It is the bidder's responsibility to ensure that his bid is received within the purchasing department prior to the opening time specified on the bid.

[Order 11, § 132F-164-080, filed 4/19/73.]

WAC 132F-164-090 Acceptance/rejection of bids. The district reserves the right to accept or reject bids on each item separately or as a whole, to reject any or all bids, to waive informalities, irregularities, and to contract as the best interests of the district may require.

[Order 11, § 132F-164-090, filed 4/19/73.]

WAC 132F-164-100 Miscellaneous procedures for soliciting of bids. (1) Bid time. Normally, fourteen calendar days will be allowed from the date of mailing to the bid opening date. The time for opening bids will be set by the district. No telephonic or telegraphic bids will be accepted unless noted on the bid form.

(2) The bid envelope or label provided by the district will be used. If it is not used, the required information shall be recorded on the face of the envelope by the bidder to ensure proper handling within the purchasing department.

(3) Bidders may request modification to bid specifications at any time prior to bid opening. Acceptance by purchaser of modification shall take the form of addenda issued to all bidders.

(4) Addendum to bids. If it becomes necessary to make changes in quantities, specifications, delivery schedule, opening date, etc., or to correct, such changes shall be accomplished by an addendum and all individuals receiving the original bid shall be notified. Before issuing an addendum to a bid, the time remaining until bid opening must be reviewed, and if insufficient time exists, the bid opening date will be extended.

(5) Any information given to a single prospective bidder which amends the terms and conditions of the bid shall be furnished promptly to all prospective bidders.

(6) No bid bond in the form of cash will be accepted.

[Order 11, § 132F-164-100, filed 4/19/73.]

WAC 132F-164-110 Responsiveness. A bid, to be considered for award, must comply in all material respects to the specifications and terms of that bid. Bids should be filled out, executed, and submitted in accordance with the instructions contained therein. If a bidder uses his own form or a letter to submit a bid, that offer may be considered, if the bidder accepts the original terms and conditions.

[Order 11, § 132F-164-110, filed 4/19/73.]

WAC 132F-164-120 Sealed bid formalities. Bid documents will clearly indicate that the purchaser has the right to reject any or all bids, waive informalities or irregularities with respect thereto, and to contract in the best interest of the district. The following is a list of formalities which will not be waived:

(1) Bids received after the bid opening date and time indicated on the bid document will be returned to the bidder unopened. Bids postmarked prior to bid opening time, but not received, will not be considered. Telephoned or telegraphed bids and alterations, except for unconditional withdrawals, will not be considered unless authorized in the bid terms and conditions.

(2) Bids received that have not been signed by an authorized agent.

(3) Bid bonds, if required, not included with the bid.

[Order 11, § 132F-164-120, filed 4/19/73.]

WAC 132F-164-130 Informalities or irregularities in bidding. An informality or irregularity in bidding is one which is merely a matter of form and/or is some immaterial variation from the exact requirements of the invitation for bid, having no effect (or merely a trivial or negligible effect) on price, quantity, quality, or delivery of the desired materials and the correction or waiver of such irregularity or informality will not affect the relative standings of, or be otherwise prejudicial to bidders. The buyer shall either give the bidder an opportunity to correct any deficiency resulting from an informality or irregularity or waive any such deficiency where it is to the advantage of the institution. The following examples of informalities or irregularities may be waived:

(1) Failure to include sales brochure for complete description.

(2) Inclusion of a letter bid as well as standard invitation to bid form.

(3) Vendor's standard terms and conditions variance from agency's terms and conditions.

[Order 11, § 132F-164-130, filed 4/19/73.]

WAC 132F-164-140 Safekeeping of bids. Sealed bids, received from a bidder will be held by the purchasing department until the time and place of bid opening at which time a record of the bids received and a recap may be made.

[Order 11, § 132F-164-140, filed 4/19/73.]

WAC 132F-164-150 Mistakes in bids. The buyer shall examine all bid forms for mistakes. In cases of apparent mistakes (where the buyer has reason to believe that a mistake has been made) he shall request from the bidder a clarification, calling attention to the suspected mistake. If the bidder acknowledges a mistake, the matter shall be resolved to the satisfaction of the buyer, either by having the bidder withdraw or by acceptance.

[Order 11, § 132F-164-150, filed 4/19/73.]

WAC 132F-164-160 Use of brand names. Brand name specifications may be used only on the basis of "or equal" consideration. Brand names are to be used to establish standards of quality and are not meant to be restrictive.

[Order 11, § 132F-164-160, filed 4/19/73.]

WAC 132F-164-170 Public information. Normally, information submitted by the bidders during the bidding process shall become a matter of public record.

[Order 11, § 132F-164-170, filed 4/19/73.]

WAC 132F-164-180 Alteration of bids prohibited. Bids may not be completed, amended, or clarified on the face of the bid after the official bid opening time.

[Order 11, § 132F-164-180, filed 4/19/73.]

WAC 132F-164-190 Delivery date guarantee. A guarantee of delivery date must be specified on the invitation to bid and failure to perform in accordance with that schedule shall be a breach subject to the reimbursement to the district by the vendor for any cost, expenses, or loss sustained as a result thereof.

[Order 11, § 132F-164-190, filed 4/19/73.]

WAC 132F-164-200 Breach of contract. In the event of a breach by a vendor of any of the provisions of a contract, the district reserves the right to cancel and/or terminate the

contract forthwith, upon giving oral or written notice to the vendor with the right to collect a monetary sum of liquidated damages if specified in the contract.

[Order 11, § 132F-164-200, filed 4/19/73.]