Chapter 200-310 WAC

RELATIONSHIP AND PROCEDURES BETWEEN DIVISION OF PURCHASING AND STATE AGENCIES

WAC

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WAC 200-310-001 Purpose. The purpose of this chapter is to outline the purchasing structure within the state of Washington and to identify the responsibilities of, and relationships between, those purchasing activities. The requirements by which state agencies shall conduct their acquisitions are outlined in general authorities delegated by the office of state procurement and/or via policy outlined by higher educational facilities.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-310-001, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 99-15-070, § 236-49-001, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. WSR 89-17-094 (Order 89-02), § 236-49-001, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-001, filed 1/28/77.]

WAC 200-310-010 Definitions. As used in this chapter the following terms shall have the following meanings; additional terms shall have meanings as outlined under WAC 236-48-003:

(1) Materials management center. That activity managed by the department of general administration office of state procurement whose function is to provide for the:

(a) Centralized storage and distribution of commonly used supplies and equipment to ensure administrative efficiency and economy in such purchases by state agencies;

(b) Centralized storage of agency goods, backhaul of agency goods from remote locations to Olympia and management of the administration and distribution of the emergency food assistance program (TEFAP) funding and food commodities in accordance with federal regulations.

(2) Political subdivision. Any agency, political subdivision, or unit of local government of Washington state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of Washington state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state of the United States.

(3) Public benefit nonprofit corporation. An entity registered with the office of secretary of state as outlined by RCW 39.34.055 which maintains a tax exempt status under 26 U.S.C. Sec. 501 (c)(3) with the Internal Revenue Service and which is receiving local, state or federal funds either directly or through a political subdivision.

(4) Purchase order. A standard state form used by the office of state procurement and institutions of higher education and signed by an authorized official of the purchasing activity which notifies the contractor to provide the stated material, equipment, supplies, or services under the terms and conditions set forth thereon or as outlined in the contract.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-310-010, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 99-15-070, § 236-49-010, filed 7/19/99, effective 8/19/99; WSR 91-09-034, § 236-49-010, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. WSR 89-17-094 (Order 89-02), § 236-49-010, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-010, filed 1/28/77.]

WAC 200-310-020 Washington state purchasing structure. The office of state procurement has been charged by the legislature with the responsibility to purchase all goods and/or services needed for the support, maintenance and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Colleges, community colleges and universities have statutory authority for conducting their own acquisitions but shall implement policies and procedures which adhere to statutory provisions and legislative intent outlined under applicable sections of chapter 43.19 RCW. The legislature has the responsibility of making purchases necessary for the operation of the legislature.

The office of state procurement has authority to delegate to state agencies other than institutions of higher education authorization to purchase or sell goods or services required by that agency which agencies may purchase and shall identify guidelines by which those agencies shall conduct their acquisitions. Agencies receiving delegation of authority must remain in substantial compliance with procurement statutes, regulations and requirements outlined by the office of state procurement to obtain continued delegation of authority.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-310-020, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 99-15-070, § 236-49-020, filed 7/19/99, effective 8/19/99; WSR 91-09-034, § 236-49-020, filed 4/12/91, effective 5/13/91. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. WSR 89-17-094 (Order 89-02), § 236-49-020, filed 8/22/89, effective 9/22/89; Order 77-2, § 236-49-020, filed 1/28/77.]

WAC 200-310-055 Preference for correctional industries Class II products. The following provisions outline purchase requirements for correctional industries, Class II goods and services:

(1) Correctional industries will identify the goods and services available for purchase through the office of state procurement and confirm the same in writing to the director of the department of general administration at least one hundred twenty days before the expiration of any existing contract(s). The writing from correctional industries will include a

request that the office of state procurement tender to correctional industries a mandatory use contract to sell these goods and services to state agencies, the legislature and departments in accordance with RCW 43.19.534. A mandatory use contract as defined in the procurement document will be executed between the office of state procurement and correctional industries that complies with state law and covers all specified Class II goods and services that are produced in whole, or in part, by correctional industries.

(2) All goods and services covered by the general administration mandatory use contract are to be purchased from correctional industries. General administration will administer these contracts.

(3) Any state agency, branch of the legislature or department may apply for an exemption from the correctional industries purchase preference by using the form developed by general administration. If the request for exemption is approved, that approval shall apply for the specified product or product line for a period of one year from the date of approval of the exemption. The approval shall apply to all customers of that agency requesting that product or product line.

(4) However, goods or services produced by Class II correctional industries programs which primarily replace goods manufactured or services obtained from outside the state of Washington are not subject to the criteria contained in subsection (3) of this section, and shall be purchased solely from correctional industries.

(5) Correctional industries, Class II purchasing requirements supersede the second proviso of RCW 43.19.190(2), where correctional industries offers the goods or services through state contract and the goods are manufactured and/or services are obtained from outside the state of Washington.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-310-055, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 99-15-070, § 236-49-055, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.534. WSR 94-21-017, § 236-49-055, filed 10/6/94, effective 11/6/94.]

WAC 200-310-060 State purchasing cooperative. The office of state procurement may establish a state purchasing cooperative composed of state agencies, political subdivisions and authorized private nonprofit entities. The office of state procurement may also enter into agreements with other purchasing cooperatives outside the state as it deems appropriate. Authorized entities desiring to purchase goods or services from contracts or purchases administered by the office of state procurement shall first ensure current membership in the state purchasing cooperative. Participants may utilize state contracts, participate in procurement training activities sponsored by the office of state procurement and benefit from staff expertise and/or assistance in administering their own procurement programs. The office of state procurement shall fully recover costs of administering this program from members.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-310-060, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 43.19 RCW. WSR 99-15-070, § 236-49-060, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 43.19.180 - 43.19.1932 and 43.19.520 - 43.19.538. WSR 89-17-094 (Order 89-02), § 236-49-060, filed 8/22/89, effective 9/22/89. Statutory Authority: Chapter 43.19 RCW. WSR 83-18-004 (Order 83-03), § 236-49-060, filed 8/26/83.]