NEW CONTRACT ABSTRACT

18142  KCDA

Purchasing Services

4/19/2002  to  4/19/2030

$0.00

Purchase Agreement

Signed by:  GROPP

☐ OFM Filing  Filer's Initials

☐ OFM Filing

Retention Date:  4/19/2037

9/8/2010
INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT
WASHINGTON STATE UNIVERSITY - PULLMAN

PURSUANT TO CHAPTER 39.34 RCW and to other provisions of law, the King County Directors' Association Purchasing Department, hereinafter called "KCDA", and the following named public agency of the State of Washington, WASHINGTON STATE UNIVERSITY - PULLMAN, after called "the public agency", hereby agree to cooperative governmental purchasing upon the following terms and conditions:

1. KCDA, in contracting for the purchase of goods and services for the member public school districts, agrees to contract also on behalf of the public agency, to the extent permitted by law and agreed upon by the parties.

2. KCDA will contract for the purchase of goods and services according to the laws and regulations governing purchases by and on behalf of the public school system of the State of Washington. The public agency accepts responsibility for compliance with any additional or varying laws and regulations governing purchases by or on behalf of the public agency in question.

3. The public agency reserves the right to contract independently for the purchase of any particular class of goods or services, with or without notice to KCDA.

4. KCDA reserves the right to exclude the undersigned public agency, or any class containing the undersigned public agency, from any particular purchasing contract, with or without notice to the public agency.

5. The public agency agrees to pay for goods and services as billed by KCDA upon completion of transfer of goods per normal terms as established by KCDA. Any additional expense incurred by KCDA in regards to any transaction for the public agency shall be paid by the public agency.

6. This agreement shall continue in force until cancelled by either party, which cancellation may be effected with or without notice to the other party.

7. Contacts:

A. Public Agency: WASHINGTON STATE UNIVERSITY - Purchasing Services
   Name of Individual: R. Wight, CPA, APP
   Phone: (509) 335-1494
   Fax: (509) 335-7765

B. KCDA
   18688 80th Ave. S. (98032)
   P.O. Box 5550
   Kent, WA 98034-5550
   (425) 251-6115
   1-800-422-6019
   Fax (425) 251-8437
   E-Mail www.kcda.org

Date: 4/19/02
Public Agency Name: WSU
Address: 220 French Adm. - Pullman, WA 99164-1020
Printed Name: R. Wight
Signature: J. Arrasmith
Title: Purchasing Manager
Telephone Number: 509-335-1494
Fax Number: 509-335-7765
E-Mail Address: R. Wight@WSU.EDU

KCDA General Manager 4/24/02

Please sign & return for confirmation.
Fax

To: Yvonne Wight  From: Kelly Waltenburg
Washington State University  Purchasing Agent

Fax: 509-335-7745  Date: December 1, 2005
Phone:  Pages: Including cover page
Re:  CC:

☐ Urgent  ☑ For Review  ☐ Please Comment  ☐ Please Reply  ☐ Please Recycle

Comments:

Following is the original signed copy of our agreement signed by our General Manager on 4/24/02.

Respectfully,

Kelly Waltenburg
November 15, 2005

KCUDA
Attention: Kim Powell, Secretary
18639 80th Avenue So. (98032)
PO Box 5550
Kent, WA 98064-5550

Dear Kim:

In reviewing my records of the Intergovernmental Cooperative Purchasing Agreement with KCUDA, I do not have a signed copy of acknowledgement by the KCUDA General Manager.

Perhaps you have a copy of my correspondence dated April 22, 2002. I enclose a copy for your reference which accompanied our signed copy of this agreement. If you have an updated version, by all means please fax it to me @ 509-335-7765 so we may update and officiate our records.

Please fax the signed agreement to the number above at your earliest convenience. May I also confirm our account code as #1395. Many thanks.

Sincerely,

Yve Yvonne Wight, C.P.M.
Buyer II
INTERSTATE ASSOCIATE MEMBERSHIP AGREEMENT
BETWEEN KING COUNTY DIRECTORS’ ASSOCIATION AND

Whereas, King County Directors’ Association is authorized by RCW 39.34 to enter into an agreement with other public agencies to purchase any and all merchandise otherwise available to public school districts; and

Whereas, the _____________ desires to enter into an agreement with King County Directors’ Association authorizing said institution to purchase supplies, equipment and materials through King County Directors’ Association; now therefore,

It is mutually agreed as follows:

1. King County Directors’ Association (hereinafter referred to as "KCDA"), hereby agrees to sell to the undersigned institution supplies, equipment and materials, hereinafter referred to as "goods", as set forth in its current catalog(s), from existing inventory and special purchases, at current cost factors plus variable administrative fees for services rendered.

2. The undersigned institution agrees to pay for all items purchased within forty (40) days from the date of shipment from KCDA’s warehouse or supplier.

3. Title to goods (except for the security interest retained under the Uniform Commercial Code, Title 62 RCW) shall pass on shipment or delivery to a common carrier, whichever occurs earlier, and all risk of loss shall pass to the purchaser on shipment or delivery to a common carrier.

4. In the event it is necessary for KCDA to employ the services of an attorney to enforce any provision hereof, or to collect any money due under the terms hereof, the purchaser agrees to pay the reasonable cost thereof including all costs and fees incurred in connection therewith. In the event it is necessary for KCDA to commence a legal action with respect to the enforcement of this agreement, the parties stipulate as follows:
   (a) the contract was formed in the State of Washington;
   (b) the contract shall be construed in accordance with the laws of the State of Washington; and
   (c) the action shall be commenced and tried in the superior court for King County, Washington.

5. It is further understood and agreed that KCDA is obligated to supply equipment, materials and supplies only if available and to secure the same at the best prices possible and that KCDA will not be liable to the undersigned institution in the event it is unable to supply or provide any supplies, materials or equipment requested by the undersigned institution.

6. Either party may cancel this agreement on thirty (30) days written notice or five (5) days notice for late payment.

7. The undersigned institution does not claim any proprietary interest of any nature whatsoever in KCDA or any funds or assets held by KCDA, and it is further agreed that the undersigned institution will not be liable for any of the general obligations of KCDA and shall be limited with respect to its liability to the extent provided for herein.

8. In the event KCDA is determined to be subject to any additional tax, charges or fees by the State of Washington or other municipal governmental entities as a result of entering into this agreement, the undersigned institution agrees to pay in addition to all other amounts specified herein the additional tax, whether B & O tax, sales tax, or other excise tax, or any other tax, and in addition, agrees to indemnify and hold KCDA harmless with respect to defending any action brought by the Department of Revenue or any other state or municipal entity claiming that such tax(s) is/are due, including attorney’s fees and costs incurred therein.

9. Time is of the essence to this Agreement.

10. The undersigned institution agrees to abide by all of the general rules and regulations and policies of KCDA as heretofore or hereafter adopted, including as provided for in the interlocal agreement which authorizes the formation of KCDA under RCW 39.34, and including amendments thereto.

Dated this ____________ day of _________________________, 2007

School District/Public Agency Name:

By (signature of person authorized):

Print above name:

Title (of above person):

Physical Address:

Phone:

County in which located:

Fax Number:

E-Mail Address


KCDA Chief Financial Officer ____________________________ Date ____________________________
April 22, 2002

KCDA
Attn: Kim Powell, Secretary
18639 80th Avenue So. (98032)
P.O. Box 5550
Kent, WA 98064-5550

Dear Kim:

Enclosed is the Intergovernmental Cooperative Purchasing Agreement with original signature. If you would fax our school account code number to me @ 509-335-7765 then it may be referenced on the purchasing documents and would be most appreciated. We anticipate receipt of your catalog and our alliance in future acquisitions.

My gratitude to you and Ron Ricketts for your informative and helpful assistance.

Sincerely,

Yvonne K. Wight

Yve Yvonne Wight, C.P.M., A.P.P.
Buyer II

CC: V. Arrasmith, Purchasing Manager
INTergovernmentAL COOPERATIVE
PURCHASING AGREEMENT
WASHINGTON STATE UNIVERSITY - PULLMAN

PURSUANT TO CHAPTER 39.34 RCW and to other provisions of law, the King County Directors' Association Purchasing Department, hereinafter called "KCDA," and the following named public agency of the State of Washington, WASHINGTON STATE UNIVERSITY - PULLMAN after called "the public agency," hereby agree to cooperate governmental purchasing upon the following terms and conditions:

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2. KCDA will contract for the purchase of goods and services according to the laws and regulations governing purchases by and on behalf of the public school system of the State of Washington. The public agency accepts responsibility for compliance with any additional or varying laws and regulations governing purchases by or on behalf of the public agency in question.

3. The public agency reserves the right to contract independently for the purchase of any particular class of goods or services, with or without notice to KCDA.

4. KCDA reserves the right to exclude the undersigned public agency, or any class containing the undersigned public agency, from any particular purchasing contract, with or without notice to the public agency.

5. The public agency agrees to pay for goods and services as billed by KCDA upon completion of transfer of goods per normal terms as established by KCDA. Any additional expense incurred by KCDA in regards to any transaction for the public agency shall be paid by the public agency.

6. This agreement shall continue in force until cancelled by either party, which cancellation may be effected with or without notice to the other party.

7. Contacts:

   A. Public Agency: Washington State University - Purchasing Services
      Name of Individual: DONNIE WIGHT, CPM, APP, Buyer II
      Phone: 335-1494
      Fax: 335-1494

   B. KCDA
      18538 80th Ave. S. (98032)
      P.O. Box 6550
      Kent, WA 98064-6550
      (425) 251-8115
      1-800-422-5019
      Fax (425) 251-8437
      E-Mail www.kcda.org

Date: 4/19/02
Public Agency Name: WSHS
Address: Purchasing Services
           220 French Ave. - Pullman, WA 99164-1030
Printed Name: DONNIE WIGHT, CPM, APP
Signature: JMAASMITT
Title: Buyer II
Telephone Number: 509-335-1494
Fax Number: 509-335-71165
E-Mail Address: WIGHT@WSU.EDU

Please sign & fax back for Confirmation

KCPA General Manager
Date: 4/24/02

School Code: Ofsr # + Cat:
1814 Line Item:
Christine O. Gregoire  
ATTORNEY GENERAL OF WASHINGTON  
1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100  

MEMORANDUM  

April 2003  

TO: Corine Pennington, SAO Manager  
Team Audit Support.  

FROM: Brian Buchholz, AAG  

SUBJECT Interlocal Agreements and Bid Piggybacking  

Stacia Hollar has asked that I respond to your request for reconsideration and clarification of earlier advice we provided regarding the following question:  

Does a local government have authority to utilize the bid proposal received by another local government entity without first entering into an interlocal agreement with that entity?  

Our current interpretation of the law is that, although such an agreement may be a good business practice to ensure compliance with particular bid law requirements, it is not legally necessary to have entered an interlocal agreement prior to utilizing another entity’s contract.  

ANALYSIS  

Initially, it should be noted that there is a diversity of opinion on this issue in the local government legal community. We believe the following general principles should be kept in mind when addressing this issue: (1) many local governments may exercise those powers either expressly granted or necessarily implied from express grants of authority; (2) code cities and charter counties may generally exercise any powers capable of exercise by such an entity unless otherwise limited by law; and (3) there is a strong public policy in this state favoring application and enforcement of competitive bidding laws.  

Local government competitive bidding statutes are found throughout the Revised Code of Washington in those chapters relating to different types of local government entities. The specific requirements for conducting bidding vary by entity, necessitating reference to each particular entity’s specific bidding requirements to determine what (if any) statutory bidding requirements exist. In our opinion, an entity making a purchase bears the burden of establishing that the purchase has been made in compliance with bidding requirements.  

Purchases may be made pursuant to joint purchasing contracts or programs entered by two or more public agencies. Under ch. 39.34 RCW, the Interlocal Cooperation Act, two or more public agencies are authorized to exercise their powers jointly. RCW 39.34.030(1); 39.34.080. However, each participating agency must have the power to do individually what it agrees to do jointly. This Office has consistently advised that ch. 39.34 RCW permits public agencies to enter into interlocal agreements to do jointly only what each agency could do independently. The statute does not broaden the powers of public agencies or relieve them of their statutory obligations. See AGO 1991 No. 19 at 6-7; AGO 1988 No. 19 at 5; AGO 1979 No.
Wight, Yve

To: Gropp, Patty
Cc: Arrasmith, Vickie; Berry, Pam
Subject: FW: KCDA Contract Usage

Patty, here is the essence of my email response to Vicky for Hal. Have included material for you from the KCDA website along with membership roster which includes not only WSU but U of W, WWU and EWU. Perhaps you could take a look from your laptop or recommend that Hal check it out at WWW.KCDA.ORG. Yve
PS One of the conditions we negotiated with our vendors was that they would handle/pay any fees related to use of this contract. No PO has every been issued for such fees nor invoice received; this is between the vendor and KCDA.

From: Wight, Yve
Sent: Tuesday, August 01, 2006 2:04 PM
To: Arrasmith, Vickie
Subject: RE: KCDA Contract Usage

We have been through this numerous times. Interesting he doesn’t say how they may not comply. We, you and I, signed off on the KCDA documents, along with Rod Ramer who has the actual bid documents, several years ago. This contract has saved the University thousands of dollars. All of our major vendors offer KCDA pricing and utilize it’s price structure when it’s less than state contract pricing...which is often. At this point, I suggest they prove otherwise. It is established as the King County District Authority pricing for K-12 and utilized by all eligible school districts, Community Colleges and Higher Ed. They have been missing out all this time?!! Shame on them. Yve

From: Arrasmith, Vickie
Sent: Sunday, July 30, 2006 8:35 AM
To: Wight, Yve
Subject: FW: KCDA Contract Usage

Second request - I'd like to discuss this again before responding to Hal.

V. M. Arrasmith, C.P.M.
Director of Purchasing
Washington State University
Pullman, WA 99164-1020
vickie@wsu.edu
Phone 509-335-3541
Fax 509-335-7765

From: Hal Verrell [mailto:Hal.Verrell@wwu.edu]
Sent: Saturday, July 29, 2006 11:25 AM
To: Wight, Yve
Cc: Gropp, Patty; Arrasmith, Vickie
Subject: KCDA Contract Usage

I have been advised by my copier support group that you have used a KCDA contract to acquire some of your

8/8/2006
copiers. We had always been of the opinion that KCDA contracts did not qualify for use by us due to the fact they don't meet some of the qualifications for competition. Had you guys found a way through this, I did understand that KCDA had done a lot to try to be in compliance, but I wasn't sure they were there. My copier person is hounding the heck out of me on this, so any input you have would be greatly appreciated.

Hal Verrell, Director, Purchasing & Contracts
Western Washington University
e-mail - hal.verrell@wwu.edu
Tel: 360-650-3127
Fax: 360-650-6810
Gropp, Patty

From: Gropp, Patty  
Sent: Wednesday, August 16, 2006 5:35 PM  
To: "Hal Verrell"  
Subject: RE: KCDA Contract Usage

Hal,

We did miss you at the Pack Forest. It was a good meeting. I brought up the KCDA issue at the end during the "other topics of interest" time. The talk around the table was that AAG’s have different interpretations of the law, and that results in what amounts to a double standard. Seems odd to me, but here’s what Yvonne reported to me:

WSU has an Intergovernmental Cooperative Purchasing Agreement with KCDA, signed in 2002. We utilize only the copier contract. All of the state contract copier vendors we use have KCDA pricing. It is often better than state contract pricing. Each of these vendors gives WSU the best pricing available, between the two contracts. This has saved WSU thousands of dollars. We negotiated waiver of the KCDA contract usage fee. The vendors absorb this cost.

I don’t know if anyone performed Jack Ziegler’s 8-question test on the KCDA copier bid, but Yvonne informed me that Rod Ramer, Purchasing Manager for Community Colleges of Spokane, has hard copy of bid documents.

Vickie and I will be attending the NAEP regional. See you in October!

Patty

---

From: Hal Verrell [mailto:Hal.Verrell@wwu.edu]  
Sent: Tuesday, August 15, 2006 9:22 AM  
To: Gropp, Patty  
Subject: RE: KCDA Contract Usage

Any luck with my KCDA question? Sorry I wasn’t able to make it to the meeting last week, just had a crunch of things to do here.

Hal Verrell  
360-650-3127

---

From: Gropp, Patty [mailto:gropp@wsu.edu]  
Sent: Monday, July 31, 2006 3:08 PM  
To: Hal Verrell

8/16/2006
Cc: Wight, Yve  
Subject: RE: KCDA Contract Usage

Hal,

Yes, I'll be at the Pack Forest meeting next week, and bringing along one our newer buyers, Kerry Johnson. I'm looking forward to seeing everyone and working on the project together.

Thanks for the attachment. I'll share it with Yvonne Wight and she'll have comments for you tomorrow.

Patty Gropp  
Purchasing Services  
335-3582

From: Hal Verrell [mailto:Hal.Verrell@wwu.edu]  
Sent: Monday, July 31, 2006 10:35 AM  
To: Gropp, Patty  
Subject: RE: KCDA Contract Usage

Hi Patty!

Attached is the kind of checklist I got, I think it was at a PNPPA meeting where Jack Ziegler did a presentation on the use of cooperative contracts. KCDA did not meet most of these, although they tell me that they do now advertise, they address the MWBE and reciprocity issues, but I have only heard that through the grapevine. To really assess whether they are meeting the requirements we would need to go visit them and basically do an audit. Maybe if enough of the four years are interested we could get together to do something like this.

Maybe we can discuss at Pack Forest next week, didn't I see you on the guest list?

Hal Verrell  
360-650-3127

From: Gropp, Patty [mailto:gropp@wsu.edu]  
Sent: Monday, July 31, 2006 9:48 AM  
To: Hal Verrell  
Cc: Wight, Yve  
Subject: RE: KCDA Contract Usage

Hal,  
Yve is out on leave today, so expect an answer tomorrow from her. Just to satisfy my own curiosity, do you recall what shortcomings were found in the KCDA competitive process, and by whom?

Patty

8/16/2006
From: Hal Verrell [mailto:Hal.Verrell@wwu.edu]  
Sent: Saturday, July 29, 2006 11:25 AM  
To: Wight, Yve  
Cc: Gropp, Patty; Arrasmith, Vickie  
Subject: KCDA Contract Usage  

I have been advised by my copier support group that you have used a KCDA contract to acquire some of your copiers. We had always been of the opinion that KCDA contracts did not qualify for use by us due to the fact they don't meet some of the qualifications for competition. Had you guys found a way through this, I did understand that KCDA had done a lot to try to be in compliance, but I wasn't sure they were there. My copier person is hounding the heck out of me on this, so any input you have would be greatly appreciated.

Hal Verrell, Director, Purchasing & Contracts  
Western Washington University  
email - hal.verrell@wwu.edu  
Tel: 360-650-3127  
Fax: 360-650-6810
We interpret the Interlocal Cooperation Act as authorizing public agencies to contract with each other in advance to conduct a joint purchasing program that complies with all bid requirements of each public agency involved. Therefore, if public agencies agree in advance to conduct a joint purchasing program, it should be done pursuant to interlocal agreement.

However, we do not interpret the Act as mandating a rule that purchases can only be made from another public agency's purchase contract pursuant to such an interlocal agreement. Rather, our interpretation of general local government bidding requirements is that public agencies may subsequently avail themselves of purchase contracts entered by other public agencies if (1) the contract is determined to have been awarded in compliance with all bidding requirements of the agency seeking to purchase, (2) the contract was awarded with terms indicating that it would be available for use by other public entities, and (3) there is no statutory provision prohibiting such a purchase.

I hope this information is useful to you. You are reminded that this represents our own considered research and analysis, and is not considered an official opinion of the Attorney General. Please contact me or Stacia Hollar if you have any questions.

BEB: kp
Go to Members:
Alaska
Idaho
Illinois
Montana
Minnesota
Oregon
Wisconsin

Washington State Members

A
Aberdeen School District
Aberdeen, City of
Academy Northwest
Adams County
Adna School District #226
Alderwood Water District
Algonia, City of
All Saints School
All Saints School
Almira SD #17
Anacortes Housing Authority
Anacortes SD 103
Anacortes, City of
Antioch University-Seattle
Arbor Elementary
Archbishop Thomas J. Murphy HS
Arlington Fire Dept.
Arlington SD #16
Arlington, City of
Asotin Anatone SD
Asotin County
Asotin, City of
Association of Washington School Principals
Assumption School
Assumption School
Auburn Advent Academy
Auburn SD #408 Admin Center
Auburn, City of

B
Bainbridge Is Park/Recreation District
Bainbridge Is SD #303
Bainbridge Island Fire Dept.
Bainbridge Island, City of

Aberdeen
Aberdeen
Arlington
Ritzville
Adna
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Aleutian Region Schools

Anchorage

AK

http://kcda.org/KCDA_Members.htm

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Plummer ID
Cottonwood ID
Craigmont ID
Boise ID
Lewiston ID
Boise ID
Jerome ID
Meridian ID
Clearwater ID
Kellogg ID
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McCall ID
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New Plymouth ID
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Willamette ESD - Oregon
Salem OR

Spooner School District
Spooner WI

Wisconsin State Members - Back to Top
Bidder’s Mailing List Application

The Board of Directors of the King County Directors’ Association (KCDA) wishes to take this opportunity to thank you for your interest in bidding to our purchasing department. KCDA is very proud of the excellent list of vendors/suppliers/manufacturers representatives who continually supply technical support as well as very competitive prices.

Before your name can be placed on the mailing list, certain basic information is required about your company. Please complete the attached questionnaire and return it promptly to the address shown above; Attention: Dave Uglem; Reference: Bidder’s Mailing List. Additional pages have been submitted listing the types of supplies, materials or services currently being bid by KCDA. Please check in the space(s) provided, for the bids you desire. Any vendor who fails to provide complete and accurate information on this application is subject to disqualification as a bidder.

After placement of the bidder’s name on the mailing list, it is each supplier’s duty to respond to a bid call or note in writing, that you are unable to bid on this invitation but you wish to remain on the active bidder’s mailing list. Failure to respond will show an indication of lack of interest or change in the vendor’s policy and may result in the removal of the vendor’s name from the active bidder’s list.

If additional assistance is required, please call me at (425) 251-8115, ext. 143, or write to the address at the top of the form.

Respectfully,

Dave Uglem

Dave Uglem
Purchasing Manager
duglem@kcd.org

King County Directors’ Association
A School Purchasing Cooperative for Supplies and Equipment
BIDDER’S MAILING LIST APPLICATION

To: King County Directors’ Association  
PO Box 5550  
Kent, WA 98064-5550

Date of Application __________________

1. Applicants name and address:


2. Address to which bid forms are to be mailed (if different than #1)


Phone # __________________ Fax # ________________ E-mail Address __________________

3. Type of organization (check one)  
Individual _____ Partnership _____ Corporation _____ Non-profit _____

dba (if applicable) Legal Entity/Parent Organization


4. Federal Tax ID or Social Security number ________________________________

5. Names of officers, owners or partners:
President/Owner  
Vice President  
Secretary


6. Business authority:
Washington State Business License Number (if applicable) ____________________________
Expiration Date ____________________________

7. Size of business:
Small business concern (complete A & B) _____  
Other than small business _____

A. Average number of employees for four preceding quarters: ______________
B. Average annual sales for preceding three fiscal years: ______________

8. Net worth: $ ______________ as of _____________ (date)

9. Credit references (list at least 3)

Reference name  
Address  
Telephone number

1 ___________________ ___________________ ___________________

2 ___________________ ___________________ ___________________

3 ___________________ ___________________ ___________________

10. Certification and signature: I certify that the information supplied herein (including all attached pages) is correct.

______________________________
Signature

______________________________
Name (print in ink)  
Title
Please check the space(s) provided for the supplies, materials or service you desire to have your company listed to receive bids from the KCDA Purchasing Department.

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