SECTION 2: PURCHASING AUTHORITIES AND CODE OF CONDUCT

SUBJECT: PUBLIC RECORDS Procedure #2.6

POLICY

It is the policy of the University of Washington Procurement Services to comply with Chapter 42.56 RCW\(^1\) and WAC 478-276 to facilitate transparency in government by making the records mandated by the RCW 42.56 (the “Public Records Act”) available to the public via the University of Washington Office of Public Records and Open Public Meetings.

PROCEDURES

1. Public Records

University records\(^2\) are considered public records open for inspection or copying and are covered under the Public Records Act unless they are exempt from disclosure. Upon receiving a public records request, provide all records listed in the Public Records Request.\(^3\)

2. Inclusion of Relevant Language in Competitive Solicitations

Buyer will include the UW General Terms and Conditions in all solicitations, purchase orders and contracts. The UW General Terms and Conditions contain a clause describing the UW’s obligations with respect to the Public Records Act and the procedures the Supplier must follow to ensure that any relevant proprietary information is not subject to disclosure.

3. Public Disclosure and Public Record requests:

All Public Record requests to the University of Washington Purchasing Department (Purchasing) must come through the Office of Public Records and Open Public Meetings\(^4\).

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\(^1\) In 1972 the voters in Washington adopted Initiative 276, which requires that most records maintained by state, county and city governments be made available to members of the public for inspection and copying. The public disclosure laws have been frequently revised over the past 25 years. Primarily located in Chapter 42.56 of the Revised Code of Washington (RCW), at RCW 42.56.001 through 42.56.904, the statutes are sometime collectively referred to as the Public Records Act or the State Freedom of Information Act.

\(^2\) Records include information, regardless of physical form or characteristics that have been created or received by the University of Washington and may be physical (paper) or electronic.

\(^3\) Procurement Services is only responsible for records that department staff is in possession of. If other records are requested, notify the SPOC, who will notify the Office of Public Records that another department has the responsive records. Records for Valley Medical Center and Northwest Hospital are handled separately, and any records requested from those facilities have been forwarded and will be provided by staff at those facilities.

\(^4\) Upon receiving a Public Records Request, the UW Public Records and Open Public Meetings Office: Determines the records’ status under the Public Disclosure Act; assigns a number and a legally required release date; sends the request to the department (office or origin); obtains the documents from the department within 5 business days; reviews the documents; makes appropriate exemptions, redaction and inventories, makes the appropriate records available to the requester at the Office of Public Records and Open Public Meetings and bills the requestor for copies of documents and/or sends documents to the requestor. Records are returned to the office of origin once the process has been completed.
Upon receipt of a Public Records request by Procurement Services, the procedure outlined below will be followed:

1) The Executive Director of Procurement Services and Point of Contact for Procurement Services receive a Public Records Request from the UW Public Records and Open Public Meetings Office (see Attachment 2.6.a.)

2) Single Point Of Contact (SPOC) between UW Public Records and the Procurement Services Buying Staff, sends an e-mail to the appropriate Buyer (and their supervisor) alerting them of the Public Records Request and outlining a due date for all requested documents; a copy of the Public Records Request is also attached to the email. If additional time is needed to locate the necessary documents the Assistant Director may make a request to, must receive approval from, the UW Public Records and Open Public Meetings Office for an extension.

a) The Buyer retrieves from files only the specific document(s) requested in the Records Request.

b) The Buyer reviews the documents for any “confidential” or “proprietary” markings.

c) If “confidential” or “proprietary” markings are found, Buyer immediately sends notification to Vendor. (See Attachment 2.6.b) Unless the Vendor provides the Buyer with a copy of a court order enjoining the records from release, the intent of the University is to release the records in a timely manner under Washington State’s Public Records Act, RCW 42.56. On the first business day after the stated number of business days from the date the notice was sent to the vendor has passed, the Buyer forwards the documents (and court order if received) to the SPOC.

d) The Buyer reviews the documents for any “embedded” files within the documents. Embedded files are those files which appear as hyperlinks or as file “icons” within a documents, and email attachments. These embedded files will not be accessible once the Public Records office converts the documents to the format that is disclosed to requestors.

e) If any embedded files exist, open the embedded file and send to the SPOC along with the main document.

f) If there are no “confidential” or “proprietary” markings or files embedded within the documents, Buyer immediately forwards documents to the SPOC.

g) The SPOC submits the documents (or copies of the documents if instructed to do so) to the UW Public Records and Open Public Meetings Office by (or before) the date specified on the Public Records Request.

h) The documentation is returned to Procurement Services once the process is
Verbal Requests by Vendors for Information or Review:

a) Buyers should use discretion when releasing information to vendors. When in doubt, consult with your supervisor. Buyers may verbally give vendors information that would be suitable at publicly read bid openings; that is, 1) the name of the company receiving the award and 2) any competitive pricing once the award is made.

b) Vendors may review original documents (following the award of a contract) at the Buyers’ discretion and by appointment. The vendor is required to review all documents on site; no copies of any documents can be provided to the vendor.

c) If Vendors want copies of documents or want to review documents off-site, Vendor must complete a Public Records Request via email pubrec@u.washington.edu or by telephone (206) 543-9180. Additional information can be found at Office of Public Records and Open Public Meetings.
ATTACHMENT 2.6.A

Public Records Request from the UW Public Records and Open Public Meetings Office

*****Immediate attention required: This is a time-sensitive request for assistance from the Office of Public Records and Open Public Meetings. Please respond by [DATE]*****

Attached to this email is a new Public Records request. You are being asked to help the University respond promptly to this request by taking the following steps:

1. Immediately identify all locations, within your area of responsibility, for any record that may be responsive to this request, including any records held by others within your school, college, unit, division or department. Attached is a list of factors that must be considered when identifying records responsive to this request.

2. Immediately preserve potentially responsive records from destruction or alteration.

3. After you collect the responsive records, send electronic or hard copies of them to the Office of Public Records and Open Public Meetings, University of Washington, Box 354997. It is critical that the copies you send are single-sided and unstapled and that you include a copy of this letter with your submission.

4. Please call the staff at the Office of Public Records and Open Public Meetings at 543-9180 with any questions or concerns you may have about this request.

If you are aware of additional faculty, staff, departments, or entities which may have records related to this request, please notify this office as soon as possible.

Thank you for your assistance in helping the University respond to the attached public records request in a timely and efficient manner.
Sincerely,

Madolyne Lawson

Program Coordinator

UNIVERSITY OF WASHINGTON

Office of Public Records and Open Public Meetings

Mail: Roosevelt Commons-Box 354997, Seattle, WA 98195

Street: 4311 11th Ave NE, #360

206.543.9180 fax 206.616.6294

pubrec@uw.edu http://depts.washington.edu/pubrec/

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Responding to Requests for Public Records

- Any record prepared, owned, used or retained by the University, and that concerns University business, is considered a public record and must be provided to the Office of Public Records and Open Public Meetings.

- The definition of a "record" is very broad and includes correspondence, hand-written notes, forms, electronic records (such as email and databases), research records, visual records such as pictures, cd(s) or videos, audio records etc.

- You may not destroy or alter a requested record. This includes records that exist at the time a public records request is received by the University even though it may have passed its legal records retention period or is required to be destroyed by a contract.

- The University is legally required to identify all responsive records, even those it might choose to withhold from disclosure under one of the Public Records Act permissible exemptions. Thus, you must collect and send all records to the Office of Public Records and Open Public Meetings, even those you consider confidential or personal, those an outside party considers confidential (such as a vendor or licensee) or personal, or those you consider covered by the attorney-client privilege. The University might not release such records if they fall within one of the exemptions to the Public Records Act, but it must provide the requestor an inventory that identifies all records it chooses to exempt.

- If the request seeks a potentially large volume of records, you should work closely with the Office of Public Records and Open Public Meetings to determine a prompt timeframe for collection of records. The Office of Public Records and Open Public Meetings may explore with the requestor clarifying, narrowing, or prioritizing the request. You should not contact the requestor directly.

- Certain records may be found in more than one UW location. You should not assume that someone else is going to provide records that you also have in your control.

- The consequences of not responding promptly or completely to a request are very serious. The University could be sued and could face costly fines and legal costs for not
complying fully with the requirements of the public records law.
ATTACHMENT 2.6.B

DATE:

To: [SUPPLIER]

Re: Notice of Formal Public Records Request # PR 13-XXXX [NAME]

The University of Washington’s Public Records Office received a formal public records disclosure request from: [REQUESTOR’S NAME] for a copy of: [NAME/TYPYE OF DOCUMENT(S)/INFORMATION REQUESTED].

We intend to comply with the request pursuant to the Washington Public Records Act. If any part of your proposal was marked “Proprietary” or “Confidential”, you have five (5) business days, from the date of this notice (above), to seek a court injunction to stop the release of your document(s).

If a copy of the court order is not sent to me by [DATE] at: [EMAIL ADDRESS] Referencing PR # [NUMBER/NAME] in the subject line of the email, we shall assume you have no interest in asking the court for an enjoinment and therefore the University will release the requested documents.

Sincerely,

[NAME]

[EMAIL ADDRESS]