SECTION 7: BUYING METHODS

SUBJECT: OUT OF STATE RECIPROCITY Procedure #7.3.7.1

POLICY: As a Washington State agency, the University of Washington must comply with state procurement laws. For bidders from certain states, the University must apply a percentage (determined by the state Department of Enterprise Services) disadvantage to the bid reflecting the bidder’s state’s in-state preference to its own bidders.

PROCEDURE:

The Washington State Department of Enterprise Services (DES) administers the program for establishing the appropriate level of reciprocity in bids. RCW 39.26.371 gives the director of DES the authority to adopt and apply rules related to reciprocity in bidding. The director has a large degree of discretion to develop rules to appropriately prevent unfair competition against Washington businesses. WAC 200-300-075 outlines DES’ reciprocity program.

For all competitive solicitations, determine whether any of the responses are bids from nonresident contractors from a state whose statutes or regulations grant a preference to suppliers located within, or goods manufactured within, that state. Add a percentage increase to any bid or proposal with a business address from a state with in-state preference. The percentage increase shall be equal to the percentage advantage granted by the bidder’s state to in-state bidders.

The Department of Enterprise Services has published a list of states with information regarding bid preferences and a map of states with information regarding bid preferences for determining whether the state the nonresident contractor is from has a bid preference.

THE FOLLOWING LANGUAGE SHOULD BE INCLUDED IN ALL FORMAL SOLICITATIONS:

IN-STATE PREFERENCE/RECIPROCITY: Pursuant to RCW 39.26.371 and WAC 200-300-075, the State of Washington Department of Enterprise Services has established a schedule of percentage increases to be added to Bids from Bidders in states that grant a preference to Contractors located in their state or for goods manufactured in their state. The percentages related to each respective state are provided in the Reciprocal Preference List and apply only to Bids received from Bidders in those states listed.

The appropriate percentage will be added to each Bid bearing the address from a state with in-state preferences rather than subtracting a like amount from Washington State Bidders.

This action will be used only for analysis and award purposes. In no instances shall the increase be paid to a Bidder whose Bid is accepted and awarded a Contract.

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1 Available at: [http://www.des.wa.gov/SiteCollectionDocuments/Facilities/EAS/InStateBidPrefSurvey.pdf](http://www.des.wa.gov/SiteCollectionDocuments/Facilities/EAS/InStateBidPrefSurvey.pdf)
2 Available at: [http://www.des.wa.gov/services/ContractingPurchasing/Pages/ReciprocalPreference.aspx](http://www.des.wa.gov/services/ContractingPurchasing/Pages/ReciprocalPreference.aspx)

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