

**RCW 39.26.125 Competitive solicitation—Exceptions.** All contracts must be entered into pursuant to competitive solicitation, except for:

- (1) Emergency contracts;
- (2) Sole source contracts that comply with the provisions of RCW 39.26.140;
- (3) Direct buy purchases, as designated by the director. The director shall establish policies to define criteria for direct buy purchases. These criteria may be adjusted to accommodate special market conditions and to promote market diversity for the benefit of the citizens of the state of Washington;
- (4) Purchases involving special facilities, services, or market conditions, in which instances of direct negotiation is in the best interest of the state;
- (5) Purchases from master contracts established by the department or an agency authorized by the department;
- (6) Client services contracts;
- (7) Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process when the director determines that a competitive solicitation process is not appropriate or cost-effective;
- (8) Off-contract purchases of Washington grown food when such food is not available from Washington sources through an existing contract. However, Washington grown food purchased under this subsection must be of an equivalent or better quality than similar food available through the contract and must be able to be paid from the agency's existing budget. This requirement also applies to purchases and contracts for purchases executed by state agencies, including institutions of higher education as defined in RCW 28B.10.016, under delegated authority granted in accordance with this chapter or under RCW 28B.10.029;
- (9) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;
- (10) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;
- (11) Contracts for services that are necessary to the conduct of collaborative research if the use of a specific contractor is mandated by the funding source as a condition of granting funds;
- (12) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;
- (13) Contracts for the employment of expert witnesses for the purposes of litigation;
- (14) Contracts for bank supervision authorized under RCW 30A.38.040;
- (15) Contracts for the purchase of opioid overdose reversal medication authorized under RCW 70.14.170; and
- (16) Contracts for investigators awarded by the office of independent investigations as authorized under RCW 43.102.050. [2021 c 318 s 313; 2021 c 273 s 9; 2012 c 224 s 14.]

**Reviser's note:** This section was amended by 2021 c 273 s 9 and by 2021 c 318 s 313, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Finding—Intent—2021 c 318:** See note following RCW 43.102.020.

**Rules—2021 c 273 ss 7-12:** See note following RCW 70.14.170.

**Findings—Intent—2021 c 273:** See note following RCW 70.41.480.