



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 5, 2011

Ordinance 17135

Proposed No. 2011-0284.1

Sponsors Lambert

1 AN ORDINANCE related to the contracting opportunities
2 program and changing the date for the annual report; and
3 amending Ordinance 13983, Section 3, as amended and
4 K.C.C. 4.19.030, Ordinance 13983, Section 4, as amended,
5 and K.C.C. 4.19.040, Ordinance 13983, Section 6, as
6 amended, and K.C.C. 4.09.060, Ordinance 13983, Section
7 7, as amended, and K.C.C. 4.19.070 and Ordinance 13983,
8 Section 9, as amended, and K.C.C. 4.19.090.

9 **STATEMENT OF FACTS:**

- 10 1. The deadlines for the annual reports on King County's contracting
11 opportunities program and its apprenticeship program are April 30 and
12 May 1 respectively.
- 13 2. The time required to prepare these two reports and perform other
14 program functions makes these deadlines challenging to meet.
- 15 3. In order to facilitate the timely delivery of the reports to the council and
16 to better serve the public, it is in the interests of King County to stagger
17 the deadlines for these reports by two months.

18 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

19 SECTION 1. Ordinance 13983, Section 3, as amended, and K.C.C. 4.19.030 are
20 each hereby amended to read as follows:

21 The definitions in this section apply throughout this chapter unless the context
22 clearly requires otherwise.

23 A. "Administrator" means the (~~([manager of the] office of business relations and~~
24 ~~economic development)) manager of the finance and business operations division in the
25 department of executive services.~~

26 B. "Small (~~([economically disadvantaged business] [contractor and supplier]))~~
27 contractor and supplier" means that a business and the person or persons who own and
28 control it are in a financial condition (~~([that] [which])) that puts the business at a
29 substantial disadvantage in attempting to compete for public contracts. In assessing these
30 financial conditions, the administrator shall substantially adopt the approach used by the
31 federal Small Business Administration, but the administrator shall adjust the Small
32 Business Administration's maximum revenue standards for various standard business
33 classifications and levels for owners' personal net worth to account for local market
34 conditions. However, the maximum revenue standard for standard business
35 classifications (~~([may])) may not be (~~([more than])) more than fifty percent of the Small
36 Business Administration's thresholds, as now existing or hereafter amended.~~~~~~

37 SECTION 2. Ordinance 13983, Section 4, as amended, and K.C.C. 4.19.040 are
38 each hereby amended to read as follows:

39 To be certified for the King County contracting opportunities program, a business
40 must be a small contractor or supplier, have a valid business license, (~~([and])) and must
41 serve a commercially useful function, as defined in K.C.C. chapter 4.18. To maintain its~~

42 certification, within one year of its certification a small (~~((contractor or supplier)))~~
43 contractor or supplier must have the person or persons who own and control the business
44 complete at least fifteen hours of business-related training in a program approved by the
45 administrator. Based on the administrator's assessment of the small contractor or
46 supplier's need for additional training, the administrator may require a small contractor or
47 supplier to complete up to fifteen additional hours annually of business-related training.
48 The administrator shall evaluate and approve training programs based on one or more of
49 the following indications of the program's value: the (~~((program's)))~~ program's relevant
50 industry's historical use of the program; affiliation the program has with established
51 schools, if any; and accreditation by an established association.

52 SECTION 3. Ordinance 13983, Section 6, as amended, and K.C.C. 4.09.060 are
53 each hereby amended to read as follows:

54 To provide significant opportunities and incentives for (~~((businesses)))~~ businesses
55 owned by small contractors and suppliers to prove themselves competitive within the
56 market, the certification of the businesses is limited to five years or a specified contract
57 and dollar volume of participation.

58 SECTION 4. Ordinance 13983, Section 7, as amended, and K.C.C. 4.19.070 are
59 hereby amended as follows:

60 A. The King County contracting opportunities program shall use one or more
61 methods to create an incentive to promote the use of (~~((businesses)))~~ businesses owned
62 by small contractors and suppliers. This incentive shall be produced either through a
63 bonus system in which the increased participation of small contractors and suppliers is a
64 factor in the award of contracts; or through a set-aside system under which contractors

65 are required to achieve a specified level of participation by King County contracting
66 opportunities program businesses. If the bonus system is used, the contract shall state the
67 maximum incentive available for the participation of small contractors and suppliers and
68 the possible methods for making use of the incentive. If a set-aside system is used, the
69 contract shall state a required minimum utilization.

70 B. As a matter of policy, opportunities for small (~~contractors and suppliers~~)
71 contractors and suppliers to act as prime contractors will be identified on an ongoing
72 basis.

73 C. The specific methods (~~to be~~) used to provide incentives to small contractors
74 and suppliers and for them to be prime contractors, as opportunities arise, shall be fully
75 addressed in the rule-making process.

76 D. Beginning in 2008, the administrator shall by (~~May 1~~) June 30 of every year,
77 file (~~twelve copies with the clerk of the council, for distribution to all councilmembers~~
78 ~~and the lead staff of the general government and labor relations committee or its~~
79 ~~successor~~), in the form of a paper original and an electronic copy with the clerk of the
80 council, who shall retain the original and provide an electronic copy to all
81 councilmembers and the lead staff for the government accountability and oversight
82 committee or its successor, a report to council on the progress of the King County
83 contracting opportunities program during the previous year, January through December.

84 The report shall include:

- 85 1. The total amounts awarded by contract category;
- 86 2. The total amount awarded by contract category for which an incentive was
87 available;

88 3. The total amounts awarded to small contractors and suppliers reported by
89 contract category and by race and gender, to the extent businesses voluntarily provide this
90 race and gender information;

91 4. For goods and services contracts, the total amount awarded to small
92 contractors and suppliers by race and gender to the extent businesses voluntarily provide
93 this race and gender information, for those contractors for which the small contractor or
94 supplier was not the low bidder;

95 5. For goods and services, the total amount paid by the county.

96 6. A listing of all participating small contractors and suppliers by contract
97 category, race and gender to the extent businesses voluntarily provide this race and
98 gender information, their location by city and zip code, and the specific contracts
99 including dollar amounts awarded;

100 7. A listing of the number of small contractors and suppliers by race and gender,
101 to the extent businesses voluntarily provide this race and gender information, in each of
102 the following revenue categories that was certified in the program:

103 a. for goods and services:

104 (1) zero to five hundred thousand dollars;

105 (2) five hundred thousand to one million dollars;

106 (3) one million to two million dollars; and

107 (4) two million dollars to the maximum revenue amount allowed by the
108 program rules;

109 b. for consulting:

110 (1) zero to two hundred fifty thousand dollars;

- 111 (2) two hundred fifty to five hundred thousand dollars;
112 (3) five hundred thousand to one million dollars; and
113 (4) one million dollars to the maximum revenue amount allowed under the
114 program rules;

115 c. for construction:

- 116 (1) zero to five hundred thousand dollars;
117 (2) five hundred thousand to three million dollars;
118 (3) three million to eight million dollars; and
119 (4) eight million to the maximum revenue amount allowed under the program
120 rules.

121 8. A listing of the number of small contractors and suppliers by race and gender,
122 to the extent businesses voluntarily provide this race and gender information, in each of
123 the following revenue categories that was awarded a contract:

124 a. for goods and services:

- 125 (1) zero to five hundred thousand dollars;
126 (2) five hundred thousand to one million dollars;
127 (3) one million to two million dollars; and
128 (4) two million dollars to the maximum revenue amount allowed by the
129 program rules;

130 b. for consulting:

- 131 (1) zero to two hundred fifty thousand dollars;
132 (2) two hundred fifty thousand to five hundred thousand dollars;
133 (3) five hundred thousand to one million dollars;

- 134 (4) one million dollars to the maximum revenue amount allowed under the
135 program rules;
- 136 c. for construction:
- 137 (1) zero to five hundred thousand dollars;
- 138 (2) five hundred thousand to three million dollars;
- 139 (3) three million to eight million dollars; and
- 140 (4) eight million to the maximum revenue amount allowed under the program
141 rules.

142 SECTION 5. Ordinance 13983, Section 9, as amended, and K.C.C. 4.19.090 are
143 each hereby amended to read as follows:

144 A person against whom the administrator under this chapter imposes sanctions
145 may appeal within fifteen days from the date the administrator's decision (~~([is])~~) is mailed
146 to the person being sanctioned, by filing a notice of appeal with the office of the hearing
147 examiner. Within forty-five days after receiving the notice of appeal, the hearing
148 examiner shall convene the appeal hearing. The hearing examiner shall provide written
149 notice of the hearing date given to the appellant and to the department of executive
150 services, finance and business operations division at least thirty days before the hearing.
151 Within thirty days after conclusion of the appeal hearing, the hearing examiner presiding
152 at the hearing shall prepare a written decision and order. The final decision shall be filed
153 by the hearing examiner as a public record with the county (~~([clerk])~~) clerk recorder's

154 office, and copies of the final decision mailed to each party of record and to the
155 administrator.
156

Ordinance 17135 was introduced on 6/20/2011 and passed by the Metropolitan King County Council on 7/5/2011, by the following vote:

Yes: 7 - Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott
No: 0
Excused: 2 - Mr. Phillips and Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

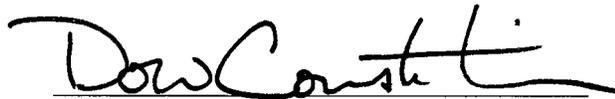
ATTEST:



Anne Noris, Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 13 day of JULY, 2011.



Dow Constantine, County Executive

Attachments: None