



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19395

Proposed No. 2021-0384.2

Sponsors Kohl-Welles and McDermott

1 AN ORDINANCE relating to the contents of the capital
2 improvement program and streamlining the capital
3 budgeting process; and amending Ordinance 12075,
4 Section 3, as amended, and K.C.C. 2.16.025, Ordinance
5 17293, Section 20, as amended, and K.C.C. 4A.10.100,
6 Ordinance 17293, Section 50, as amended, and K.C.C.
7 4A.10.237, Ordinance 17929, Section 14, as amended, and
8 K.C.C. 4A.100.030, Ordinance 17929, Section 19, as
9 amended, and K.C.C. 4A.100.060, Ordinance 17929,
10 Section 21, and K.C.C. 4A.100.080, Ordinance 17929,
11 Section 22, and K.C.C. 4A.100.090, Ordinance 620,
12 Section 4 (part), as amended, and K.C.C. 4A.100.100,
13 Ordinance 16764, Section 2, as amended, and K.C.C.
14 4A.130.010, Ordinance 17930, Section 13, as amended,
15 and K.C.C. 4A.130.020, and Ordinance 17930, Section 15,
16 and K.C.C. 4A.130.040, adding two new sections to K.C.C
17 chapter 4A.10, and repealing Ordinance 17929, Section 64,
18 as amended, and K.C.C. 4A.10.471, Ordinance 17930,
19 Section 14, and K.C.C. 4A.130.030, Ordinance 14921,
20 Section 3, as amended, and K.C.C. 4A.160.010 and

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21 Ordinance 14921, Section 5, as amended, and K.C.C.

22 4A.160.020.

23 STATEMENT OF FACTS:

24 1. In 2004, Ordinance 14921 established the joint advisory group to
25 provide a forum for discussing a schedule of all legislation and early
26 policy level dialogue between the executive and the council on major
27 capital project and major real estate matters. The group members included
28 three councilmembers and three designees of the executive.

29 2. In 2010, Ordinance 16764 established the process for the joint advisory
30 group, in consultation with the county auditor's capital projects oversight
31 program, to determine capital projects to be designated mandatory phased
32 appropriation projects ("MPA") based on a risk assessment and therefore
33 subject to greater oversight and controls. The MPA designation was
34 established in response to a 2009 accountability audit by the Washington
35 state Auditor's Office.

36 3. In 2014, Ordinance 17930 modified the responsibilities of the JAG to
37 be consistent with Ordinance 16764 to include reviewing of project risk
38 assessment scores and making mandatory phased appropriation
39 determinations for capital projects. Ordinance 17930 also modified the
40 membership of the JAG to only include two designees of the council and
41 two designees of the executive.

42 4. In general, K.C.C. 4A.130.010 requires a capital project undergo MPA
43 determination, also known as risk scoring, when the total project cost

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44 estimate is over ten million dollars. Since it was established, the number
45 of projects that was risk scored has grown from nineteen in 2010 to more
46 than fifty-five in 2019, increasing the administrative burden on county
47 agencies.

48 5. Moreover, the percentage of capital projects that have been designated
49 by the joint advisory group as MPA has decreased from fifty percent in
50 2010 to six percent in 2019. In total, the joint advisory group has
51 designated twenty-five capital projects as MPA projects. Of the total,
52 nineteen currently are ongoing and remain designated as MPA projects.

53 6. In collaboration with council central staff and the county auditor's
54 office, executive staff has proposed changes to enable the council to focus
55 review on the highest-risk projects in the county 's capital improvement
56 program. The proposed changes would include replacing the MPA
57 designation process with a new selection process for designating capital
58 projects for risk monitoring and reduce administrative burdens on county
59 agencies. The new selection process would have the executive or council
60 designate capital projects for risk monitoring and dissolve the joint
61 advisory group. The proposed changes would also include making capital
62 budgeting requirements clearer and consistent with current practices.

63 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

64 SECTION 1. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are
65 hereby amended to read as follows:

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66 A. The county executive shall manage and be fiscally accountable for the office
67 of performance, strategy and budget and the office of labor relations.

68 B. The office of performance, strategy and budget functions and responsibilities
69 shall include, but not be limited to:

70 1. Planning, preparing and managing, with emphasis on fiscal management and
71 control aspects, the annual operating and capital project budgets;

72 2. Preparing forecasts of and monitor revenues;

73 3. Monitoring expenditures and work programs in accordance with Section 475
74 of the King County Charter;

75 4. Developing and preparing expenditure plans and ordinances to manage the
76 implementation of the operating and capital project budgets throughout the fiscal period;

77 5. Formulating and implementing financial policies regarding revenues and
78 expenditures for the county and other applicable agencies;

79 6. Performing program analysis, and contract and performance evaluation
80 review;

81 7. Developing and transmitting to the council, concurrent with the biennial
82 proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;

83 8. Performance management and accountability:

84 a. providing leadership and coordination of the performance management and
85 accountability system countywide;

86 b. overseeing the development of strategic plans and business plans for each
87 executive branch department and office;

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- 88 c. providing technical assistance on the development of strategic plans and
89 business plans for agencies;
- 90 d. developing and using community-level indicators and agency performance
91 measures to monitor and evaluate the effectiveness and efficiency of county agencies;
- 92 e. overseeing the production of an annual performance report for the executive
93 branch;
- 94 f. coordinating performance review process of executive branch departments
95 and offices;
- 96 g. collecting and analyzing land development, population, housing, natural
97 resource enhancement, transportation and economic activity data to aid decision making
98 and to support implementation of county plans and programs, including benchmarks;
- 99 h. leading public engagement and working in support of county performance
100 management, budget and strategic planning; and
- 101 i. developing and transmitting to the council a biennial report on April 30 in
102 odd-numbered years about the benefits achieved from technology projects. The report
103 shall include information about the benefits obtained from completed projects with total
104 project expenditures of five million dollars or more and a comparison with benefits that
105 were projected during different stages of the project. ~~((The report shall also include a~~
106 ~~description of the expected benefits from those projects not yet completed.))~~ The report
107 shall be approved by the council by motion. The report and motion shall be filed in the
108 form of ~~((a paper original and))~~ an electronic copy with the clerk of the council, who
109 shall retain ~~((the original))~~ an electronic copy and provide an electronic copy to all
110 councilmembers;
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- 111 9. Strategic planning and interagency coordination:
- 112 a. coordinating and staffing executive initiatives across departments and
- 113 agencies;
- 114 b. facilitating interdepartmental, interagency and interbranch teams on
- 115 multidisciplinary issues;
- 116 c. negotiating interlocal agreements as designated by the executive; and
- 117 d. serving as the liaison to the boundary review board for King County;
- 118 10. Business relations and economic development:
- 119 a. developing proposed policies to address regional, unincorporated urban, and
- 120 rural economic development;
- 121 b. establishing, fostering and maintaining healthy relations with business and
- 122 industry;
- 123 c. implementing strategies and developing opportunities that include partnering
- 124 with, cities, the Port of Seattle and other economic entities on regional and subregional
- 125 economic development projects;
- 126 d. developing and implementing strategies to promote economic revitalization
- 127 and equitable development in urban unincorporated areas including the possible assembly
- 128 of property for the purpose of redevelopment;
- 129 e. refining and implementing strategies in the county's rural economic
- 130 strategies to preserve and enhance the rural economic base so that the rural area can be a
- 131 place to both live and work; and

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132 f. assisting communities and businesses in creating economic opportunities,
133 promoting a diversified economy and promoting job creation with the emphasis on
134 family-wage jobs;

135 11. Continuous improvement:

136 a. leading, coordinating and implementing a program of continuous
137 improvement, including the provision of leadership development, transformational
138 improvement and capacity building in Lean thinking; and

139 b. providing annual reports to the council on the implementation of the
140 continuous improvement program, including but not limited to a description of the
141 number of people and agencies that have received training, the processes changed as a
142 result of Lean implementation and the budget and other impacts of these changes; and

143 12. Regional planning:

144 a. coordinating the county's participation in multicounty planning at the Puget
145 Sound Regional Council, including serving on the Puget Sound Regional Council's
146 regional staff committee;

147 b. coordinating countywide planning at the Growth Management Planning
148 Council consistent with the Washington state Growth Management Act, including
149 leading the Growth Management Planning Council's interjurisdictional staff team in
150 accordance with the interlocal agreement authorized by King County Motion 8495;

151 c. managing updates to the county's Comprehensive Plan in coordination with
152 the department of local services in accordance with K.C.C. Title 20;

153 d. coordinating the development of demographic and growth forecasting data
154 and information including census data, growth targets and buildable lands;

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155 e. facilitating annexations and joint planning with cities, including developing
156 annexation proposals, drafting interlocal agreements, and serving as the liaison to the
157 boundary review board for King County; and

158 f. coleading with the department of local services, permitting division, an
159 interbranch regional planning team that supports the council and executive through the
160 provision of information and data, development of policy proposals and options for
161 regional issues related to growth management, economic development and transportation.
162 Participation in the interbranch regional planning team shall include executive,
163 department and council staff as designated by the respective branches.

164 C. The office of labor relations functions and responsibilities shall include, but
165 not be limited to:

166 1. Representing county agencies in the collective bargaining process as required
167 by chapter 41.56 RCW;

168 2. Developing and maintaining databases of information relevant to the
169 collective bargaining process;

170 3. Representing county agencies in labor arbitrations, appeals, and hearings
171 including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration
172 with the department of human resources;

173 4. Administering labor contracts and providing consultation to county agencies
174 regarding the terms and implementation of negotiated labor agreements, in collaboration
175 with the department of human resources;

176 5. Advising the executive and council on overall county labor policies; and

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177 6. Providing resources for labor relations training for county agencies, the
178 executive, the council and others, in collaboration with the department of human
179 resources.

180 D.1. The county council hereby delegates to the executive or the executive's
181 designee authority to request a hearing before the Washington state Liquor and Cannabis
182 Board and make written recommendations and objections regarding applications relating
183 to:

- 184 a. liquor licenses under chapter 66.20 RCW; and
- 185 b. licenses for marijuana producers, processors or retailers under chapter 69.50
186 RCW.

187 2. Before making a recommendation under subsection D.1. of this section, the
188 executive or designee shall solicit comments from county departments and agencies,
189 including, but not limited to, the department of local services, public health - Seattle &
190 King County, the sheriff's office and the prosecuting attorney's office.

191 3. For each application reviewed under subsection D.1.b. of this section, the
192 executive shall transmit to the county council a copy of the application received with the
193 applicant's name and proposed license application location, a copy of all comments
194 received under subsection D.2. of this section and the executive's recommendation to the
195 Washington state Liquor and Cannabis board.

196 E. The executive may assign or delegate budgeting, performance management
197 and accountability, economic development and strategic planning and interagency
198 coordination functions to employees in the office of the executive but shall not assign or
199 delegate those functions to any departments.

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200 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 4A.10 a
201 new section to read as follows:

202 "Capital appropriation proposal form" means a document that provides the project
203 scope, justification and other supporting data for a capital project expenditure authority
204 request included in a proposed capital budget appropriation ordinance.

205 SECTION 3. Ordinance 17293, Section 20, as amended, and K.C.C. 4A.10.100
206 are hereby amended to read as follows:

207 "Capital project" means a project with a scope that includes one or more of the
208 following elements, all related to a capital asset: acquisition of either a site or existing
209 structure, or both; program or site master planning; design and environmental analysis;
210 information technology investment, construction; major equipment acquisition;
211 reconstruction; demolition; or alteration or renovation. "Capital project" includes a:
212 ~~((project plan))~~ capital appropriation proposal form; scope; budget by phase; and
213 schedule.

214 SECTION 4. Ordinance 17293, Section 50, as amended, and K.C.C. 4A.10.237
215 are hereby amended to read as follows:

216 "Design phase" means the time during which design is completed, permits and
217 other permissions are secured so that the project, or staged elements of the project
218 consistent with the project scope ~~((plan))~~, can proceed to implementation. Design phase
219 also includes development of a final cost estimate, plans, specifications and a bid
220 package.

221 SECTION 5. Ordinance 17929, Section 64, as amended, and K.C.C. 4A.10.471
222 are hereby repealed.

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223 NEW SECTION. SECTION 6. There is hereby added to K.C.C. 4A.10 a new
224 section to read as follows:

225 "Risk monitored project" means a project selected by council motion or by the
226 executive for additional monitoring and reporting as described in K.C.C.
227 4A.100.100.A.4.a. and 4A.130.040.

228 SECTION 7. Ordinance 17929, Section 14, as amended, and K.C.C. 4A.100.030
229 are hereby amended to read as follows:

230 A. All capital projects shall be included in the six-year capital improvement
231 program for the fiscal period and the next two fiscal periods and shall be organized by
232 fund in the budget. The capital improvement program shall reflect changes, as needed, to
233 capital projects resulting from determinations that the capital budget is not supported by
234 fund balance and revenues to be collected. ~~((If the budget includes a new mandatory
235 phased appropriation project or an additional or amended capital budget appropriation for
236 an existing mandatory phased appropriation project, the executive shall submit
237 supporting data as identified in K.C.C. 4A.130.030.))~~ A bond ordinance to provide
238 funding for a capital project is not an appropriation for capital projects.

239 B.1. The capital improvement program shall include the following supporting
240 data in a standard format for each capital project, in ~~((the form of))~~ any combination of:

241 a. an electronic database; ~~((, when possible, with a capital project number,
242 project title, division, department, council district, fund number and fund name,
243 appropriation and expenditures to date and six year appropriations. The electronic
244 database should provide the capability to sort the capital improvement program by capital
245 project number, division, department, council district, fund number and fund name))~~

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246 b. a capital appropriation proposal form; or

247 c. a separate submission by the executive.

248 2. Supporting data shall include:

249 ~~((1.))~~ a. a capital project number, project title, division, department, council
250 district, fund number and fund name;

251 b. ~~((E))~~estimated expenditure authority for at least the next six years ~~((, by))~~
252 for the capital improvement program;

253 ~~((2.))~~ c. an ~~((E))~~expenditure authority proposed for existing or new capital
254 projects during the ensuing fiscal period, with information indicating sources of proposed
255 revenue;

256 ~~((3. Whether the proposed project is the result of an operational need identified~~
257 ~~in an executive and council approved business plan and project plan;~~

258 ~~4.)~~ d. ~~((A))~~anticipated project schedule information;

259 ~~((5.))~~ e. ~~((E))~~estimated net annual operating costs associated with each capital
260 project upon completion, if applicable;

261 ~~((6.))~~ f. ~~((A))~~an enumeration of any revised capital project cost estimates;

262 ~~((7. Life to date))~~ g. expenditure authority amount to date and moneys
263 expended ~~((on the project life))~~ to date;

264 ~~((8.))~~ h. ~~((A))~~anticipated specific project phases within each capital project,
265 including the individual allocations by project phase;

266 ~~((9. A))~~ i. a list of planned subprojects including an assigned capital project
267 number, project title, division, department, council district, fund number and fund name;

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268 ~~((10. A))~~ j. a list of capital project ((appropriation)) expenditure authority
 269 requests, including an explanation of how the capital project complies with applicable
 270 plans under K.C.C. 4A.100.060((-));

271 ~~((11.))~~ k. ~~((Θ))~~ one emergent need contingency project and any grant
 272 contingency projects under K.C.C. 4A.100.080 and 4A.100.090 may be included in the
 273 capital improvement program at the fund level;

274 ~~((12. A list of lapsed capital projects for which the appropriation has lapsed~~
 275 ~~because the capital project has been abandoned or no expenditure or encumbrance has~~
 276 ~~been made on the project for three years shall be disappropriated; and~~

277 ~~13.))~~ l. ~~((S))~~ separate operating and operating transfers to capital appropriations
 278 if a single fund finances both operating expenses and capital projects; ~~((and))~~

279 ~~((14.))~~ m. ~~((F))~~ for technology projects, the chief information officer's
 280 assessment required under K.C.C. 2A.380.200.A.2.

281 ~~((C. Project plans, also known as capital appropriation proposal forms, shall also~~
 282 ~~be included in the electronic database and shall include, but not be limited to))~~

283 ~~1. Project number, project title, program, division, department, council district,~~
 284 ~~fund number and fund name));~~

285 ~~((2.))~~ n. ~~((F))~~ the project's scope and a brief description of how the project
 286 satisfies the agency's business plan requirements and, if applicable, how the project
 287 satisfies the agency's site master plan;

288 ~~((3.))~~ o. ~~((C))~~ current phase of project((-, phase status)) and whether the project
 289 has been designated as a ~~((mandatory phased appropriation))~~ risk monitored project;

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290 ~~((4-))~~ p. ~~((P))~~ project baseline, if established, and explanation of any significant
291 variance from it;

292 ~~((5-))~~ q. ~~if a project has completed the preliminary design phase, an~~
293 explanation of alternatives considered;

294 ~~((6- Appropriation and expenditure amounts to date;~~

295 ~~7- Ensuing fiscal period appropriation requested amount;~~

296 ~~8-))~~ r. ~~((E))~~ estimated cost through project closeout, which may be expressed as
297 a range if baseline is not established and planned project costs by phase;

298 ~~((9- Explanation of how contingency amounts were determined or reference to~~
299 ~~applicable county policy;~~

300 ~~10- Explanation of how inflation is incorporated or reference to applicable~~
301 ~~county policy;~~

302 ~~11-))~~ s. ~~((F))~~ identification of funding sources, funding status, and funding risks;
303 and

304 ~~((12-))~~ t. ~~((D))~~ description of key project risks, including summary of top risks
305 in the risk register, if applicable.

306 ~~((D-))~~ C.1. Capital project cost estimates shall:

307 a. be prepared in accordance with applicable industry standards;

308 b. be identified by the executive as part of the budget;

309 c. include requirements of external funding sources and county policies,

310 including, but not limited to, standards regarding estimate accuracies, methodology for

311 determining contingency included for uncertainty and the cost index used to define the

312 time value of money.

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313 2. The level of detail incorporated within each cost estimate shall be
314 commensurate with the information available at each phase of a capital project ((;)) and
315 shall be consistent with the Association for the Advancement of Cost Engineering
316 International cost estimate classification system. For technology projects, cost estimates
317 shall be consistent with the ((King County)) department of information technology
318 project management methodology. The estimates for all succeeding phases shall be
319 updated to represent the latest project information.

320 ((E-)) D. An updated ((project plan)) capital appropriation proposal form shall be
321 provided for each capital project expenditure authority request ((for)) included in a
322 proposed capital budget appropriation ordinance.

323 ((F-)) E. Each technology capital project seeking ((appropriation)) expenditure
324 authority shall also include a benefit achievement plan describing: how the proposed
325 technology investment will produce an improvement or savings in county services; how
326 the improvement or savings will be measured; how much improvement or savings is
327 expected; and when the improvement or savings is likely to be achieved.

328 ((G-)) F. The major maintenance capital program submitted with the budget shall
329 include the following:

330 1. A detailed financial plan covering at least six years setting forth the sources
331 and amounts of revenues used to finance major maintenance reserve fund expenditures in
332 each year of the plan. The revenues from a particular source may change from year to
333 year, as economic and budgetary circumstances warrant. However, if proposed revenues
334 do not fully support the major maintenance financial model, then the discrepancy shall be

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335 documented together with justification and a recovery plan outlining how the deficiencies
336 will be restored;

337 2. The major maintenance financial model (~~((, which))~~) is the analytical system
338 for the expenses for periodic replacement of major county building systems and
339 components and for developing the revenue estimates necessary to cover those expenses.
340 The model shall include any proposed changes from the previous fiscal period model to
341 building systems and components, life cycles, estimates, percentage allocations or other
342 associated assumptions that form the basis of the model; and

343 3. The proposed major maintenance program plan, which is the prioritized list
344 of projects transmitted to the council in the budget with the major maintenance reserve
345 fund (~~((expenditure authority))~~) appropriation request for the ensuing fiscal period,
346 accompanied by criteria used to develop the list and any changes from the previous fiscal
347 period list. The plan shall be prioritized and include project names, project numbers and
348 project (~~((appropriation))~~) expenditure authority requests. The final program plan is
349 adopted by the council as part of the budget appropriation ordinance. Expenditures from
350 the major maintenance reserve fund may be made only for approved capital projects on
351 the program plan or approved reallocations but total expenditures shall not exceed the
352 amount appropriated to the fund.

353 ~~((H.))~~ G. Major maintenance program costs shall be financed by the major
354 maintenance reserve fund. The calculation of the amount necessary to finance facility
355 infrastructure maintenance costs for each building shall be determined by the major
356 maintenance financial model. Proposed changes to the financial model are subject to the
357 reporting requirements in subsection (~~((G.))~~)F.2. of this section.

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358 SECTION 8. Ordinance 17929, Section 19, as amended, and K.C.C. 4A.100.060
359 are hereby amended to read as follows:

360 Planning documents supporting the budget. The budget requires multiple plans
361 that support the budget vision, goals and strategies. The budget shall be consistent with
362 and reflect the following planning documents:

- 363 A. Business plans under K.C.C. chapter 2.10;
- 364 B. The King County Strategic Plan under K.C.C. chapter 2.10;
- 365 C. The strategic plan for information technology under K.C.C. 2.16.0755;
- 366 D. ((~~Project plans~~)) Capital appropriation proposal forms under K.C.C.
367 4A.100.030;
- 368 E. When applicable, a site master plan as defined in 4A.10.545;
- 369 F. The real property asset management plan under K.C.C. 20.12.100;
- 370 G. The King County Comprehensive Plan under K.C.C. chapter 20.18; and
- 371 H. The regional wastewater services plan operational master plan under K.C.C.
372 28.86.180.

373 SECTION 9. Ordinance 17929, Section 21, and K.C.C. 4A.100.080 are hereby
374 amended to read as follows:

- 375 A. An emergent need contingency project may be included in any capital
376 improvement program fund under K.C.C. 4A.100.030.
- 377 B. Emergent need contingency projects must be included in the proposed capital
378 fund's six year capital improvement program and be consistent with the proposed fund
379 financial plan.

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380 C. An emergent need contingency project amount shall not exceed five percent of
381 the total proposed capital fund amount anticipated for the fiscal period or twenty million
382 dollars, whichever is less.

383 D.1. For capital projects other than ~~((mandatory phased appropriation projects))~~
384 risk monitored projects, ~~((appropriation))~~ expenditure authority may be transferred from
385 an emergent need contingency project to another capital project within the same fund to
386 address costs not anticipated at the time of budget adoption. Capital projects requiring a
387 transfer of less than fifteen percent of total project costs, a scope change or a schedule
388 deviation must be reported in the quarterly management and budget report under K.C.C.
389 4A.100.100.

390 2. For transfers of fifteen percent or more of total project costs, the director of
391 the office of performance, strategy and budget or its successor shall be responsible for
392 electronically filing a capital project exception notification ~~((in the form of a paper~~
393 ~~original and an electronic copy))~~ with the clerk of the council, who shall retain ~~((the~~
394 ~~original))~~ an electronic copy and provide an electronic copy to all councilmembers and
395 the lead staff for the budget and fiscal management committee or its successor. The
396 notification must be sent and authorized as set forth in subsection ~~((F))~~ E. of this section
397 ~~((F. of this section))~~ in accordance with this section before any transfer may occur.

398 E. ~~((Capital project exception notifications should be filed by the executive and~~
399 ~~may be received by the council at any time during the fiscal appropriation period.~~

400 F.)) When the clerk of the council receives a capital project exception
401 notification, the clerk of the council shall list the capital project exception notification
402 under other business on the next two council agenda. Councilmembers may object to the

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403 proposed transfer of emergent need contingency (~~((appropriation))~~) expenditure authority
404 to another project in the same fund at either of those two council meetings. If an
405 objection is not made at either council meeting, the transfer may proceed. If an objection
406 to the transfer of emergent need contingency is made at a council meeting, the transfer
407 may not proceed. The clerk of the council shall notify the director of the office of
408 performance, strategy and budget or its successor of the council's action.

409 SECTION 10. Ordinance 17929, Section 22, and K.C.C. 4A.100.090 are hereby
410 amended to read as follows:

411 A grant contingency project may be included in a capital improvement program
412 fund appropriation in anticipation of projects to be supported by grant revenues or other
413 external funding sources. A grant contingency project shall not be approved without
414 documentation, such as grant applications or records of previous grant awards, to support
415 the anticipated project (~~((appropriation))~~) expenditure authority. (~~((Appropriations))~~)
416 Expenditure authority for grant contingency projects shall be expended or encumbered
417 only in the amount of revenues awarded from external funding sources or a combination
418 of external funds received and county matching revenues. After an agency receives a
419 notification of an award of grant revenues or other external funding, it may transfer
420 expenditure authority from the grant contingency project to the existing project awarded
421 the grant revenues or other external funding without council approval up to the amount of
422 the grant award or other external funding and associated local match if consistent with the
423 documentation supporting the grant contingency project. Any such a transferred
424 expenditure authority that is unused for the existing project may be transferred back to
425 the grant contingency project without council approval. The expenditure authority

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426 transfers authorized by this section should be documented in the quarterly management
427 and budget report under K.C.C. 4A.100.100.

428 SECTION 11. Ordinance 620, Section 4 (part), as amended, and K.C.C.
429 4A.100.100 are hereby amended to read as follows:

430 A. The following reports shall be prepared:

431 1. A comprehensive annual financial report. The executive shall annually
432 prepare and publish a comprehensive financial report covering all funds and financial
433 transactions of the county during the preceding fiscal period;

434 2. Internal county audit reports. The county auditor shall periodically prepare
435 and publish the results of examinations performed by the county auditor's office of the
436 effectiveness, efficiency and equity of the operation of county agencies. The examination
437 report and any departmental response to the audit shall be made available by the county
438 auditor, either electronically or in print formats, and by posting on the Internet;

439 3. State audit report. The examination report of the county's financial affairs
440 and transactions issued annually by the Office of the State Auditor and the county
441 response to the audit shall be made available to the State Auditor annually, either
442 electronically or in print formats, and by posting on the Internet; and

443 4. Quarterly budget management reports.

444 a. The executive shall submit to the council a report detailing the results of
445 actual revenue collections and expenditures for each fund. The report shall:

446 (1) present current financial plans for operating and capital funds that have
447 gone through the office of performance, strategy and budget's financial monitoring
448 process, as described in the current comprehensive financial management policies

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449 adopted by council motion (~~(by the council)~~) during the current quarter, including actual
450 expenditures and revenues;

451 (2) identify significant variances in revenue and expenditure estimates for the
452 general fund;

453 (3) list any transfer of emergent need contingency expenditure authority that
454 would increase the total budget of a capital project (~~(by less)~~), identifying those increases
455 that are greater than fifteen percent;

456 (4) list any transfer of grant contingency expenditure authority;

457 (5) list any capital budget appropriations that have lapsed because the project
458 has been completed, abandoned, or because no encumbrance or expenditure has been
459 made for three years;

460 (6) report scope, schedule and budget status for capital projects that has a
461 baseline with total estimated cost greater than one million dollars;

462 (~~((5))~~) (7) summarize the risks included in the risk assessment register for
463 baselined (~~(mandatory phased appropriation)~~) risk monitored projects in the design phase,
464 (~~(and)~~)the acquisition phase(~~(s)~~) and the implementation phase, summarize change orders
465 and amendments, explain change orders and amendments that have the cumulative
466 potential to carry the project over project baseline and summarize the results of the latest
467 earned value analysis;

468 (~~((6))~~) (8) list all new donations to the department of public health of two
469 thousand dollars or more, as described in K.C.C. 2.35A.200, including the name of the
470 person making the donation, the amount of the donation, and the public health purpose
471 for which it is intended to be expended. In any case where the donation originates from

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472 social media activity such as crowdsourcing, the list shall include the name of the person
473 sponsoring this activity; and

474 ~~((7))~~ (9) report on all incremental changes to sections and attachments to the
475 biennial budget appropriations ordinance made during the quarter, including the
476 ordinance numbers making the changes.

477 b. The report shall be electronically filed with ~~((delivered to))~~ the clerk of
478 the council ~~((in the form of a paper original))~~, who shall retain an electronic copy and
479 provide an electronic copy ~~((for distribution))~~ to all councilmembers and ~~((to the chair~~
480 ~~and))~~ the lead staff of the budget and fiscal management committee, or its successor, no
481 later than June 1 for the first quarterly report, September 1 for the second quarterly
482 report, December 1 for the third quarterly report and March 1 for the fourth quarterly
483 report. The director of performance, strategy and budget shall also be responsible for
484 posting the report on the Internet.

485 B. The King County project control officer is requested to report annually on the
486 process used to ensure that all departments and divisions adhere to King County's
487 construction management policies and procedures, the compliance rate for following the
488 county's construction management policies and procedures and the steps being taken to
489 increase compliance with King County's construction management policies and
490 procedures. Additionally, the report shall summarize all findings in regards to any
491 changes in a contract's scope, schedule or budget. The King County project control
492 officer shall electronically file ~~((this))~~ the report by June 1 of each calendar year ~~((in the~~
493 ~~form of a paper original and an electronic copy))~~ with the clerk of the council, who shall
494 retain ~~((the original))~~ an electronic copy and provide an electronic copy to all

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495 councilmembers, the lead staff for the budget and fiscal management committee or its
496 successor and the ~~((capital project oversight office in the))~~ county auditor's office.

497 SECTION 12. Ordinance 16764, Section 2, as amended, and K.C.C. 4A.130.010
498 are hereby amended to read as follows:

499 A. A capital project shall undergo an annual ~~((mandatory phased appropriation~~
500 ~~determination))~~ risk assessment in accordance with the process outlined in K.C.C.
501 4A.130.020 if it meets the following criteria and is not exempt by subsection B. of this
502 section:

- 503 1. The total project cost estimate is over ~~((ten))~~ twenty-five million dollars;
- 504 2. ~~((For a project that has general fund financing, t))~~The project's
505 ~~((appropriations))~~ expenditure authority together with any ~~((request for))~~ supplemental
506 ~~((appropriations))~~ expenditure authority request collectively exceed ~~((two hundred fifty~~
507 ~~thousand))~~ three million dollars in the fiscal period, ~~((or, for a project that does not have~~
508 ~~general fund financing, the project's appropriations together with any request for~~
509 ~~supplemental appropriations collectively exceed five hundred thousand dollars))~~ and the
510 implementing agency estimates that the project is less than three years away from
511 establishing the project baseline or the project has completed the planning phase; and
- 512 3. For a project that has set a project baseline, the project has not had a
513 ~~((mandatory phased appropriation determination))~~ risk assessment since setting of its
514 project baseline.

515 B. The following types of capital projects are exempt from ~~((mandatory phased~~
516 ~~appropriation determination))~~ risk assessment:

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517 1. Information technology projects that do not involve construction and that are
518 subject to the project review board established by Ordinance 14155;

519 2. Open space acquisitions;

520 3. Purchase of transit vehicles; and

521 4. Lease-based projects that comply with the ~~((phased))~~ requirements of K.C.C.

522 4A.130.050.

523 SECTION 13. Ordinance 17930, Section 13, as amended, and K.C.C.

524 4A.130.020 are hereby amended to read as follows:

525 A. ~~((Capital projects required to undergo a mandatory phased appropriation
526 determination))~~ The executive shall ensure that capital projects required to undergo a risk
527 assessment shall receive an annual risk assessment score using a risk assessment scoring
528 instrument developed by the county auditor~~((s capital projects oversight program))~~.

529 Except as provided in subsection D.2. of this section, at least annually, the executive shall
530 notify the county auditor of those capital projects undergoing a risk assessment.

531 B. The risk assessment scoring instrument shall use information such as
532 complexity of regulatory requirements, interdependencies with other projects and
533 programs, schedule constraints, implementing agency resources, project delivery method,
534 complexity of property acquisition issues, public impact, risks inherent to the likely
535 construction technology or any other issues that could have a significant impact on the
536 ability of the project to meet its project baseline scope, schedule or budget. ~~((Before its
537 use by implementing agencies, the instrument shall be approved by the joint advisory
538 group. Revisions to the approved risk assessment scoring instrument proposed by the
539 county auditor must be approved by the joint advisory group, which shall also set the~~

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540 ~~effective date by which implementing agencies must start using the approved, revised~~
541 ~~instrument.))~~

542 C. The risk assessment scoring instrument shall be completed by the
543 implementing agency. The implementing agency director shall ensure that the risk
544 assessment scoring instrument is reviewed and signed by agency staff who does not
545 report to the project's project manager, to anyone who reports to that project manager or
546 to anyone to whom that project manager directly reports. The implementing agency shall
547 submit the completed risk assessment scoring instrument to the executive by a deadline
548 set by the county auditor. The executive shall compile all completed risk assessment
549 scoring instruments and submit the compilation to the county auditor.

550 D.1. For existing capital projects and anticipated capital project (~~(budget~~
551 ~~appropriation))~~ expenditure authority requests, by June 30 of each year the ((executive))
552 county auditor shall ((transmit)) electronically file the risk assessment score results, if
553 required by K.C.C. 4A.130.010, ((by March 31 of each year to)) and a letter
554 recommending which capital projects should be designated risk monitored projects with
555 the clerk of the council, who shall retain an electronic copy and distribute electronic
556 copies to ((the county auditor and the cochairs of the joint advisory group)) all
557 councilmembers and the lead staff for the budget and fiscal management committee, or
558 its successor. ((By May 31 of each year, the joint advisory group, in consultation with
559 the capital projects oversight program, shall consider these projects' risk assessment
560 scores and determine which projects are to be mandatory phased appropriation projects.))
561 The county auditor shall also transmit an electronic copy of its recommendation letter

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562 required by this subsection to the director of the office of performance, strategy and
563 budget, or its successor.

564 2. For each capital project expenditure authority request included in a proposed
565 supplemental capital budget appropriation ordinance ((requests)), the executive shall
566 transmit a risk assessment score, if required by K.C.C. 4A.130.010, ((with the request)) to
567 the county auditor. ((Within a reasonable time upon receipt of these projects' risk
568 assessment scores, the joint advisory group, in consultation with the county auditor, shall
569 consider these projects' risk assessment scores and determine which projects are to be
570 mandatory phased appropriation projects.)) Within a reasonable time after receipt of such
571 a risk assessment score, the county auditor shall determine whether the project has
572 significant potential risk such that it warrants being designated a risk monitored project.
573 The county auditor shall file a letter listing all projects that it recommends for designation
574 as risk monitored projects under this subsection with the clerk of the council, who shall
575 retain an electronic copy and distribute electronic copies to all councilmembers and the
576 lead staff for the budget and fiscal management committee or its successor. The county
577 auditor shall also transmit an electronic copy of its recommendation letter required by
578 this subsection to the director of the office of performance, strategy and budget, or its
579 successor.

580 E.1. ~~((The joint advisory group should strive to have mandatory phased~~
581 ~~appropriation projects from a range of implementing agencies.~~

582 ~~2. The joint advisory group may change the mandatory phased appropriation~~
583 ~~status of any project when the joint advisory group receives a risk assessment score for~~
584 ~~that project.~~

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585 ~~F. The joint advisory group shall file a paper and an electronic copy of a list of all~~
586 ~~mandatory phased appropriation projects and their risk assessment scores with the clerk~~
587 ~~of the council. The joint advisory group shall file a paper and an electronic copy of an~~
588 ~~updated list with the clerk of the council any time there is a change in the mandatory~~
589 ~~phased appropriation determination of a project. The clerk shall retain a paper copy and~~
590 ~~distribute electronic copies of each list to the chair of the budget and fiscal management~~
591 ~~committee, or its successor, and the county auditor.~~

592 ~~G. For capital projects with characteristics that increase their likelihood of being~~
593 ~~completed late or over budget at a potentially significant financial cost or other~~
594 ~~significant impact to the county, t))~~The council may designate a capital project as a
595 ~~((mandatory phased appropriation))~~ risk monitored project by motion or the executive
596 may designate a capital project as a ~~((mandatory phased appropriation))~~ risk monitored
597 project by letter to the council if:

598 a. the capital project is recommended by the county auditor;

599 b. the capital project has not submitted a completed risk assessment scoring
600 instrument as required by this chapter; or

601 c. the capital project is otherwise determined to have characteristics that
602 increase its likelihood of being completed late or over budget at a potentially significant
603 financial cost or other significant impact to the county.

604 ~~((A paper and))~~ 2. The executive shall file an electronic copy of ((the)) a risk
605 monitored project designation letter ((shall be filed)) with the clerk of the council, who
606 shall retain an ((paper)) electronic copy and ((distribute)) provide electronic copies to all

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607 councilmembers, the ~~((cochairs of the joint advisory group or their designees))~~ lead staff
608 for the budget and fiscal management committee or its successor and the county auditor.

609 ~~((H. When submitting a capital budget appropriation ordinance or requesting a
610 supplemental appropriation ordinance for a project subject to the mandatory phased
611 appropriation review, the executive shall also submit the project's risk assessment score
612 and the determination made by joint advisory group.))~~

613 SECTION 14. Ordinance 17930, Section 14, and K.C.C. 4A.130.030 are hereby
614 repealed.

615 SECTION 15. Ordinance 17930, Section 15, and K.C.C. 4A.130.040 are hereby
616 amended to read as follows:

617 A.1. The implementing agency shall establish and maintain a risk register and
618 document strategies to address identified risks for each ~~((mandatory phased
619 appropriation))~~ risk monitored project.

620 2. The implementing agency shall update the risk register at least quarterly, or
621 more frequently should significant changes or additions be identified by the
622 implementing agency.

623 B.1. The implementing agency shall employ earned value management on the
624 design and implementation phases of ~~((mandatory phased appropriation))~~ risk monitored
625 projects to forecast variations in final project cost or completion date, based on progress
626 to date.

627 2. The implementing agency shall develop earned value management tools and
628 methods with a level of detail and scope that is appropriate for the phase of the project
629 and the associated level of certainty regarding cost and schedule estimates.

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630 3. The earned value analysis shall be updated at least (~~monthly~~) quarterly.

631 SECTION 16. Ordinance 14921, Section 3, as amended, and K.C.C. 4A.160.010

632 are hereby repealed.

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633 SECTION 17. Ordinance 14921, Section 5, as amended, and K.C.C. 4A.160.020
634 are hereby repealed.

Ordinance 19395 was introduced on 10/12/2021 and passed by the Metropolitan King County Council on 2/1/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry,
McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 2/9/2022, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

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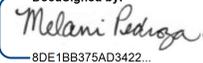
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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

Enabled Security Settings:	Allow per session cookies
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