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Title: AN ORDINANCE adding to the protest and appeal process for procurement of goods and services; amending Ordinance 12138, Section 17, and K.C.C. 4.16.142 and adding a new section to K.C.C chapter 4.16.

Sponsors: Kent Pullen, Rob McKenna, Kathy Lambert

Indexes: Bidding, Finance

Code sections: 4.16 -, 4.16.142 -

Attachments: 1. 2002-0166 Staff Report (LOT 6-11-02)

Date	Ver.	Action By	Action	Result
2/3/2003	1	Metropolitan King County Council	Reintroduced	
6/11/2002	1	Labor, Operations and Technology Committee	Deferred	
4/15/2002	1	Metropolitan King County Council	Introduced and Referred	

Clerk 04/11/2002

AN ORDINANCE adding to the protest and appeal process for procurement of goods and services; amending Ordinance 12138, Section 17, and K.C.C. 4.16.142 and adding a new section to K.C.C chapter 4.16.

STATEMENT OF FACTS:

1. The county charter has given the council an oversight role and the ability to establish county policy.
2. The procurement of goods and services is an important economic function for the county, the goods and service providers and for the taxpayers.
3. It is critical that the county's procurement process be objective and fair and that there be a reasonable appeal process for individuals and businesses that have a grievance with the purchase or contract award process or with the management or termination of a contract after it has been

awarded.

4. It is in the public interest that contracts for goods and services be awarded to the lowest responsible bidder, in a manner consistent with fair rules and appeal procedures.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12138, Section 17, and K.C.C. 4.16.144 are each hereby amended to read as follows:

Protest and appeal procedures. The executive shall establish procedures for considering and determining bid and proposal protests and appeals. ~~((The executive shall render the first administrative determination on all such protests and appeals.))~~ However, there is an additional appeal process under section 2 of this ordinance that is available to any qualifying bidder or proposer that chooses to pursue it after exhausting the executive protest and appeal process.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 4.16 a new section to read as follows:

Appeal procedures for appeals of finance division manager decisions on bid protest.

A. To be considered under this section, an appeal shall be in writing, shall be addressed to the clerk of the council and shall include:

1. The name, address, and phone number of the bidder or proposer protesting, or the authorized representative of the bidder or proposer;
2. The invitation to bid or request for proposals number and title under which the protest is submitted;
3. A detailed description of the specific grounds for protest and any supporting documentation;
4. The specific ruling or relief requested;
5. Evidence that all persons with a financial interest in the procurement have been given notice of the appeal or if such persons are unknown, a statement to that effect; and
6. A copy of the written protest decision by the manager of the finance and business

operations division of the department of executive services.

B. Any person who files a protest that is not upheld by the manager of the finance and business operations division may appeal to the council in accordance with this section.

C. An appeal under this section must be received by the clerk no later than five calendar days after the person filing a protest received written notice of the manager of the finance and business operations division's decision on the protest or appeal.

D. The executive shall not award a bid or contract while the protest or appeal is in process.

E. Upon receipt of a timely written appeal, the chair of the labor, operations and technology committee, or its successor committee, shall investigate the protest. The labor, operations and technology committee shall make a recommendation to the council in the form of a motion. The decision of the council is final.

F. Failure of a bidder or proposer to comply with the procedures in this section may render an appeal untimely or inadequate and may result in rejection of the appeal by the council.

G. The council appeal process under this section applies only to purchases, leases or contracts in excess of twenty-five thousand dollars.