

## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 6/20/2011      **In control:** Government Accountability and Oversight Committee

**On agenda:**      **Final action:** 7/5/2011

**Enactment date:** 7/13/2011      **Enactment #:** 17135

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

**Sponsors:** Kathy Lambert

**Indexes:** Contracts

**Code sections:** 4.19.030 -, 4.19.040 -, 4.19.060 -, 4.19.070 -, 4.19.090 -

**Attachments:** 1. 17135.pdf, 2. 2011-0284 Staff Report.doc

Date	Ver.	Action By	Action	Result
7/5/2011	1	Metropolitan King County Council	Passed	Pass
6/21/2011	1	Government Accountability and Oversight Committee	Recommended Do Pass Consent	Pass
6/20/2011	1	Metropolitan King County Council	Introduced and Referred	

Clerk 06/16/2011

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

### STATEMENT OF FACTS:

1. The deadlines for the annual reports on King County's contracting opportunities program and its apprenticeship program are April 30 and May 1 respectively.
2. The time required to prepare these two reports and perform other program functions makes

these deadlines challenging to meet.

3. In order to facilitate the timely delivery of the reports to the council and to better serve the public, it is in the interests of King County to stagger the deadlines for these reports by two months.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

To be certified for the King County contracting opportunities program, a business must be a small contractor or supplier, have a valid business license, (~~((and)))~~ and must serve a commercially useful function,

as defined in K.C.C. chapter 4.18. To maintain its certification, within one year of its certification a small ((~~contractor or supplier~~)) contractor or supplier must have the person or persons who own and control the business complete at least fifteen hours of business-related training in a program approved by the administrator. Based on the administrator's assessment of the small contractor or supplier's need for additional training, the administrator may require a small contractor or supplier to complete up to fifteen additional hours annually of business-related training. The administrator shall evaluate and approve training programs based on one or more of the following indications of the program's value: the ((~~program's~~)) program's relevant industry's historical use of the program; affiliation the program has with established schools, if any; and accreditation by an established association.

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

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

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

A. The King County contracting opportunities program shall use one or more methods to create an incentive to promote the use of ((~~businesses~~)) businesses owned by small contractors and suppliers. This incentive shall be produced either through a bonus system in which the increased participation of small contractors and suppliers is a factor in the award of contracts; or through a set-aside system under which contractors are required to achieve a specified level of participation by King County contracting opportunities program businesses. If the bonus system is used, the contract shall state the maximum incentive available for the participation of small contractors and suppliers and the possible methods for making use of the incentive. If a set-aside system is used, the contract shall state a required minimum utilization.

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

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

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

1. The total amounts awarded by contract category;
2. The total amount awarded by contract category for which an incentive was available;
3. The total amounts awarded to small contractors and suppliers reported by contract category and by race and gender, to the extent businesses voluntarily provide this race and gender information;
4. For goods and services contracts, the total amount awarded to small contractors and suppliers by race and gender to the extent businesses voluntarily provide this race and gender information, for those contractors for which the small contractor or supplier was not the low bidder;
5. For goods and services, the total amount paid by the county.
6. A listing of all participating small contractors and suppliers by contract category, race and gender to the extent businesses voluntarily provide this race and gender information, their location by city and zip code, and the specific contracts including dollar amounts awarded;
7. A listing of the number of small contractors and suppliers by race and gender, to the extent businesses voluntarily provide this race and gender information, in each of the following revenue categories

that was certified in the program:

a. for goods and services:

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

b. for consulting:

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

c. for construction:

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

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

a. for goods and services:

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

b. for consulting:

- (1) zero to two hundred fifty thousand dollars;
- (2) two hundred fifty thousand to five hundred thousand dollars;
- (3) five hundred thousand to one million dollars;
- (4) one million dollars to the maximum revenue amount allowed under the program rules;

c. for construction:

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

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

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