

ORDINANCE NO. **10581**

AN ORDINANCE relating to bidding procedures for public contracts, increasing the threshold for formal advertised solicitation processes for tangible personal property, services and public works projects, revising public advertising requirements, and creating a small works roster system; amending Ordinance 3441, Sections 3-6 and 8, as amended, and K.C.C. 4.16.030 through 4.16.060 and 4.16.090; amending Ordinance 4551, Section 2, as amended, and K.C.C. 4.16.080; and adding two new sections to K.C.C. 4.16.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 3441, Section 3, as amended, and K.C.C. 4.16.030 are hereby amended to read as follows:

Exceptions to bidding for the lease or purchase of tangible personal property and services or the solicitation of ((bids)) proposals and subsequent purchase of professional and/or technical consultant services. In accordance with the provisions of R.C.W. 36.32.245, R.C.W. 36.32.253 and this chapter ((36.32.250)), the director or his designee is granted authority to let any contract, lease or purchase of tangible personal property or services (other than professional and/or technical consultant services) involving less than ((three thousand five hundred)) twenty-five thousand dollars, without advertisement and without ((competitive)) formal, sealed bidding. The director or his designee is also granted the authority to let any contract for the purchase of professional and/or technical ((service-consultants)) consultant services without a formal solicitation of proposal process where the value of the contract to the ((contractor)) consultant will not exceed ten thousand dollars. ((The director or his designee, is authorized to dispense with advertisement, competitive bidding, and solicitation of proposal processes when)) When leasing or purchasing tangible personal property or services (other than professional and/or technical consultant services) between ((one thousand)) two thousand five hundred dollars and ((three thousand

1 ~~five hundred~~) twenty-five thousand dollars, or when ((the))
 2 awarding ((of)) a professional and/or technical service contract
 3 having a value to the ((contractor)) consultant of less than ten
 4 thousand dollars ((The)) , the director or his designee shall
 5 be responsible for securing telephone and/or written quotations
 6 from enough vendors or prospective contractors or consultants
 7 ((7)) to assure establishment of a competitive price, and for
 8 awarding such contracts ((for purchase of materials, equipment, or
 9 services)) to the lowest responsible bidder or proposer; provided,
 10 that in awarding professional and/or technical service contracts
 11 the director or his designee shall strive to select the most
 12 qualified ((bidder)) proposer, having given due regard to
 13 experience and expertise and other relevant factors ((The
 14 immediately)) ; and provided further, that after the award ((is
 15 made)) of any contract pursuant to this section, the bid
 16 quotations or proposals obtained shall be recorded and open to
 17 public inspection and shall be available by telephone inquiry.

18 SECTION 2. Ordinance No. 3441, Section 4, as amended, and
 19 K.C.C. 4.16.040 are hereby amended to read as follows:

20 Proprietary purchases. The sealed competitive bidding
 21 provisions of this chapter shall not apply to the lease or
 22 purchase of tangible personal property or to services of any kind
 23 which ((is)) are clearly and legitimately limited to a single
 24 source of supply, or to leases and purchases involving special
 25 facilities((7)) or market conditions, in which instances the lease
 26 or purchase price shall be established by direct negotiations with
 27 the department of executive administration. The county executive
 28 or his designee shall approve such leases or purchases in excess
 29 of ((three thousand five hundred)) twenty-five thousand dollars.

30 SECTION 3. Ordinance No. 3441, Section 5, as amended, and
 31 K.C.C. 4.16.050 are hereby amended to read as follows:

32 Emergency purchases. In the event of an emergency when the
 33 public interest or property of the county would suffer material

1 injury or damage by delay, upon declaring the existence of such
2 emergency and reciting the facts constituting the same, the
3 director or his designee may waive the requirements of Section
4 4.16.010 with reference to any (~~purchase or~~) contract relating
5 either to the county's lease or purchase of tangible personal
6 property or services or to ((and)) the requirements for the
7 selection and award of professional and/or technical service
8 consultant contracts; provided, that such exemption shall only
9 apply to those contracts having a value of less than fifty
10 thousand dollars to the (~~consultant~~) contractor or consultant.
11 The executive shall report, in detail, such emergency expenditures
12 to the county council within thirty days of declaring an
13 emergency. Should an emergency require the expenditure of funds
14 in excess of fifty thousand dollars, any such additional
15 expenditure shall be approved by motion of the council,
16 accompanied, if necessary, by an appropriations ordinance,
17 declaring an emergency, following the executive's recommendation.
18 The executive's recommendation shall include such statements as
19 are necessary to fully explain the emergency. Purchases/contracts
20 involving an emergency circumstance shall be approved by the
21 county executive or his designee when the cost exceeds (~~three~~
22 ~~thousand five hundred~~) twenty-five thousand dollars; provided,
23 that no contract or purchase shall be consummated to expend any
24 money or incur any liability in excess of amounts appropriated by
25 ordinance.

26 SECTION 4. Ordinance No. 3441, Section 6, as amended, and
27 KCC 4.16.060 are hereby amended to read as follows:

28 Counter bids. Notice of the lease or purchase((s)) of
29 tangible personal property and the purchase of services (other
30 than professional and/or technical consultant services) between
31 (~~one thousand~~) two thousand five hundred dollars and (~~three~~
32 ~~thousand five hundred~~) twenty-five thousand dollars shall be
33 posted on a bulletin board of the department of executive

1 administration for not less than three days prior to making such
 2 lease or purchase (~~(, lease, or contract)~~). Quotations will be
 3 obtained by telephone and/or in writing from enough vendors or
 4 prospective contractors to assure establishment of competitive
 5 prices and for awarding such contracts for lease or purchase of
 6 materials, equipment or services to the lowest responsible bidder.
 7 Immediately after award is made, the bid quotations obtained shall
 8 be recorded and open to public inspection and shall be available
 9 by telephone inquiry.

10 SECTION 5. Ordinance No. 4551, Section 2, as amended, and
 11 KCC 4.16.080 are hereby amended to read as follows:

12 **Rules and regulations for the solicitation and purchase of**
 13 **professional and/or technical service consultant contracts.**

14 A. The rules and regulations stipulated in this section
 15 shall apply only to professional and/or technical service
 16 consultant contracts in which the county enters into an agreement
 17 to purchase consultant services for county government from a
 18 corporation, firm, agency, individual, or group of individuals
 19 based on their recognized experience and knowledge within a
 20 specialized area of expertise. Examples of such consultant
 21 services subject to this chapter include, but are not limited to,
 22 the following:

- 23 1. Financial or administrative studies;
- 24 2. Feasibility studies of a scientific or technical
 25 nature;
- 26 3. Architectural services, including landscape,
 27 architectural, and engineering, as well as other design
 28 studies;
- 29 4. Special project management for a defined period of time
 30 or result;
- 31 5. Management advisory services; ~~(-)~~ and
- 32 6. Services requiring special knowledge, training, or
 33 advanced education, and involving mental or

1 intellectual, rather than physical or manual, labor or
2 skill, and involving the consistent exercise of
3 judgment and discretion in a specific field or
4 endeavor.

5 B. Consultant contracts for preparation of environmental
6 documents prepared as required by the State Environmental Policy
7 Act, RCW 43.21C, are exempt from the requirements of this chapter.

8 C. In soliciting and ultimately awarding a professional
9 and/or technical services consultant contract, having a value to
10 the contractor in excess of ten thousand dollars, the director or
11 his designee, shall have the operational responsibility to:

12 1. Develop ((bid)) proposal specifications or a project
13 description in the form of a request for proposal in concert with
14 the requesting county agency;

15 2. Develop, with the requesting agency, the written criteria
16 which will be used to determine which written proposal shall be
17 accepted as the basis for recommending contract award. Such
18 determination at a minimum shall include:

19 a. Quality;

20 b. Known and documented expertise of the applicant;

21 c. Documentation, as required, and demonstration of the
22 financial capability of the party to perform specified
23 work;

24 d. Special consideration of the impact of affirmative
25 action, including minority and women's business
26 ((contracting)) enterprise participation.

27 3. Publicly advertise at least ((twice,)) once ((and)) at least
28 ((once, two consecutive weeks in advance)) ten days prior to the
29 last date upon which proposals will be received, the purpose,
30 scheduled date, location, and time of a prebid conference, or the
31 name of a contact person within the issuing authority from which
32 the project specifications shall be available. The purposes of
33 prior notification shall be to distribute and discuss the project

1 specifications in the form of a request for proposal to interested
 2 parties, and inform applicants of the stated time frame for
 3 submission;

4 4. Recommend to the county executive which proposal,
 5 therefore party, should be awarded a contract as being in the best
 6 interests of the county; provided, that in the event the county
 7 fails to negotiate satisfactory terms with the highest ranked
 8 proposed ~~((contractor))~~ consultant, the executive shall then begin
 9 negotiations with the next highest ranked ~~((contractor))~~ proposed
 10 consultant, and so forth until such time as a contract
 11 satisfactory to the county is executed or the process is
 12 terminated by the county;

13 5. Be responsible to address all necessary comments to other
 14 applicants, interested parties, or the general public regarding
 15 the decision by the county to contract for services from a party
 16 to the exclusion of other applicants.

17 SECTION 6. Ordinance No. 3441, Section 8, as amended, and
 18 K.C.C. 4.16.090 are hereby amended to read as follows:

19 Rules and regulations for the lease or purchase of tangible
 20 personal property and the purchase of services other than
 21 professional and/or technical consultant services. The director
 22 or the director's designee shall have prepared and shall approve
 23 and advertise for bids of all county solicitations for the lease
 24 or purchase of tangible personal property and the purchase of
 25 services (other than professional and/or technical consultant
 26 services) in excess of ((three-thousand-five-hundred)) twenty-five
 27 thousand dollars, and such solicitations shall be consistent with
 28 applicable state of Washington statutes, including R.C.W.
 29 36.32.245, R.C.W. 36.32.253 and R.C.W. 39.04.190. All ~~((orders))~~
 30 purchases or contracts made by the director or the director's
 31 designee shall be awarded to the lowest ~~((qualified))~~ responsible
 32 bidder ~~((, taking into consideration the quality of the material~~
 33 ~~or services to be supplied, their conformity with the~~

1 ~~specifications, their suitability to the requirements of the~~
2 ~~county government, and the delivery terms)).~~ Any or all bids may
3 be rejected for good cause.

4 NEW SECTION. SECTION 7. There is added to K.C.C. 4.16 a new
5 section to read as follows:

6 **Waiver of advertisement and competitive bidding for certain**
7 **public works projects.** In accordance with R.C.W. 36.32.250,
8 advertisement and competitive bidding shall be dispensed with in
9 the letting of contracts for public works involving less than ten
10 thousand dollars.

11 NEW SECTION. SECTION 8. There is added to K.C.C. 4.16 a new
12 section to read as follows:

13 **Small Works Roster Alternative to Advertisement and**
14 **Competitive Bidding.** There is hereby created a small works roster
15 system, which shall operate as a uniform process to award
16 contracts for public works projects with an estimated value of one
17 hundred thousand dollars or less as an alternative, at the option
18 of the county on a project-by-project basis, to formal
19 advertisement and competitive bidding. The following procedures
20 shall be followed in awarding all contracts using this roster
21 system:

22 (A) Individual rosters within the system shall be composed of all
23 contractors who have requested to be placed thereon and who are,
24 where required by law, properly licensed to perform such work in
25 this state;

26 (B) The county shall actively solicit participation by women-
27 owned and minority-owned business enterprises in accordance with
28 the provisions of K.C.C. 4.18;

29 (C) Whenever possible, the county shall by invitation seek bids
30 from at least five separate contractors on an appropriate roster.
31 Such invitation shall include an estimate of the scope and nature
32 of the work to be performed as well as the materials and equipment
33 to be furnished;

1 (D) Once a contractor on a roster has been offered an opportunity
2 to submit a bid, that contractor shall not be offered another
3 opportunity to submit a bid for any other contract utilizing that
4 same roster until all other contractors thereon, including women-
5 owned and minority-owned contractors, have been afforded an
6 opportunity to submit a bid; and

7 (E) A contractor shall be removed, at the discretion of the
8 manager, from a small works roster after being deemed non-
9 responsible to two consecutive invitations to bid.

10 (F) All contracts shall be awarded to the contractor submitting
11 the lowest responsible bid.

12 The director or his designee shall be responsible for the
13 administration of the small works roster system and shall prepare
14 and adopt the forms, administrative processes and operational
15 procedures necessary to implement a small works roster system for
16 different categories of anticipated work that complies fully with
17 this section and all applicable requirements of state law,
18 including those set forth in R.C.W. 36.32.250 and R.C.W. chapter
19 39.04.

20 NEW SECTION. SECTION 9. The present limit of \$1,000 on
21 direct voucher purchases by individual departments shall not
22 exceed that limit without approval by ordinance passed by the
23 Council.

24 NEW SECTION. SECTION 10. It shall be the responsibility of
25 the office of financial management to report to the Council no
26 later than April 30th of each year direct voucher activity for the
27 previous year on a department by department basis. Said report
28 shall include, but not be limited to, an identification of
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1 problems regarding inappropriate use of direct vouchering and
2 corrective actions to be implemented by the Executive.

3 INTRODUCED AND READ for the first time this 6th day of

4 July, 19 92.

5 PASSED this 12th day of October, 19 92.

6 KING COUNTY COUNCIL
7 KING COUNTY, WASHINGTON

8 Audrey Sugar
9 Chair

10 ATTEST:

11 Gerald A. Peter
12 Clerk of the Council

13 APPROVED this 23rd day of October, 19 92.

14 Jim Hill
15 King County Executive

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