

BRUCE LAING | JANE HAG
CYNTHIA SULLIVAN
GREG NICKELS
MAGGI FIMIA
Derdowski
Sims
Gossett
Pullen

July 26, 1995

Introduced By:

RESERVE6.ORD/CMM

Proposed No.:

95-316

ORDINANCE NO. **11916**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

AN ORDINANCE relating to the procurement of goods and services from minority and women's business enterprises; directing the Executive to take steps to further make King County's contracting and purchasing procedures fair and equitable; and calling for the creation of an experimental, pilot reserve contracting program.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. Concern that King County continue its efforts to provide a level and fair playing field for women and minority businesses seeking to do business with King County resulted in the adoption of Ordinance 11564. Among other things, that ordinance called for the Executive to find and devise ways to have King County contract with minority businesses as prime contractors consistent with their availability.

In part, that concern was engendered by the data contained in the Executive's 1993 women's and minority business enterprise report. The statistical data contained in that report is a cause for continuing concern.

The statistical data contained in the 1993 report suggests that African American, Hispanic and Native American purveyors of goods and services do not receive a significant portion of the public's dollars through contracting and the purchase of goods and services either as prime or sub contractors.

1 The King County council finds that making opportunities
2 available to women's and minority businesses serves the
3 public interest and that the furtherance of that public
4 interest requires King County to identify and apply
5 appropriate remedies in advance of the Executive's
6 recommendations on contracting required by Ordinance 11564.

7 The King County council also finds that an immediate
8 step which may be taken to further the equitable distribution
9 in the contracting of public dollars is the establishment of
10 a reserve contracting component to King County's affirmative
11 contracting efforts.

12 The department of metropolitan services uses reserve
13 contracting for women and minority business enterprises as an
14 effective tool in combating discrimination in the market
15 place. Therefore, the council finds that the adoption of this
16 contracting option is a desirable public policy tool best
17 tested and introduced to the rest of King County government
18 on a pilot basis.

19 NEW SECTION. SECTION 2. Reserve contracting. A.

20 "Reserve contracting", "reserve contracts" and kindred terms
21 shall mean the setting aside of specific contracts and/or
22 dollar amounts for the contracting by King County for
23 specific goods and services to be provided by certified women
24 and/or minority business enterprises through competitive
25 procurement processes, consistent with the requirements of
26 State and local law.

27 B. The King County executive is directed to immediately
28 identify potentially underutilized purveyors of goods and
29 services, including but not limited to African American,
30 Hispanic and Native American businesses, as suggested by the

1 executive's 1993 report on women's and minority business
2 enterprises. The executive is also directed to begin to
3 remedy the apparent underutilization of certified women's and
4 minority businesses seeking to do business with King County
5 by:

6 1. Identifying in which areas of county contracting
7 underutilized minority and women's businesses will
8 benefit from having both contracts and dollars reserved
9 for them both as prime and subcontractors.

10 2. Immediately devising criteria, processes and
11 procedures for reserving contracts to these protected
12 groups designed to immediately remedy the
13 underutilization demonstrated in the county's 1993 women
14 and minority business enterprise report consistent with
15 the advertising and bidding requirements established by
16 both county ordinance and State statute and using the
17 past practices and procedures of the department of
18 metropolitan services, as outlined in Ordinance 11032,
19 as a guide, including but not limited to the following:

20 a. identifying reserve contract goals for
21 underutilized and certified women's and minority
22 businesses in each area of business in which the
23 county contracts public dollars.

24 b. devising methods for reviewing subcontracting
25 opportunities in those instances where the county
26 awards public dollars for public purposes to non-
27 certified businesses.

28 NEW SECTION. SECTION 3. Limitation allowed. For the
29 purposes of testing and evaluating a reserve contract pilot
30 program for King County contracting, exclusive of the

1 affirmative efforts of the department of metropolitan
2 services, the executive may limit initial efforts to
3 implement reserve contracting to those contracts or portions
4 of contracts totaling one million dollars or less. Moreover,
5 no underutilized certified business meeting all of the
6 requirements for contracting with King County, including but
7 not limited to insurance, bonding, financing and
8 capitalization requirements, shall be excluded from
9 participating in any other contracting opportunities offered
10 by King County because of participation in a reserved
11 contract.

12 NEW SECTION. SECTION 4. Implementation of a pilot
13 reserve contracting program. A. The executive shall
14 implement a pilot reserve contracting program as soon as the
15 council shall have approved its proposed configuration.

16 B. The executive shall report to the council no later
17 than September 30, 1995 the proposed configuration for a
18 pilot reserve contracting program and an evaluation component
19 as contemplated in this ordinance.

20
21
22
23
24
25
26
27
28
29
30 COUNCIL AMENDED 7/31/95

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

C. The executive may, at his discretion, propose to the council the inclusion of any protected groups in a pilot reserve contracting program.

D. Reserve contracting and reserve contracts shall only be used by the executive in support of meeting present minority and women's business enterprise utilization goals.

INTRODUCED AND READ for the first time this 24th day of April, 1995.

PASSED this 31st day of July, 1995.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Passed by a vote of 11-1.

Kent Pullen
Chair

ATTEST:

Gerald A. Pitzer
Clerk of the Council

APPROVED this 11 day of August, 1995.

Charles R. Earl, Deputy
for King County Executive

Attachments: