

12/04/97

Introduced By: Larry Gossett

clerk 12/4/97

Proposed No.: 97-716

ORDINANCE NO. **12956**

AN ORDINANCE relating to the procurement of goods and services by King County from minority business enterprises and women's business enterprises; amending Ordinance 12026, and K.C.C. 4.18.060.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. KCC 4.18.060 is hereby amended to read as follows:

Utilization requirements, specific.

A. In order to expedite achieving of the utilization goals established in accordance with this chapter, the following utilization requirements shall apply to all competitive bids and other responses to solicitation:

1. For all tangible personal property, service, and concession contracts and all architectural and engineering contracts, consultant contracts and public work contracts under ten thousand dollars, the administrator shall determine a percentage factor appropriate to offset the effects of discrimination in the industry involved, which percentage shall be used in determining which responding party is the lowest responsible bidder or best proposal:

1 a. Responding parties whose bids are within the percentage factor of the
2 best proposal or the bid made by the lowest bidder shall be ranked in the following order:

3 First, minority/women businesses which will perform the entire contract unassisted
4 and those minority/women's businesses which will exclusively use minority/women's
5 businesses as subcontractors, suppliers or in similar assisting roles to the extent set forth
6 above.

7 Second, minority/women's businesses which alone or as part of joint ventures serve
8 as the prime contractor where minority/women's business participation is at least twenty-
9 five percent of the dollar value of a contract;

10 Third, non-minority/non-women's businesses which use minority/women's
11 businesses as subcontractors, suppliers, or in similar assisting roles in an amount equal to
12 at least twenty-five percent of the contract amount; and

13 Fourth, non-minority/non-women's businesses which do not use minority/women's
14 businesses as subcontractors, suppliers, or in similar assisting roles to the extent set forth
15 above.

16 b. All responding parties within each particular ranking shall be grouped according
17 to the amount of their bid or the evaluation score of their proposal as determined by the
18 contract awarding authority, with low bidders and higher scoring proposals receiving the
19 highest priority. The lowest bidder or higher scoring proposal within the highest ranking
20 category shall be awarded the contract in question.

21 c. In determining the percentage factor to be used for a particular contract, the
22 administrator shall consider the following factors:

1 (1) Price differentials between M/WBEs and non-M/WBEs on previously
2 submitted bids;

3 (2) Standard industry costs;

4 (3) Standard industry profit margins;

5 (4) Availability of M/WBEs to perform as retailers, distributors,
6 wholesalers and manufacturers, by commodity area; and

7 (5) Other pertinent facts

8 d. Generally applied percentages shall be determined by commodity area.

9 2. For every public work, architectural and engineering, and service contract the
10 following set aside requirements shall be met:

11 a. Contracts for public work, service and architectural/engineering services, the
12 estimated cost of which exceeds ten thousand dollars, shall require responding parties to
13 include in their responses to solicitation both minority and women's business participation
14 in the contract in a percentage which equals or exceeds the percentages determined for the
15 contract by the administrator. The administrator shall determine the percentages for each
16 contract based on the extent of subcontracting opportunities presented by the contract and
17 the availability of minority and women's business enterprises qualified to perform such
18 subcontracting work. Such percentages may be higher or lower than the annual goals for
19 the type of contract involved.

20 b. Where a contract is awarded to a minority or women's business which will
21 perform at least twenty-five percent of the work, the set aside requirements of these
22 subsections shall not apply.

1 c. To the extent practicable and except in extenuating or special circumstances, as
 2 determined by the administrator, responding parties shall identify the specific
 3 minority/women's businesses to be used in performing the contract, the dollar and/or
 4 percentage value of the participation, the work to be performed by each minority/women's
 5 business, and other information reasonable related to determining the responding parties'
 6 compliance with the county's minority/women's business requirements. In determining
 7 what information shall be submitted and when it shall be submitted, the administrator shall
 8 take into account the county's policies of maximizing opportunities for minority/women's
 9 businesses, simplifying paperwork requirements for bidders and proposers, and prohibiting
 10 bidders and proposers from shopping bids, proposals and offers from minority/women's
 11 businesses.

12 d. During the term of the contract, any failure to comply with the percentages of
 13 minority/women's business participation required for the bid or proposal shall be
 14 considered a material breach of contract. The dollar value of the total contract used for the
 15 calculation of the set-aside shall be increased or decreased to reflect executed change
 16 orders unless:

17 (1) a waiver is obtained in accordance with Section 4.18.070 after consultation
 18 among the contract awarding authority, the administrator and the contractor; or

19 (2) the department obtains a reduction in the amount of the set aside according to
 20 the procedure in paragraph B of this section.

21 B. Departments may request a reduction in the amount of the set aside for either or
 22 both minority business enterprises or women's business enterprises or in the percentage

1 factor to be applied under the percentage preference method, by submitting the reasons
2 therefore in writing to the administrator.

3 1. The administrator may grant such a reduction upon determination that:

4 a. The reasonable and necessary requirements of the contract render
5 subcontracting or other participation of businesses other than the bidder or proposer
6 infeasible at the adopted goal levels; or

7 b. Qualified minority and women's business enterprises capable of
8 providing the goods or services required by the contract, are unavailable in the market area
9 of the project, despite every feasible attempt to locate appropriate minority and women's
10 business enterprises to meet adopted goals.

11 c. The available minority and/or women's businesses have given price
12 quotes which are unreasonably high in that they exceed competitive levels beyond amounts
13 which can be attributed to cover costs inflated by the present effects of discrimination.

14 2. Any reductions in set aside amount granted by the administrator shall specify the
15 amount to which the set aside has been reduced.

16 C. Where this section specifies that a set aside or a percentage factor shall be used
17 for a particular type of contract, the method specified is the preferred method for achieving
18 the utilization goals. A department may use the other method in its solicitation documents
19 for a specific contract if it determines that a method other than the one established by this
20 section will be a more feasible method of achieving the annual utilization goal. In the
21 event that a department chooses to use a method other than the one specified in this
22 section, it shall include in its annual report to the executive as required by ((Section))

1 K.C.C. 4.18.080, documents demonstrating that a method other than the one established by
2 this section is a more feasible method of achieving the annual utilization goal.

3 D. All solicitation documents shall include the applicable requirements of
4 ~~((Sections))~~ K.C.C. 4.18.050 and 4.18.060. In addition, documents shall include a
5 provision prohibiting any agreement between a responding party and a minority/women's
6 business in which the minority/women's business promises not to provide subcontracting
7 quotations to other responding or potential responding parties. Bids, proposals~~((s))~~ and
8 other responses which fail to meet the requirements of this section shall, within the
9 limitations of federal and state law, be deemed non-responsive unless a waiver has been
10 granted pursuant to ~~((Section))~~ K.C.C. 4.18.070.

11 E. The percentage factor and set aside requirements of this section shall not apply
12 to contracts awarded for the remainder of any calendar year in which the contract awarding
13 authority is determined by the administrator to have met the applicable county utilization
14 goals as established by this chapter. The percentage factor and set aside provisions of this
15 section shall again apply in each succeeding calendar year until the annual utilization goals
16 for that year have been met by the contract awarding authority.

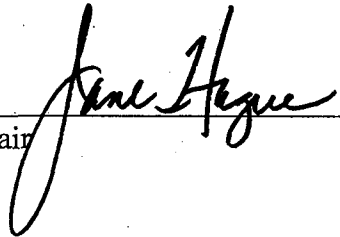
17 F. For the Kingdome food and beverage concession contract, the set aside method
18 of achieving utilization goals shall apply.

1 G. The requirements of this section shall cease to apply to contracts awarded by the
2 county and its departments on December 31, (~~1997~~) 1998 unless reenacted by the King
3 County council.

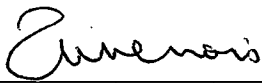
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5 INTRODUCED AND READ for the first time this 8th day of December, 1997.

6 PASSED by a vote of 11 to 0 this 15th day of December,
7 19 97

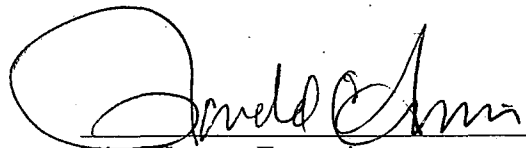
8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10
11 
Chair

12 ATTEST:

13 
14 Clerk of the Council

15 APPROVED this 19 day of December, 19 97

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17 
18 King County Executive

19 Attachments:

December 10, 1997

Introduced By:

Chris Vance

County Levy Limit Factor

Proposed No.:

97-675

ORDINANCE NO. **12957**

AN ORDINANCE relating to the county regular property tax levy for collection in 1998; implementing the provisions of Referendum 47(Chapter 3, Laws of Washington 1997), finding substantial need for and providing for a limit factor other than that otherwise provided by RCW 84.55.010.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Finding of substantial need.

Pursuant to the provisions of Referendum 47, specifically Section 204, Chapter 3, Laws of Washington, 1997, the council hereby finds that there is substantial need for use of a limit factor other than that otherwise provided by RCW 84.55.010. The grounds for this are that essential emergency medical services presently provided throughout King County are threatened by the unavailability in 1998 of the existing source of funding due to the recent failure of the proposed EMS levy. Funding to continue these services must be provided from regular property tax revenues until other funding sources, if any, are available.