

ORDINANCE NO. 6172

AN ORDINANCE relating to the organization of the Executive Branch of county government, bringing various sections of the King County Code into conformance with the organization specified in K.C.C. 2.16; repealing Ordinance 1720, Section 1 and K.C.C. 2.92.020; amending Ordinance 1720, Sections 2 through 4, and K.C.C. 2.92.020 through 2.92.040; amending Ordinance 1959, and K.C.C. 2.96.010 and 2.96.030; amending Ordinance 3441, Sections 1 through 7 and Sections 9 through 11 as amended, Ordinance 4114, Section 1, Ordinance 4551, Section 1, and K.C.C. 4.16.010 through 4.16.070 and 4.16.090 through 4.16.130, and repealing Ordinance 4992, Section 2 and Ordinance 4070, Section 6.

PREAMBLE:

The County Council, by Ordinance 6066, has prescribed, through formal policy, the organization, functions and responsibilities of the agencies of the Executive branch of county government through the division level of organizational structure. Accordingly, the organizational relationships therein described supercede such relationships prescribed in earlier ordinances. Where only changes in organizational titles are involved, the Clerk of the Council has the authority to make the appropriate changes. Where the organizational relationship is different, notwithstanding agency titles, Council action to amend the earlier ordinance is required. The intent of this ordinance is to initiate just such action, specifically with regard to purchasing, safety and worker's compensation and fleet administration functions.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1720, Section 1 and K.C.C. 2.92.010 are hereby repealed.

SECTION 2. Ordinance 1720, Section 2 and K.C.C. 2.92.020 are hereby amended as follows:

~~((Responsibilities))~~ Scope of Program. The ~~((responsibilities))~~ scope of the ~~((office-of))~~ safety and ~~((workmen's))~~ worker's compensation ~~((administration))~~ program shall ~~((be-to))~~ include the following functions:

A. Develop and administer a management-employee participating safety program congruous to the ~~((newly enacted))~~ Washington State Industrial Safety and Health Act ~~((and))~~ designed to reduce or eliminate accidents, personal

1 injuries or damage to property;

2 B. Establish and maintain a motor vehicle fleet safety
3 program, accident reporting process and a review board
4 procedure within all departments;

5 C. Administer the county self-insured ((workmen's))
6 workers' compensation insurance system within the rules,
7 regulations and procedures as established by the Legislature
8 and the Department of Labor and Industries of the state of
9 Washington;

10 D. Provide all technical safety support pursuant thereto.

11 SECTION 3. Ordinance 1720, Section 3 and K.C.C. 2.92.030
12 are hereby amended as follows:

13 ((Manager)) Duties. The ((~~manager-of-his~~)) Director,
14 Department of Executive Administration, or the authorized
15 representatives of that officer, shall as a minimum:

16 A. Investigate or supervise the investigation of all
17 accidents involving county employees and/or property resulting
18 from department operations;

19 B. Establish and supervise procedures designed to
20 discover and control hazardous conditions and unsafe work
21 practices;

22 C. Inspect all properties and work areas and require
23 reasonable correction to safety deficiencies;

24 D. Select and approve purchase of all safety equipment
25 and establish safety specifications prior to purchase of other
26 equipment of machines;

27 E. Establish safety requirements in addition to minimum
28 state and local rules and regulations where deemed necessary;

29 F. Review all employee suggestions ((~~submitted-to-the-~~
30 ~~merit-awards-suggestion-program~~)) relating to safety to ensure
31 compatibility with federal, state and local codes, rules and
32 regulations;

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1 G. Review the safety criteria on all proposed
2 construction projects to be accomplished by private
3 contractors;

4 H. Coordinate or provide training to employees in first
5 aid, driving and other safety related specialty fields;

6 I. Demand immediate cessation of work around any
7 operation or piece of equipment in which he believes a hazard
8 exists creating imminent danger to the employees involved;

9 J. Act as liaison between the county, the State
10 Department of Labor and Industries and the Washington Traffic
11 Safety Commission and coordinate activities toward compliance
12 under the Washington State Industrial Safety and Health Act
13 and the Highway Safety Act of 1966;

14 (~~K. -- Require department cooperation, assistance and
15 information deemed necessary in the discharge of his
16 responsibilities.~~)

17 K. Coordinate the requirements of the Washington State
18 Traffic Safety Commission within the county.

19 L. Coordinate the county pre-employment physical
20 examination program.

21 SECTION 4. Ordinance 1720, Section 4, and K.C.C. 2.92.040
22 are hereby repealed.

23 SECTION 5. Ordinance 1959. Section 1 and K.C.C.
24 2.96.010, are amended as follows:

25 Administration of equipment and lease purchases. The
26 (~~office of property and purchasing~~) Director, Executive
27 Administration, as generally authorized in (~~the County~~
28 ~~Charter Section 920.10.40 and~~) RCW 36.32.260, shall
29 administer equipment lease and lease purchases for all county
30 departments required to use (~~the office of property and~~
31 ~~purchasing~~) the county's centralized purchasing process.

32 SECTION 6. Ordinance 1959, Section 3, and K.C.C. 2.96.030
33 are amended as follows:

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((Manager-responsibility-in-evaluating-lease)) Lease evaluation responsibility. The ((manager)) director of the ((office-of-property-and-purchasing)) Department of Executive Administration, hereafter referred to as ((manager)) "director" is designated the following responsibilities in administering or evaluating lease and/or lease purchase agreements for equipment.

1. The ((manager)) director, in conjunction with the requestor, must perform a lease versus purchase cost analysis of such equipment either based on the present value and/or paycheck methods. An annual cost analysis will be conducted sixty days prior to the termination day for any lease considered for renewal. When the cost analysis indicates that a purchase rather than lease and/or lease purchase of equipment is in the best interest of the county and the present value differential is greater than five thousand dollars, the county executive must approve the lease and provide the council with a written explanation of the reason a lease is preferred.

2. Lease of any single piece or grouping of similar equipment for the same department or identical organization with an annual rental of one thousand dollars or more must be approved by the manager.

3. Annual leases may be negotiated with future year options.

SECTION 7. Ordinance 4551, Section 1 and K.C.C. 4.16.010 are hereby amended as follows:

Definitions. The terms "bid", "bidding", "prebid", and "bidder" shall have their normal meaning in this chapter, in that a potential contractor is offering to perform service, or the county is soliciting responses from potential contractors

1 in the form of written proposals or offers to perform service.

2 The terms continue to have their normal meaning when
3 applied to the purchase of tangible personal property and used
4 within purchase processes where price is the sole criterion
5 for award, as governed by RCW 36.32.

6 The terms continue to have their normal meaning when
7 applied to the process and award of professional and/or
8 technical service consultant contracts and within purchase
9 processes where the award is based on a contractor offering to
10 perform service, within a structured selection process, but
11 require considering such offers on the basis of experience,
12 expertise, and other qualitative factors such that cost and
13 pricing shall not have been a criterion in the process of
14 selection and award.

15 The term "director" as used throughout this chapter shall
16 mean the Director, Department of Executive Administration.

17 SECTION 8. Ordinance 3441, Section 2 as amended and
18 K.C.C. 4.16.020 are hereby amended as follows:

19 Bid board established. There is established the King
20 County bid board which shall consist of the county executive
21 or his designee and the chairman of the county council or his
22 designee. The purpose of this board is to be present and
23 function at the opening of all bids relating to the county's
24 purchase of tangible personal property that have been
25 advertised by publication in the official county newspaper and
26 to exercise surveillance over the bid opening. Sealed bid
27 proposals shall be received by the ~~((Comptroller/Purchasing-~~
28 ~~Division))~~ director in such locations as he shall ~~((be))~~
29 designate ~~((d-by-the-manager-of-said-office))~~ at the
30 advertised time, and date; to be opened by the King County bid
31 board. The ~~((county-administrative-officer))~~ director or his
32 designee shall award the lowest acceptable bid proposal by
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1 entering into a lawful agreement with the awardee. Bid
2 proposals shall be submitted as follows: Proposals shall be
3 sealed and shall be mailed or delivered to the location
4 designated by the ((~~county-administrative-officer~~)) director
5 or his designee up to the time and date specified on the
6 invitation to bid, where such bids shall be time-stamped and
7 initialed by a King County employee. No bids shall be
8 accepted after the time and date specified on the invitation
9 to bid, and there shall be no exceptions to this
10 requirement. After the expiration of the time for the receipt
11 of bid proposals, the proposals will be delivered by an
12 employee of the ((~~Comptroller/Purchasing-Division~~))
13 Department of Executive Administration to the King County bid
14 board for opening thereafter.

15 SECTION 9. Ordinance 3441, Section 3 as amended, and
16 K.C.C. 4.16.030 are hereby amended as follows:

17 Exceptions to bidding for the purchase of tangible
18 personal property or the solicitation of bids and subsequent
19 purchase of professional and/or technical consultant service.
20 In accordance with the provisions of RCW 36.32.250, the
21 ((~~county-administrative-officer~~)) director or his designee is
22 granted authority to let any contract, lease or purchase of
23 tangible personal property involving less than three thousand
24 five hundred dollars, without advertisement and without
25 competitive bidding. The ((~~county-administrative-officer~~))
26 director or his designee is granted the authority to let any
27 contract for the purchase of professional and/or technical
28 service consultants without a formal solicitation of proposal
29 process where the value of the contract to the contractor will
30 not exceed ten thousand dollars. The ((~~county-administrative~~
31 ~~officer~~)) director or his designee, is authorized to dispense
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1 with advertisement, competitive bidding, and solicitation of
2 proposal processes when purchasing tangible personal property
3 between one thousand dollars and three thousand five hundred
4 dollars, or the awarding of a professional and/or technical
5 service contract having a value to the contractor of less than
6 ten thousand dollars. The (~~manager-of-the-~~
7 ~~Comptroller/Purchasing-Division~~) director or his designee
8 shall be responsible for securing telephone and/or written
9 quotations from enough vendors or prospective contractors, to
10 assure establishment of a competitive price and for awarding
11 such contracts for purchase of materials, equipment, or
12 services to the lowest responsible bidder; provided, that in
13 awarding professional and/or technical service contracts the
14 (~~manager-of-the-Comptroller/Purchasing-Division~~) director or
15 his designee shall strive to select the most qualified bidder,
16 having given due regard to experience and expertise.

17 Immediately after the award is made, the bid quotations or
18 proposals obtained shall be recorded and open to public
19 inspection and shall be available by telephone inquiry.

20 SECTION 10. Ordinance 3441, Section 4 as amended, and
21 K.C.C. 4.16.040 are hereby amended as follows:

22 Proprietary purchases. The sealed competitive bidding
23 provisions of this chapter shall not apply to tangible
24 personal property which is clearly and legitimately limited to
25 a single source of supply and purchases involving special
26 facilities, or market conditions, in which instances the
27 purchase price shall be established by direct negotiations
28 with (~~the-Comptroller/Purchasing-Division~~) the Department of
29 Executive Administration. The county executive or his
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1 designee shall approve such purchases in excess of three
2 thousand five hundred dollars.

3 SECTION 11. Ordinance 3441, Section 5 as amended, and
4 K.C.C. 4.16.050 are hereby amended as follows:

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

2 SECTION 12. Ordinance 3441, Section 6, and K.C.C.

3 4.16.060 are hereby amended as follows:

4 Counter bids. Notice of purchases between one thousand
5 dollars and three thousand five hundred dollars shall be
6 posted on a bulletin board of the ((~~Comptroller/Purchasing-Division~~)) Department of Executive
7 Administration for not less than three days prior to making
8 such purchase, lease, or contract. Quotations will be
9 obtained by telephone and/or in writing from enough vendors to
10 assure establishment of competitive prices and for awarding
11 such contracts for purchase of materials, equipment or
12 services to the lowest responsible bidder. Immediately after
13 award is made, the bid quotations obtained shall be recorded
14 and open to public inspection and shall be available by
15 telephone inquiry.
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17 SECTION 13. Ordinance 3441, Section 7, as amended, and
18 K.C.C. 4.16.070 are hereby amended as follows:

19 Petty cash purchases. Various departments or agencies of
20 King County regularly have requirements for minimal cost
21 purchases, and the cost of competitive purchasing to the
22 county in these instances is unwieldy and costly to the
23 county. The ((~~Comptroller/Purchasing-Division~~)) director
24 shall establish a petty cash fund for open market purchases of
25 miscellaneous items, total purchase price not to exceed
26 twenty-five dollars. Individual King County departments or
27 agencies may effect these minimal cost purchases directly.
28 The ((~~Comptroller/Purchasing-Division~~)) director will
29 authorize the reimbursement to each department or agency King
30 County employee authorized to make such petty cash
31 expenditures upon delivery of vendor's sales receipt. The
32 authorized designee of the King County department or agency
33 will certify the vendor's paid sales receipt and deliver same

1 to the ((Comptroller/Purchasing-Division)) Department of
 2 Executive Administration for reimbursement.

3 SECTION 14. Ordinance 4114, Section 1 and K.C.C. 4.16.080
 4 are hereby amended as follows:

5 Rules and regulations for the solicitation and purchase of
 6 professional and/or technical service consultant contracts.
 7 Professional and/or technical service consultant contracts
 8 shall be construed as meaning those in which the county,
 9 following a competitive selection process, enters into a legal
 10 agreement to purchase service from a corporation, firm,
 11 agency, individual, or group of individuals who for a fee, and
 12 based on their recognized experience and knowledge within a
 13 specialized area of expertise, performs a defined service for
 14 the county. Examples of such service include, but are not
 15 limited to, the following:

16 A. Financial or administrative studies;

17 B. Feasibility studies of a scientific or technical
 18 nature;

19 C. Architectural services, including landscape,
 20 architectural, and engineering, as well as other design
 21 studies;

22 D. Special project management for a defined period of
 23 time or result;

24 E. Management advisory services.

25 In soliciting and ultimately awarding a professional
 26 and/or technical services consultant contract, having a value
 27 to the contractor in excess of ten thousand dollars, the
 28 ((county-administrative-officer)) director or his designee,
 29 ((the-manager-of-the-Comptroller/Purchasing-Division-or-in-the-
 30 ease-of-architectural-services,-the-county-design-commission))
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1 shall have the operational responsibility to:

2 A. Develop bid specifications or a project description in
3 the form of a request for proposal in concert with the
4 requesting county agency;

5 B. Develop, with the requesting agency, the written
6 criteria which will be used to determine which written
7 proposal shall be accepted as the basis for recommending
8 contract award. Such determination at a minimum shall include:

- 9 1. Quality;
- 10 2. Known and documented expertise of the applicant;
- 11 3. Documentation, as required, and demonstration of the
12 financial capability of the party to perform specified work;
- 13 4. Special consideration of the impact of affirmative
14 action, including minority business contracting.

15 C. Publicly advertise at least twice, and at least once,
16 two consecutive weeks in advance, the purpose, scheduled date,
17 location, and time of a prebid conference, or the name of a
18 contact person within the issuing authority from which the
19 project specifications shall be available. The purposes of
20 prior notification shall be to distribute and discuss the
21 project specifications in the form of a request for proposal
22 to interested parties, and inform applicants of the stated
23 time frame for submission;

24 D. Recommend to the county executive which proposal,
25 therefore party, should be awarded a contract as being in the
26 best interests of the county; provided, that in the event the
27 county fails to negotiate satisfactory terms with the highest
28 ranked proposed contractor, the executive shall then begin
29 negotiations with the next highest ranked contractor;

30 E. Be responsible to address all necessary comments to
31 other applicants, interested parties, or the general public
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1 regarding the decision by the county to contract for services
2 from a party to the exclusion of other applicants.

3 SECTION 15. Ordinance 3441, Section 9 as amended and
4 K.C.C. 4.16.100 are hereby amended as follows:

5 Unlawful purchases. Regardless of whether bids have been
6 solicited by the county for the purchase of tangible personal
7 property or professional and/or technical service consultant
8 contracts, it shall be the duty of the
9 ((Comptroller/Purchasing-Division)) director to report to the
10 county ((administrative-officer)) executive any suspected
11 collusion and may order such suspected collusion reported to
12 the proper federal authorities charged with enforcement of the
13 federal anti-trust laws and to the Anti-Trust Division of the
14 Office of the Attorney General of the State of Washington.

15 SECTION 16. Ordinance 3441, Section 10, and K.C.C.
16 4.16.110 are hereby amended as follows:

17 Cooperative purchasing. The ((manager-of-the
18 Comptroller/Purchasing-Division)) director or his designee
19 shall have authority to join with other units of government in
20 cooperative purchasing plans when the best interests of the
21 county would be served thereby; provided, that each of the
22 participating units shall be separately invoiced by the
23 vendors for purchases made under such plans, and the county of
24 King shall not be obligated for purchases other than those
25 required for its own use.

26 SECTION 17. Ordinance 3441, Section 11, and K.C.C.
27 4.16.120 are hereby amended as follows:

28 Encumbrance of funds. Except in emergency, no order for
29 delivery on a contract or open market order for supplies,
30 materials, equipment or contractual services for any county
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1 department or agency shall be awarded until the
2 ((Comptroller/Purchasing-Division)) purchasing budget control
3 clerk has certified that the encumbered balance in appropri-
4 ation or appropriations concerned, in excess of all unpaid
5 obligations, is sufficient to defray the cost of such order.

6 SECTION 18. Ordinance 4114, Section 1 and K.C.C. 4.16.130
7 are hereby amended as follows:

8 Special purpose revolving funds. The ((Office-of-the
9 Comptroller)) Director, Office of Finance is hereby authorized
10 to establish three funds for the purposes listed below and
11 will reimburse such funds upon submittal of adequately
12 documented disbursement records which must relate to the
13 purpose of the respective fund. The following special purpose
14 revolving funds are recognized as necessary to the legitimate
15 operating needs of King County:

16 A. Employee Advance Travel Expense Revolving Fund.

- 17 1. Custodian: Office of the Comptroller.
18 2. Purpose: To provide advance for employee travel
19 expense in cases deemed to otherwise result in undue economic
20 burden on the employee.

21 B. Special Investigation Revolving Fund.

- 22 1. Custodian: Department of Public Safety.
23 2. Purpose: To provide cash funds for payments to
24 nonemployees as may occur in special investigation activities.

25 C. Fraud Division Revolving Fund.

- 26 1. Custodian: Office of the prosecuting attorney.
27 2. Purpose: To provide cash funds for such purposes or
28 payments to nonemployees as may be incurred in fraud
29 investigations.

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SECTION 19. Ordinance 4992, Section 2 and Ordinance 4070,
Section 6 are hereby repealed.

SECTION 20, Resolution No. 24834, Section 4C, and
K.C.C. 10.08.120 are hereby repealed.

INTRODUCED AND READ for the first time this 13th day
of September, 1982.

PASSED this 18th day of October, 1982.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Lois North
Chairman

ATTEST:

Dorothy M. Owens
DEPUTY Clerk of the Council

APPROVED this 28th day of October, 1982.

Randy Reece
King County Executive