



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19326

Proposed No. 2021-0213.2

Sponsors von Reichbauer, Dembowski
and Balducci

1 AN ORDINANCE related to the contracting opportunities
 2 program and allowing for modifications to the eligibility
 3 criteria for small contractors and suppliers certification; and
 4 amending Ordinance 13983, Section 3, as amended, and
 5 K.C.C. 2.97.030.

6 **STATEMENT OF FACTS:**

7 1. The county's contracting opportunities program promotes the use of
 8 small contractors and suppliers ("small businesses") as prime contractors,
 9 subcontractors and suppliers on county contracts by applying contract
 10 requirements, incentives and equity strategies to solicitations for goods
 11 and services, consulting and construction services to give small businesses
 12 a competitive advantage in winning county contracts.

13 2. The state's Office of Minority and Women's Business Enterprises
 14 certifies small businesses owned and controlled by minority, women and
 15 socially and economically disadvantaged persons to increase contracting
 16 opportunities for those businesses with state and local governments.

17 3. King County and the state of Washington Office of Minority and
 18 Women's Business Enterprises have different eligibility size standards for
 19 small business certification.

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20 4. King County's size standards are set at fifty percent of the U.S. Small
21 Business Administration size standards. The state's Office of Minority
22 and Women's Business Enterprises size standards are equal to one hundred
23 percent of the U.S. Small Business Administration size standards.

24 5. A reciprocal certification process would allow any small businesses
25 owned and controlled by minority, women and socially and economically
26 disadvantaged persons currently state certified with the state's Office of
27 Minority and Women's Business Enterprises to automatically be certified
28 as a small contractor and supplier with the county.

29 6. To implement a reciprocal certification process requires that the county
30 amend the contracting opportunities program ordinance to match the
31 state's Office of Minority and Women's Business Enterprises size
32 standards.

33 7. Benefits of a reciprocal certification process include expanding the
34 number of diverse businesses in the county's outreach efforts and
35 eliminating the redundancy in certification processes that have
36 overlapping eligibility criteria and allowing applicant business owners to
37 have their small contractor and supplier certification eligibility approved
38 either by the county or the state's Office of Minority and Women's
39 Business Enterprises to receive the benefits afforded to these businesses in
40 the competitive public procurement process.

41 8. For additional efficiency, the county is considering the option to
42 recognize the state's Office of Minority and Women's Business Enterprises

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43 as its certification entity or contracting with the state's Office of Minority
44 and Women's Business Enterprises for all certification and renewal
45 services.

46 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

47 SECTION 1. Ordinance 13983, Section 3, as amended, and K.C.C. 2.97.030 are
48 hereby amended to read as follows:

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

51 A. "Commercially useful function" means the performance of real and actual
52 services in the discharge of any contractual endeavor, rather than being an uninvolved
53 participant in a transaction, contract or project through which funds are passed to obtain
54 the appearance of small contractor and supplier participation. The small contractor and
55 supplier must be responsible for the execution of the work of the contract or subcontract,
56 as applicable, and carry out its responsibilities by actually performing, managing and
57 supervising the work. To perform a "commercially useful function," the small contractor
58 and supplier must also be responsible for materials and supplies used on the contract or
59 subcontract, as applicable, for negotiating price, determining quality and quantity,
60 ordering the material, installing, if applicable, and paying for the material.

61 B. "Manager" means manager of the finance and business operations division in
62 the department of executive services.

63 C. "The program" means the King County contracting opportunities program.

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64 D. "Small business accelerator" means a competitive procurement program that
65 allows certified small contractors and suppliers to compete against other certified small
66 contractors and suppliers on selected county contracts.

67 E. "Small contractor and supplier" means a business certified by the county that
68 is in a financial condition that puts the business at a substantial disadvantage in
69 attempting to compete for public contracts. In assessing the financial condition of the
70 business, including the net worth of the person or persons who own and control it, the
71 manager shall substantially adopt the approach used by the federal Small Business
72 Administration(~~(, but)~~) and may further adopt any modifications of this approach used by
73 the Washington State Office of Minority and Women's Business Enterprises; the manager
74 (~~(shall)~~) may adjust the Small Business Administration's maximum revenue standards for
75 various standard business classifications and levels for owners' personal net worth to
76 account for local market conditions. However, the maximum revenue standard for

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77 standard business classifications may not be more than ((fifty)) one hundred percent of
78 the Small Business Administration's thresholds, as now existing or hereafter amended.

Ordinance 19326 was introduced on and passed by the Metropolitan King County Council on 9/7/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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Claudia Balducci
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Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Melani Pedroza
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Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 9/21/2021, _____.

DocuSigned by:
Dow Constantine
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Dow Constantine, County Executive

Attachments: None

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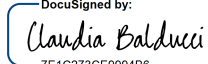
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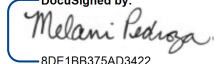
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Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

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