



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19925

Proposed No. 2025-0093.2

Sponsors Mosqueda, Quinn, Dembowski,
Barón, Zahilay and Balducci

1 AN ORDINANCE related to establishing responsibility
2 criteria for contracts for public works, tangible personal
3 property, and services; amending Ordinance 12138, Section
4 11, as amended, and K.C.C. 2.93.120 and Ordinance
5 12138, Section 19, as amended, and K.C.C. 2.93.190 and
6 establishing an effective date.

7 PREAMBLE:

8 King County has a deep interest in the condition of workers employed by
9 county suppliers and supports fair wages and fair benefits for those
10 workers.

11 King County endorses small business and women and minority-owned
12 business development.

13 King County strives to protect the public's interest, and to fulfill the public
14 trust, by engaging in business with bidders or proposers that are
15 committed to, and consistently engage in, fair and responsible business
16 practices evidenced by their record of compliance with applicable statutes,
17 payment of fair wages and benefits to employees, as well as by their
18 experience and reputation.

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19 To that end, King County utilizes best practices to ensure, consistent with
 20 the features of each contract, that it awards contracts to responsible
 21 bidders.

22 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

23 SECTION 1. Ordinance 12138, Section 11, as amended, and K.C.C. 2.93.120 are
 24 hereby amended to read as follows:

25 A. Contracts for architect and engineering services shall be solicited in
 26 accordance with chapter 39.80 RCW.

27 B. Contracts for professional services, other than architectural or engineering,
 28 shall be solicited using the procedures in chapter 39.80 RCW, with price as an additional
 29 element of consideration.

30 C. Public works contracts shall be solicited and awarded in accordance with the
 31 authority granted by state law, as in Titles 36 and 39 RCW and any additional
 32 requirements prescribed by county ordinance or executive policy.

33 D. Contracts for the lease or purchase of tangible personal property and the
 34 purchase of services and technical services shall be awarded in accordance with RCW
 35 36.32.245, 36.32.253 and 39.04.190. If the manager determines that soliciting bids is not
 36 in the best interest of the county, the contract shall be awarded under a competitive
 37 proposal process.

38 E. Prequalification of tangible personal property and services may occur before
 39 procurement of the items. Under those circumstances, only tangible personal property
 40 and services that are determined to meet the qualifying criteria will be acceptable in the
 41 subsequent procurement.

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42 F. All contracts that provide for reimbursement of contractor travel and meal
43 expenses shall have a provision that limits such reimbursements to eligible costs based on
44 the rates and criteria established in K.C.C. chapter 3.24 and federal travel rate
45 regulations.

46 G. For all solicitations with a value of one hundred thousand dollars or more, the
47 executive shall develop responsibility criteria, relevant to the proposed scope of work, to
48 determine whether a bidder or proposer's historical compliance with environmental,
49 worker safety, labor, and human trafficking laws, rules and regulations establishes the
50 bidder or proposer to be a responsible contractor. For the purposes of this subsection,
51 "historical compliance" means a minimum of three years preceding the submittal date for
52 the solicitation. The executive, when developing responsibility criteria that evaluates
53 historical compliance with environmental, worker safety, labor and human trafficking
54 laws, rules and regulations, may also develop criteria to use in determining the
55 responsibility of a bidder or proposer, that evaluates a bidder or proposer's record in
56 providing employee benefits, including an employer or union provided retirement plan,
57 health benefits and either paid parental leave or paid family leave, or both. The executive
58 shall consider the following criteria, at minimum, in determining the responsibility of a
59 bidder or proposer as applicable:

60 1. The bidder or proposer shall certify that it has a project labor harmony
61 agreement, such as a project labor agreement, a community workforce agreement, or a
62 collective bargaining agreement, containing a clause prohibiting strikes and lockouts
63 during the contract's term where appropriate to protect the county's proprietary interest;

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- 64 2. The bidder or proposer shall attest that, in the last three years, it has not had
65 any wage or industrial insurance violations with the state of Washington;
- 66 3. The bidder or proposer is not debarred by the state of Washington;
- 67 4. The bidder or proposer has a valid employment security department number
68 under Title 50 RCW;
- 69 5. The bidder or proposer has in force industrial insurance coverage for its
70 employees working in the state of Washington under Title 51 RCW;
- 71 6. The bidder or proposer has a valid state of Washington excise tax registration
72 number under Title 82 RCW;
- 73 7. The bidder or proposer can demonstrate technical ability and competence of
74 the bidder or proposer to perform the required scope of work by providing evidence of
75 past performance of similar work through documents submitted with its bid or proposal;
- 76 8. The bidder or proposer shall attest to past and current compliance with all
77 applicable federal, state, and local laws, ordinances, regulations, and rules;
- 78 9. The bidder or proposer shall attest to financial capacity to support
79 performance of the required scope of work;
- 80 10. The bidder or proposer shall attest to a record of business integrity, customer
81 service, and relevant experience;
- 82 11. The bidder or proposer shall attest that employees performing work under
83 the contract will be compensated at or above the prevailing wage, where applicable, or
84 the minimum wage prescribed by K.C.C. 2.94.020. The county shall score billable rates
85 with wages and benefits higher than those with lower wages and benefits;

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86 12. The bidder or proposer shall attest to providing high-value employee
 87 benefits including, but not limited to, health insurance of at least seventy percent actuarial
 88 value and plan design that is compliant under the Affordable Care Act for individual and
 89 family coverage, and compensated leave;

90 13. The bidder or proposer shall attest to the prioritization of worker safety and
 91 promotion of continuous improvement in the quality of the workforce by, at minimum,
 92 providing a mechanism to summon help for employees who work alone, continuing
 93 education or apprenticeship opportunities, and appropriate personal protective equipment;

94 14. The bidder or proposer shall attest that it respects the right of employees;

95 15. The bidder or proposer shall attest that it provides a complaint or grievance
 96 procedure for employees;

97 16. The bidder or proposer shall attest that it supports the growth of certified
 98 small businesses, federal Disadvantaged Business Enterprise Program participants,
 99 businesses certified by the Washington state Office of Minority and Women's Business
 100 Enterprises, or other bona fide small business development and support programs as
 101 evidenced by past or planned engagement efforts such as subcontracting commitments,
 102 mentorship programs, capacity-building initiatives, policies promoting small business
 103 inclusion, or recruiting and hiring from economically distressed areas as defined in
 104 K.C.C. 12.18.010.G;

105 17. The bidder or proposer shall attest that it supports environmental and energy
 106 efficiency policies;

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107 18. The bidder or proposer shall attest that it maintains a sexual harassment
 108 prevention policy and annual training practice for all employees that includes how to
 109 report sexual harassment; and

110 19. The bidder or proposer shall attest that it actively maintains an equal
 111 opportunity policy in hiring and promotions, complies with labor and human trafficking
 112 laws, and in performance under the county contract will not expend any time, monies, or
 113 other resources on facilitating the civil enforcement of federal immigration law or
 114 participate in civil immigration enforcement operations, except where state or federal
 115 law, regulation, or court order shall so require.

116 H. The criteria listed in subsection G. of this section shall be in addition to any
 117 other qualifications criteria stated in the solicitation documents. For solicitations to
 118 award a contract for public works, the criteria are deemed supplemental criteria for
 119 determining bidder responsibility under RCW 39.04.350. If the executive determines that
 120 the use of any of the criteria developed in accordance with subsection G. of this section
 121 might cause the county to be in violation of any state or federal procurement law, rule or
 122 regulation regarding competitive bidding or competitive proposals, that criteria shall not
 123 be included in a solicitation. The criteria shall neither be included in solicitations to
 124 award a contract to a government agency or public entity nor be included in solicitations
 125 to award any contract that the county enters as the administrator of a grant for a third
 126 party.

127 I. If council approval of a contract is requested under K.C.C. 4A.100.070.D.2.b.
 128 or is required under state law, the executive shall include in the legislative transmittal

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package submitted to the council a written explanation of the prospective contractor's response to the criteria in subsection G. of this section.

J. Where only one bid or proposal to the county's solicitation to award a contract for either public works, tangible personal property, or services is received, and in the determination of the executive the bidder or proposer fails to qualify as a responsible bidder or proposer, then the executive shall resolicit for public works, tangible personal property, or services.

K. All contracts executed under K.C.C. 2.93.120 shall include the provision that if the contractor fails to comply with any material provisions of the contract, which shall include the responsibility criteria specified in the solicitation and to which the contractor as bidder or proposer attested, the county may terminate the contract, in whole or in part, for default.

SECTION 2. Ordinance 12138, Section 19, as amended, and K.C.C. 2.93.190 are hereby amended to read as follows:

A. This section applies to contracts or procurements for tangible personal property and services including technical services for departments and offices.

B. Contracts shall be solicited under the following competitive process:

1. The manager shall advertise solicitations for qualifications or proposals. The notice shall state the date and time for submissions. The solicitation for qualifications or proposals shall state the relative importance of price and all other evaluation factors;

2. Discussions may be conducted with responsible offerors to determine which proposals should be evaluated in more detail or which offerors should be requested to enter into negotiations, or both. Negotiations may be conducted concurrently or

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152 sequentially. The county may request clarifications and consider minor adjustments in
153 the proposals in order to better understand the proposals and to qualify them for further
154 consideration, though information discussed or obtained from one offeror shall not be
155 disclosed to competing offerors during the discussions and negotiations. Except to the
156 extent protected by either or both state and federal laws and regulations, proposals shall
157 be considered public documents and available for review and copying by the public after
158 a decision to award the contract is made; and

159 3. Award shall be made, if at all, to a responsible offeror or offerors whose
160 proposal or proposals are determined to be the most advantageous to the county, taking
161 into consideration price and the other established evaluation factors. To be determined as
162 responsible, the offeror or offerors shall meet the responsibility criteria listed under
163 K.C.C. 2.93.120, subsection G that are contained in the solicitation.

164 C. The manager may use the small business accelerator established in K.C.C.
165 chapter 4.19 to solicit and obtain competitive sealed bids or proposals from only certified
166 small contractors and suppliers.

167 SECTION 3. If any provision of this ordinance or its application to any person or
168 circumstance is held invalid, the remainder of the ordinance or the application of the

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169 provision to other persons or circumstances is not affected.

170 SECTION 4. This ordinance takes effect September 1, 2025.

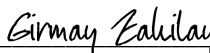
171

Ordinance 19925 was introduced on 3/18/2025 and passed by the Metropolitan King County Council on 5/6/2025, by the following vote:

Yes: 8 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Quinn,
von Reichbauer and Zahilay
Excused: 1 - Perry

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:



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Girmay Zahilay, Chair

ATTEST:

DocuSigned by:



C267B914088E4A0...

Melani Hay, Clerk of the Council

APPROVED this ____ day of 5/15/2025, ____.

Signed by:



AAA4841FD7644BE...

Shannon Braddock, County Executive

Attachments: None

Certificate Of Completion

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Council Chair

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Accepted: 5/7/2025 10:24:27 AM

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Deputy Clerk of the Council

King County Council

Security Level: Email, Account Authentication
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ID: 020c9a0a-c529-4443-8490-bad8ecc7fb95

Shannon Braddock

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Deputy Executive

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(None)

Signed by:

AAA4841FD7644BE...

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Status

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Status

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Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events	Status	Timestamp
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Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	5/15/2025 2:54:10 PM

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