

September 9, 1982
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Introduced by: Bill Reams
Proposed No.: 82-511

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 Ordinance 1720, Section 1 and K.C.C. 2.92.010 are hereby repealed.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

injuries or damage to property;

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

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

D. Provide all technical safety support pursuant thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Administration of equipment and lease purchases. The ~~((office of property and purchasing))~~ Director, Executive Administration, as generally authorized in ~~((the County Charter Section 920, 10-40 and))~~ RCW 36.32.260, shall administer equipment lease and lease purchases for all county departments required to use ~~((the office of property and purchasing))~~ the county's centralized purchasing process.

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

((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

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

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

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

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

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

Bid board established. There is established the King County bid board which shall consist of the county executive or his designee and the chairman of the county council or his designee. The purpose of this board is to be present and function at the opening of all bids relating to the county's purchase of tangible personal property that have been advertised by publication in the official county newspaper and to exercise surveillance over the bid opening. Sealed bid proposals shall be received by the ((Comptroller/Purchasing-Division)) director in such locations as he shall ((be)) designate ((d-by-the-manager-of-said-office)) at the advertised time, and date; to be opened by the King County bid board. The ((county-administrative-officer)) director or his designee shall award the lowest acceptable bid proposal by

entering into a lawful agreement with the awardee. Bid proposals shall be submitted as follows: Proposals shall be sealed and shall be mailed or delivered to the location designated by the ((~~county-administrative-officer~~)) director or his designee up to the time and date specified on the invitation to bid, where such bids shall be time-stamped and initialed by a King County employee. No bids shall be accepted after the time and date specified on the invitation to bid, and there shall be no exceptions to this requirement. After the expiration of the time for the receipt of bid proposals, the proposals will be delivered by an employee of the ((~~Comptroller/Purchasing-Division~~)) Department of Executive Administration to the King County bid board for opening thereafter.

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

Exceptions to bidding for the purchase of tangible personal property or the solicitation of bids and subsequent purchase of professional and/or technical consultant service. In accordance with the provisions of RCW 36.32.250, the ((~~county-administrative-officer~~)) director or his designee is granted authority to let any contract, lease or purchase of tangible personal property involving less than three thousand five hundred dollars, without advertisement and without competitive bidding. The ((~~county-administrative-officer~~)) director or his designee is granted the authority to let any contract for the purchase of professional and/or technical service consultants without a formal solicitation of proposal process where the value of the contract to the contractor will not exceed ten thousand dollars. The ((~~county-administrative-officer~~)) director or his designee, is authorized to dispense

with advertisement, competitive bidding, and solicitation of proposal processes when purchasing tangible personal property between one thousand dollars and three thousand five hundred dollars, or the awarding of a professional and/or technical service contract having a value to the contractor of less than ten thousand dollars. The (~~manager-of-the-Comptroller/Purchasing-Division~~) director or his designee shall be responsible for securing telephone and/or written quotations from enough vendors or prospective contractors, to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder; provided, that in awarding professional and/or technical service contracts the (~~manager-of-the-Comptroller/Purchasing-Division~~) director or his designee shall strive to select the most qualified bidder, having given due regard to experience and expertise. Immediately after the award is made, the bid quotations or proposals obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

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

Proprietary purchases. The sealed competitive bidding provisions of this chapter shall not apply to tangible personal property which is clearly and legitimately limited to a single source of supply and purchases involving special facilities, or market conditions, in which instances the purchase price shall be established by direct negotiations with (~~the-Comptroller/Purchasing-Division~~) the Department of Executive Administration. The county executive or his

designee shall approve such purchases in excess of three thousand five hundred dollars.

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

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

excess of amounts appropriated by ordinance.

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

4.16.060 are hereby amended as follows:

Counter bids. Notice of purchases between one thousand dollars and three thousand five hundred dollars shall be posted on a bulletin board of the (~~Comptroller/Purchasing-Division~~) Department of Executive Administration for not less than three days prior to making such purchase, lease, or contract. Quotations will be obtained by telephone and/or in writing from enough vendors to assure establishment of competitive prices and for awarding such contracts for purchase of materials, equipment or services to the lowest responsible bidder. Immediately after award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

SECTION 13. Ordinance 3441, Section 7, as amended, and K.C.C. 4.16.070 are hereby amended as follows:

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

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

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

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

- A. Financial or administrative studies;
- B. Feasibility studies of a scientific or technical nature;
- C. Architectural services, including landscape, architectural, and engineering, as well as other design studies;
- D. Special project management for a defined period of time or result;
- E. Management advisory services.

In soliciting and ultimately awarding a professional and/or technical services consultant contract, having a value to the contractor in excess of ten thousand dollars, the ((county-administrative-officer)) director or his designee, ((the-manager-of-the-Comptroller/Purchasing-Division-or-in-the-case-of-architectural-services,-the-county-design-commission))

shall have the operational responsibility to:

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

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

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

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

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

E. Be responsible to address all necessary comments to other applicants, interested parties, or the general public

regarding the decision by the county to contract for services from a party to the exclusion of other applicants.

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

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

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

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

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

Encumbrance of funds. Except in emergency, no order for delivery on a contract or open market order for supplies, materials, equipment or contractual services for any county

department or agency shall be awarded until the ((Comptroller/Purchasing-Division)) purchasing budget control clerk has certified that the encumbered balance in appropriation or appropriations concerned, in excess of all unpaid obligations, is sufficient to defray the cost of such order.

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

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

A. Employee Advance Travel Expense Revolving Fund.

1. Custodian: Office of the Comptroller.

2. Purpose: To provide advance for employee travel expense in cases deemed to otherwise result in undue economic burden on the employee.

B. Special Investigation Revolving Fund.

1. Custodian: Department of Public Safety.

2. Purpose: To provide cash funds for payments to nonemployees as may occur in special investigation activities.

C. Fraud Division Revolving Fund.

1. Custodian: Office of the prosecuting attorney.

2. Purpose: To provide cash funds for such purposes or payments to nonemployees as may be incurred in fraud 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 Ruess
King County Executive