



Signature Report

Motion 15553

Proposed No. 2019-0305.1

Sponsors Kohl-Welles

1 A MOTION acknowledging receipt of a workplan and a
2 procurement policies package on anti-labor trafficking in
3 response to the 2019-2020 Biennial Budget Ordinance,
4 Ordinance 18835, Section 112, Proviso P1, related to the
5 finance and business operations division.

6 WHEREAS, the 2019-2020 Biennial Budget Ordinance, Ordinance 18835,
7 Section 112, Proviso P1, related to the finance and business operations division in the
8 department of executive services, states that \$50,000 shall not be expended or
9 encumbered until the executive transmits a workplan, a procurement policies package on
10 anti-labor trafficking and a motion acknowledging receipt of the workplan and the
11 procurement policies package is passed by the council, and

12 WHEREAS, the executive has transmitted to the council a final report on anti-
13 labor trafficking that contains the required information responding to Ordinance 18835,
14 Section 112, Proviso P1, including:

15 1. A workplan to develop and implement a training program pilot that will
16 implement the elements of the labor trafficking training program set out in Motion
17 15218; and

18 2. a package of procurement policies, based on best practices, to reduce the risk
19 of labor trafficking within the county's operations and supply chain, a schedule and

20 budget for implementing those procurement policies;

21 NOW, THEREFORE, BE IT MOVED by the Council of King County:

22 The receipt of the executive's final report in response to the 2019-2020 Biennial

23 Budget Ordinance, Ordinance 18835, Section 112, Proviso P1, which includes the

24 workplan and the procurement policies package, is hereby acknowledged.

25

Motion 15553 was introduced on 7/17/2019 and passed by the Metropolitan King County Council on 12/4/2019, by the following vote:

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



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

A handwritten signature in blue ink, appearing to read "Rod Dembowski", written over a horizontal line.

Rod Dembowski, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Melani Pedroza", written over a horizontal line.

Melani Pedroza, Clerk of the Council

Attachments: A. Anti-Labor Trafficking Proviso Report



King County

**Anti-Labor Trafficking
Proviso Response**

Prepared By: Finance and Business Operations Division

Date: 1 July 2019

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I. EXECUTIVE SUMMARY

The King County Council, via a proviso in the King County 2019-2020 adopted budget, requests the Executive to submit a report to the council addressing the topic of labor trafficking. This report addresses the three deliverables of the proviso including:

- (1) an inventory of the county agencies, including the number of employees in each, that regularly interact with companies or organizations that could be using trafficked labor;
- (2) information related to a training program for county agencies and employees to help them identify potential victims and survivors of labor trafficking; and
- (3) best practice recommendations for procurement policies with the intent of reducing the risk of labor trafficking in the county’s contract-related supply chains.

A summary of each proviso deliverable follows:

Inventory of County Agencies

Based on interviews with agency staff, the Office of Performance, Strategy and Budget (PSB) identified 21 county agencies and nearly 1,800 employees who may regularly interact with companies, organizations, or individuals that might employ trafficked labor. PSB discussed the criteria of the proviso with agencies and subsequently asked them to self-assess the number of employees that met the criteria. Note that for the inventory, the results reflect the number of employees who interact *with companies/organizations* that may be involved in labor trafficking rather than simply the number of employees who may come into contact with labor trafficking victims or survivors. This distinction may have impacted departmental reporting.

Pilot Training Program

The Department of Human Resources (DHR) recommends that a third-party provider with subject matter expertise develop and implement a pilot training program focusing on the broader topic of “human trafficking” which includes both labor trafficking and sex trafficking. The training will focus on frontline staff who have the increased potential to come into contact with victims or survivors of human trafficking. The training would help these frontline staff identify and report cases of suspected human trafficking. The third-party provider will be selected using a competitive proposal process.

Procurement Policies

The procurement section of the report states that the county’s goal is to do business with suppliers associated with “clean supply chains.” A clean supply chain means that the entity does not deploy trafficked labor as part of the production of specific goods and services. The Executive’s strategic approach for implementing this goal is to focus efforts on contracts that have a higher risk for trafficked labor. After identifying the higher risk contracts, the focus will turn to managing the supplier relationship using legally binding contract language and a new supplier code of conduct. As a framework for discussing specific procurement recommendations, the report uses six “best practice categories.” The recommendations within each category are summarized below:

1. Policy / Code of Conduct – In addition to following current living wage and prevailing wage requirements, a consultant is recommended to assist the county on the following actions:
 - Developing a formal public declaration against labor trafficking with the assistance of a consultant.
 - Managing the supplier relationship using a supplier code of conduct. The supplier code of conduct is an all-encompassing document whereby the supplier acknowledges that it shares the county’s commitment and will implement its best efforts to ensure a clean supply chain.
2. Auditing – In addition to the county’s right to audit suppliers already existing in contract language, the following action is recommended:
 - Including language in the supplier code of conduct that would allow the county to audit, investigate, or review a supplier’s social responsibility practices and programs using county staff or a third party.
3. Awareness / Education – In addition to current collaboration activities and educational programs, the following actions are recommended:
 - Seeking out opportunities to work with other entities, especially other government agencies, to increase awareness and education about labor trafficking.
 - Developing and delivering two training programs: one for the county’s buyers and other agency staff involved in procurement functions, and one for external suppliers or contractors.
 - Consolidating labor trafficking information in a single location on the county’s website for easy reference by county officials, staff, external stakeholders and the public.
4. Supply Chain Transparency – Because the county has not extensively focused on this area previously, the following action is recommended:
 - Hiring a consultant to assess the current level of risk of labor trafficking in county contracts and the potential added value/cost of requiring increased transparency. This is the same consultant that will be used to develop a public declaration on labor trafficking and a supplier code of conduct (refer to best practice #1 above).
5. Legally Binding Contract – In addition to the legally binding contract terms and conditions providing for worker safety and a supplier attestation to have been trafficking-free for the prior 3 years, the following action is recommended:
 - Enhancing the current language in bids and requests for proposals (RFPs) stating that the winning supplier must further attest, as part of the contract signing process, to making their best efforts to comply with the Trafficking Victims Violence Prevention Act of 2000 *during the life* of the contract term.
6. Transparent Enforcement & Compliance – The county already has an anonymous method to report labor trafficking, can assess penalties such as suspension or debarment for labor violations, and provides public disclosures of a supplier’s compliance status. Furthering this, the following actions are recommended:

- Including a supplier complaint intake process as part of the supplier code of conduct. Any supplier required to meet the code of conduct will need to have a process for making it safe for workers to surface a complaint and ensure there is a timely investigation and a transparent outcome.
- Initiating meetings between appropriate county staff and the Washington State Department of Labor and Industries to discuss investigations of wage theft and other labor violations.

Please refer to the remainder of the report for details on these recommendations, implementation, and timelines.

II. PROVISIO RESPONSE OVERVIEW

The King County Council, via a proviso in the adopted 2019-2020 King County budget, directed the Executive to develop and transmit: (1) a training pilot program to implement elements of the labor trafficking training program outlined in Motion 15218; (2) procurement policies based on best practices that will reduce the risk of trafficked labor in the county's operation and supply chain together with any legislation necessary to implement those procurement policies; and (3) a motion that acknowledges receipt of the work plan and procurement policies package.

This report was collaboratively developed by the Finance and Business Operations Division of the Department of Executive Services, in partnership with the Office of Performance, Strategy and Budget, and the Department of Human Resources. There was early consultation with the Office of Equity and Social Justice for background information and context. Staff solicited and received input from 21 departments, divisions, agencies, and separate branches of King County government.

This report responds to the requirements of the proviso.

Background: Human Trafficking

Human trafficking is commonly known as a form of modern-day enslavement where individuals are compelled into work or service through force, fraud, or coercion. As defined by the federal Trafficking Victims Protection Act,¹ "labor trafficking uses force, fraud, or coercion to recruit, harbor, transport, obtain or employ a person for labor or services in involuntary servitude, debt bondage, or slavery." Sex trafficking, a component of human trafficking is similarly defined as "a commercial sex act induced by force, fraud or coercion, or in which the person performing the act is under the age of 18."

Washington State has been described as a focal point for the recruitment, transportation and sale of people for labor, due in part to its abundance of ports, proximity to an international border, vast rural areas and dependency on agricultural workers. In 2003, Washington was the first state to criminalize human trafficking.

King County has a history of initiating and supporting countywide policies and activities aimed at addressing human trafficking, including promoting awareness of the issues surrounding human trafficking. Highlights of King County's efforts include:

- January 2013 – King County launched an anti-trafficking public awareness campaign, involving over Metro 200 buses and several billboards throughout the county.
- February 2015 – The Executive, working with Seattle Against Slavery, implemented an anti-trafficking awareness campaign that included placing an informational poster in seven languages in close to 100 locations, including courthouses, clinics, shelters, and buses.

¹ US Congress, 'Victims of Trafficking and Violence Protection Act of 2000', October, 2000, <https://www.govinfo.gov/content/pkg/PLAW-106publ386/pdf/PLAW-106publ386.pdf>, (accessed May 2019)

- January 2019 – King County announced a human trafficking public awareness campaign, inclusive of labor trafficking, in partnership with multiple organizations including the Port of Seattle, Sound Transit, Delta Airlines, and Alaska Airlines.

III. PROVISO TEXT

SECTION 112: FINANCE AND BUSINESS OPERATIONS

P1 PROVIDED THAT:

Of this appropriation, \$50,000 shall not be expended or encumbered until the executive transmits a: (1) workplan to develop and implement a training program pilot that will implement the elements of the labor trafficking training program set out in Motion 15218; (2) a package of procurement policies, based on best practices, to reduce the risk of labor trafficking within the county's operations and supply chain, together with any necessary legislation to implement those procurement policies, and a schedule and budget for implementing those procurement policies; and (3) a motion that acknowledges receipt of the workplan and procurement policies package, and a motion acknowledging receipt the workplan and the procurement policies package is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

A. The workplan shall include, but not be limited to:

1. Identification of existing county agencies that currently interact with outside businesses or other organizations that might employ potential survivors and victims of labor trafficking and exploitation;
2. Identification of the number of county employees, in each county agency, who regularly interact with outside businesses or other organizations, that might employ potential survivors and victims of labor trafficking and exploitation;
3. Review and evaluation of potential training programs that should address the elements set out in Motion 15218, Section A, and will train county employees to identify potential survivors and victims of labor trafficking and exploitation;
4. Recommendations of third-party providers of such training programs, including cost estimates of each of the recommended third-party training programs;
5. An implementation plan for a pilot program, in which a designated specific county agency or department or specific county employees, selected because of their likelihood of coming into contact with labor trafficking survivors and victims and survivors, would receive training to identify potential survivors and victims of labor trafficking and exploitation. The implementation plan should identify the preferred third-party provider or training program, together with the estimated costs to provide the training to the selected group and a timeline to conduct the pilot training program; and

6. Description of the metrics that will be used to evaluate the pilot training program, including components detailing how the training will meet federal recommendations.

B. The procurement policies package should include:

1. A business operations policy based on national and state best practices for contracting, procurement, and risk mitigation that have been identified as reducing the impact of human labor trafficking on supply chains;
2. Description of how the county will review its business operations to make recommended changes to reduce potential labor trafficking by adopting best practices for the county's operations and supply chain; and
3. A plan for implementing recommended procurement policy changes.

The executive must file the workplan and procurement policies package and a motion required by this proviso by July 1, 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the health, housing, and human services committee, or its successor.

IV. POTENTIAL TRAFFICKING INTERACTION IDENTIFICATION

The proviso calls for identification of county agencies that currently interact with outside businesses or organizations that might employ potential survivors and victims of labor trafficking and exploitation.

Appendix A includes a table listing King County employee groups that may interact with firms that could potentially employ trafficked labor. The table was created from responses gathered from a departmental self-assessment where departments, agencies, and the judicial branch were asked to identify the number of employees that could meet the criteria set forth in the proviso.

- Data from 21 county organizations provided data for this report, identifying nearly 1,800 employees who may regularly interact with companies, organizations, or individuals that might employ trafficked labor.
- Of the 21 organizations, 14 indicate that one or more employees may interface with such businesses, organizations, or individuals employing survivors and victims; seven indicate that they do not have such contact.
- Metro Transit and the King County Sheriff’s Office (KCSO) identify as the two county entities that potentially have the most employees in contact with firms that could employ trafficked labor, with individuals who may be exploiting individuals for labor trafficking, or victims of trafficking themselves.

Please see Appendix A for a complete list of responding county organizations.

V. ANTI-TRAFFICKING TRAINING PILOT PROPOSED WORKPLAN

Human trafficking is becoming an increasingly prevalent concern nationwide and here in the Pacific Northwest; more specifically in the communities that make up King County. According to the International Labor Organization, there were an estimated 40.3 million victims of human trafficking in 2016. This includes 24.9 million people in forced labor and 3.8 million adults in forced sexual exploitation. Human trafficking often is a hidden crime. Identification of victims can be difficult to identify without proper training.

The Department of Human Resources recommends development of a training program that focuses on broader “human trafficking” which includes labor and sex trafficking.

Purpose

The purpose of the training program is to provide human trafficking education and awareness training to King County employees who may interact with trafficked individuals or entities that employ trafficked individuals. Once operational, the training program will create increased knowledge for King County employees with regard to the identification and reporting of cases involving human trafficking.

Approach

It is recommended that King County procure a third-party entity to develop and provide the anti-trafficking training pilot to King County frontline service providers. The contractor would be asked to provide customizable training, curriculum, and train-the-trainer resources for the program. All training developed would be required to meet federal recommendations. This work would be undertaken in collaboration with internal and external stakeholders identified in Motion 15218.

The estimated cost of curriculum development and subject matter consultation would be between \$125,000 and \$150,000.

Potential third-party providers of such training include, but are not limited to the following:

- 1) The International Rescue Committee (IRC) is a committee designed to respond to the world’s worst humanitarian crises and aid refugees and immigrants through evidence-based interventions that bring real change. The IRC works in more than 20 cities in the United States helping people newly arriving to the United States adjust to live in America and contribute to their new country;
- 2) Washington Anti-Trafficking Response Network (WARN) which is a coalition of organizations across Washington State that provides services to victims of human trafficking and conducts outreach and education for service providers, law enforcement, and community members to increase victim identification;

- 3) Seattle Against Slavery is an organization that works to mobilize the local community in the fight against labor and sex trafficking through education, advocacy, and collaboration with local and national partners;
- 4) API Chaya (formerly known as Asian and Pacific Islander Women and Family Safety Center), provides direct services to victims and survivors of domestic violence, sexual assault, and human trafficking. This organization serves Asian and Pacific Islander community members, survivors, and their families. They have worked with thousands of people and worked with dozens of community groups for community organizing and education regarding the prevention of human trafficking, exploitation, and sexual and domestic violence;
- 5) Youth Care provides programs and services for street-involved, runaway, homeless and at-risk-youth;
- 6) Crime Victim Service Centers (CVSCs) have over 50 crime victim services centers that cover all counties across Washington state that provide case management and victim advocacy for any victim of a crime; and
- 7) Freedom Initiative is a coalition of community activists, service providers, students and social justice seekers in the Seattle area who have joined forces to combat human trafficking.
- 8) Hope for Justice has outreach teams, self-help groups and community education initiatives working toward the prevention of human trafficking. They partner to train professionals to spot the signs of trafficking and to respond. Additionally, they work with organizations to protect their lines of operations and supply chains from modern slavery in conjunction with an organization known as Slave Free Alliance.

The selection of an entity to develop the training program would be accomplished through established county procurement processes; therefore, a preferred third-party provider or training program is not identified for this report as procurement for this body of work has not been undertaken.

Training Components

- The program will focus on frontline staff who have an increased potential for contact with individuals involved with human trafficking.
- The training will be grounded in equity and social justice principles, person-centered, and trauma informed in its approach.
- DHR will develop a baseline understanding of the impact of human trafficking to King County. Through the development of those measures, additional metrics focused on training outcomes will inform the further development and refinement of the anti-human trafficking pilot program.

Implementation

In order to oversee and support the additional proposed training pilot, DHR indicates that additional staffing is needed. It identified 1.0 FTE Educator Consultant III position at a rate of: \$270,500 per biennium to develop and manage this new body of work. The position would be tasked with the following program design and maintenance deliverables:

- Design and deliver an enterprise wide human trafficking prevention training for employees who frequently interact with members of the public and may encounter individuals who are victims or survivors of human trafficking.
- Develop materials and posters designed to promote and educate employees on the King County human trafficking prevention policies and procedures.
- Work in collaboration with local groups that combat human trafficking with the goal of developing a countywide network of resources and support to address the impacts of human trafficking.
- In collaboration with subject matter experts, including the Office of Equity and Social Justice, develop a victim centered, trauma formed approach to training and reporting of human trafficking.

Schedule & Budget

Total estimated cost of development, implementation, and management of the anti-human trafficking training program is \$395,500-\$420,500, depending on the actual cost of the contract with a provider to develop the training. The cost includes 1.0 FTE to implement and manage the body of work and funding curriculum development.

Should funding and budget authority be granted, it would take an estimated 4-6 months to procure, develop, and launch the training pilot. Significant coordination among county agencies is needed to develop curriculum to support this sensitive and important body of work.

VI. ANTI-TRAFFICKING PROCUREMENT POLICIES

Background: Industries and work where labor trafficking is most prevalent

When King County enters into a procurement contract, it seeks to do business with contractors that have “clean supply chains.” Supply chains are sequences of processes that lead to the production of specific goods and services. A supply chain is considered to be clean when there is no labor trafficking taking place anywhere in the production process. Prior to discussing best practice procurement policies for King County, it is important to understand the industries where labor trafficking is more prevalent in supply chains.

Industries that have the most risk for labor trafficking involve people working at the margins of a country’s economy, where irregular employment conditions or migration status contribute to the problem. From a global perspective, some of the most common industries associated with labor trafficking are garment manufacturing; electronics manufacturing, agriculture, fisheries, and hotels.² Common industries in the United States where labor trafficking is found to be prevalent includes domestic work, agriculture, restaurants, hospitality and construction.³ Within the State of Washington, the prevalent sectors for labor trafficking include the following: healthcare (in-home and nursing care facilities); in-home domestic work, including elder and child care; restaurants; cleaning services; food processing plants; agriculture and nurseries; landscaping; animal husbandry; construction; housekeeping (hotels/motels); nail salons and massage parlors; and in-home businesses (i.e., small textile businesses).⁴

Labor exploitation often occurs in American agricultural communities. With large agricultural companies dependent on seasonal labor to harvest crops, there are many employment opportunities for migrant workers in the U.S. agricultural system but also substantial opportunities for exploitation.⁵ Migration and citizenship concerns contribute to considerable labor trafficking issues and worker abuse.

It is generally accepted that in the United States, domestic work represents the industry with the most identified labor trafficking victims.⁶ Domestic work generally refers to workers, primarily women, who are employed in child care, elder care, or domestic service in private residences and nursing homes. These workers are highly susceptible to labor exploitation due to the isolated nature of their work, their living situations (which often include living and working in the same location), and their dependence on their employers for other subsistence requirements.

² Sutapa Basu and Johnna White, ‘Human Trafficking and Supply Chains’, *University of Washington Women’s Center*, June 2017, p. 12-15, https://s3-us-west-2.amazonaws.com/uw-s3-cdn/wp-content/uploads/sites/155/2018/05/24195638/Human-Trafficking-Supply-Chains_2017-reduced-size-for-website.pdf (accessed May 2019)

³ Margaret McClung and Deborah Espinosa, ‘King County Labor Trafficking Report’, King County, July 2017, p. 2, <https://mkcclegisearch.kingcounty.gov/View.aspx?M=F&ID=5398944&GUID=462BC8C8-5304-48EA-BF18-9BAFAE7ACBEA> (accessed May 2019)

⁴ King County Labor Trafficking Report, July 2017, page 6

⁵ Human Trafficking and Supply Chains, June 2017, pages 17-18

⁶ Faces of Labor Trafficking in the United States, 2015, humantraffickingsearch.org

Given this information, two factors should be considered when examining the potential for labor trafficking in King County’s contracts: (1) the extent to which King County has contractors with supply chains in the industries or sectors noted above; and (2) the current laws already in effect that serve as substantial deterrents for the county’s contractors to engage in labor trafficking.

Based on a preliminary review of county contracts with the industries considered most at risk for labor trafficking, the table below indicates that King County’s connection to labor trafficking may have a higher risk of occurrence within supply chains where workers are not already protected by either living wage⁷ or prevailing wage⁸ requirements. For the county that only includes contracts for electronic equipment/computers and uniforms. Other types of contracts listed in the table are already covered by one of these wage laws, which are considered best practices for restricting the occurrence of labor trafficking.

Type of King County Contract	Living Wage Law Applies?	Prevailing Wage Law Applies?	Examples of Contract(s)	Relative Risk of Trafficked Labor
Construction	N/A	Yes	<ul style="list-style-type: none"> • Large projects • Small works • Job Order Contracts 	Lower
Electronics/Computers	No	No	<ul style="list-style-type: none"> • Copiers • Laptops 	Higher
Food/Agriculture	Yes	No	<ul style="list-style-type: none"> • Jail Services • Emergency Services 	Lower
Health Care (In Home)	Yes	No	<ul style="list-style-type: none"> • In-Home Care 	Lower
Janitorial Services	N/A	Yes	<ul style="list-style-type: none"> • Cleaning Services 	Lower
Landscaping/Maintenance Services	N/A	Yes	<ul style="list-style-type: none"> • Grounds • Elevator Maintenance 	Lower
Uniforms	No	No	<ul style="list-style-type: none"> • Sheriff’s Officers • Transit Operators 	Higher

The next section of the report focuses on a range of best practice procurement actions and the extent to which those practices apply (or should apply) to King County.

⁷ Ordinance 17909 (October 2014) is the county’s living wage ordinance. The ordinance requires contractors and their subcontractors awarded a contract valued at \$100,000 or more to pay a living wage to their employees. The ordinance applies to contracts involving professional services, technical services, and other services as defined in King County Code 2.93.030.

⁸ RCW 39.12 covers the prevailing wage requirements in the State of Washington. The law requires that workers be paid prevailing wages when employed on public works projects, on public building service/maintenance contracts, and on certain work involving public contracts to rent, lease, or purchase private buildings. Prevailing wages are established by the State’s Department of Labor and Industries for each trade and occupation employed in the performance of public work. The prevailing rate is established separately for each county and reflects local wage conditions.

Best Practices

A best practice⁹ in anti-labor trafficking would be a standard or procedure that is widely adopted and shown to be effective in reducing the use of trafficked labor in supply chains that are applicable to King County FBOD procurement, while also being efficient to implement from a cost and effort standpoint.

This report groups best practice actions into six¹⁰ “best practice categories.” The following best practice categories (numbered 1 through 6, for reference purposes) are not intended to be rigid and some specific actions could apply to more than one category:

- 1.0 Policy / Code of Conduct
- 2.0 Auditing
- 3.0 Awareness / Education
- 4.0 Supply Chain Transparency
- 5.0 Legally Binding Contract
- 6.0 Transparent Enforcement & Compliance

The best practice categories are primarily based on recommendations from two sources. The first report, published in June 2017, is titled “Human Trafficking and Supply Chains: Recommendations to Reduce Human Trafficking in Local and Global Supply Chains”, produced by the University of Washington Women’s Center. This report is a case-based analysis of many private firms and governments, including several organizations from both categories that are local to the Pacific Northwest area. The second report, completed in July 2017, is titled “King County Labor Trafficking Report”, developed in response to a proviso in King County’s 2017-2018 Adopted Budget. This report focuses on a study of labor trafficking and economic exploitation in the King County region, with recommendations for the county to address highlighted issues. In addition to these sources, FBOD also contacted selected organizations noted in the reports, such as Starbucks, Costco, the City of Seattle, the City of Olympia, the City of Los Angeles, and the City of San Francisco, along with conducting digital research, to better understand the best practices and their applicability to King County government.

The next section of the report includes a brief description of each best practice category and a summary table highlighting the status of county actions in each category. This is followed by a narrative that describes:

- (1) the county’s current actions to reduce labor trafficking;
- (2) recommended additional actions or enhancements to current practices, including a statement about their planned implementation; and
- (3) actions for future consideration.

Actions for future consideration usually involve policy choices and could potentially be part of a future phase of implementation after first moving forward with the recommended additional actions or enhancements.

⁹ Merriam-Webster, ‘Best Practice Definition’, <https://www.merriam-webster.com/dictionary/best%20practice> (accessed May 2019)

¹⁰ Synthesized from numerous case studies presented in ‘Human Trafficking and Supply Chains’, June 2017, pages 35 - 60

1.0 Best Practice Category: Policy / Code of Conduct

The content of an anti-labor trafficking policy/code of conduct can and should vary from organization to organization. Most policies and codes of conduct establish the vision, actions, and expectations of the organization to aid in preventing labor trafficking in its daily operations. The content could prohibit practices such as forced labor, physical abuse, confiscation or retention of workers’ documents, recruitment fees, child labor, etc. Additionally, the code could cover working conditions, wages and working hours, freedom of association, payment of transportation costs and repatriation.

The following table indicates the status of county actions in this best practice category:

Best Practice Category: Policy / Code of Conduct	King County		
	Current Actions	Recommends	Future Consideration
Implement a Living Wage requirement for designated contracts (Ordinance 17909 & in KCC 3.18)	X		
Implement a Prevailing Wage requirement for designated contracts (RCW 39.12)	X		
Make a formal public declaration stating the county’s position on labor trafficking in procurement supply chains		X	
Develop a supplier code of conduct		X	
Develop a “sweat-free procurement policy” targeted at clothing/uniform and electronics manufacturers			X
Change the employee travel policy so that employees only travel to hotels following the recommendations of the Businesses Ending Slavery and Trafficking (BEST) coalition			X

1.1 Current Actions

Living wage policies deter attempts to underpay employees for work performed on county contracts. In October 2014, the county enacted Ordinance 17909, which mandates that contractors and their subcontractors working on certain contracts valued over \$100,000 or more pay a living wage to their employees working on the contract. Wage requirements are based on the company’s total number of employees, with minimum wage requirements for large and smaller companies established in the ordinance. Affected companies that fail to pay living wages are subject to disqualification from bidding on a King County contract as well as the payment of damages and termination of the contract. These contracts include the county’s right to audit and inspect the contractor’s records and physical premises to ensure compliance with all of the terms and conditions of the contract.

Washington State's prevailing wage law is another significant deterrent for underpaying employees. The wage requirements are established via the State's Department of Labor and Industries (L&I) and apply to employees performing work on certain public contracts. For example, prevailing wages are established for building trades workers on public works contracts, for landscaping/maintenance workers, and for janitorial work. Prevailing wage requirements include the payment of hourly wages, overtime pay, and in many cases health and other benefits. Prevailing wages are typically determined via collective bargaining agreements, or if not available, wage surveys and other market research methods.

With the application of prevailing wage requirements in King County contracts, it is generally noted and accepted that the payment of the specified prevailing wage, along with an obligation for contractors to provide proof of payment¹¹ of such wages to L&I, ensures that workers are paid a true living wage and prevents them from being subject to the withholding of pay or benefits in the conduct of their work.¹² The requirement to have demonstrated proof of wage payment deters those who might attempt to use labor trafficking in conducting work under a county contract.

1.2 Recommended Additions or Enhancements

1.2.1 - It is recommended that the county publicly declare its stance on labor trafficking as part of contract-related supply chains. Other anti-labor trafficking efforts, ranging from education to enforcement, may have less of an impact on reducing the likelihood of labor trafficking without a formal, published declaration. The public declaration could be in the form of an Executive or Council Proclamation, an Executive Order, or a joint statement issued by the Executive and the King County Council. The public declaration should be posted on the county's website.¹³

1.2.2 – It is recommended that the county manage the risk of labor trafficking in contracts through the supplier relationship using a “supplier code of conduct.” Appendix C includes an example supplier code of conduct currently used by the University Washington. The supplier code of conduct is a statement of the county's expectations and requirements with respect to suppliers. A supplier code of conduct essentially is an all-encompassing document whereby the supplier acknowledges that it shares the county's commitment to various business principles such as compliance with laws regulating labor trafficking, non-use of child labor, purchasing from sweat-free manufacturers, adherence to the county's priority hire and apprenticeship programs (as applicable), adherence to living wage and prevailing wage requirements, providing a safe workplace, and the like. FBOD will post the supplier code of conduct on the county's website so that it is easily accessible to all suppliers who wish to enter into contracts with King County. The county's contract boilerplate would be updated to incorporate the supplier code of conduct as a contractual obligation (see best practice category 5.0 Legally Binding Contract).

Implementation

Further research is needed to make a final determination as to whether the supplier code of conduct should apply to all county contracts or a subset of contracts where labor trafficking

¹¹ Washington State Department of Labor & Industries, 'File Quarterly Reports', <https://www.lni.wa.gov/ClaimsIns/Insurance/File/Online/Default.asp> (accessed May 2019)

¹² Consistent with 'King County Labor Trafficking Report', July 2017, page 16 - "Recommendations"

¹³ Consistent with 'King County Labor Trafficking Report', July 2017, page 16 - "Recommendations"

carries the highest risk. FBOD recommends hiring a consultant with specific expertise in procurement sourcing to develop recommendations on the county's public anti-trafficking declaration, the supplier code of conduct, and supply chain transparency. As part of their scope of work, the consultant would reach out to community stakeholders and organizations to engage them in discussions about proposed recommendations and the impact on county supply chains. The estimated cost for this consultant is \$50,000 to \$100,000 and would require additional appropriation for FBOD using FBOD's fund balance as the revenue source. FBOD could have a consultant selected within 3 to 4 months, with the goal of having a supplier code of conduct ready for implementation by mid-2020.

Following the consultant's work, FBOD will work with various county departments to develop and publish a public declaration against labor trafficking and a supplier code of conduct. The cross-departmental team would include, at a minimum, the Office of Risk Management, the Prosecuting Attorney's Office, and the Office of Equity and Social Justice. FBOD will also reach out to external organizations focused on anti-labor trafficking and to targeted groups of suppliers to obtain their feedback on early drafts of the public declaration and the supplier code of conduct.

1.3 Actions for Future Consideration

1.3.1 - Another best practice in the area of labor trafficking policy involves employee travel. The county could require that employees only be allowed to stay at hotels that participate in BEST (Businesses Ending Slavery and Trafficking). Currently, FBOD is reviewing the county's travel policy¹⁴ and working cross functionally to update the policy. FBOD will continue to evaluate this policy and see how many hotels participate in this program, what the financial impact is in only choosing hotels that participate in BEST, and any other restrictions that may be placed on travel. County staff will continue to look into this recommendation as the travel policy is reviewed.

1.3.2 - The county could also consider the development and implementation of a sweat-free procurement policy. Sweatshops¹⁵ are workplaces, often associated with clothing production and electronics manufacturing, which have been found to regularly violate safety, health, wage and labor laws. Employees of these entities often receive very low wages for long hours and work under poor conditions. While sweatshop and labor trafficking are not synonymous, they are closely related. FBOD plans to follow up with the City of Seattle and other governments in California (San Francisco and Los Angeles) to better understand the scope and effectiveness of their existing sweat-free procurement policies that target specific industries.

2.0 Best Practice Category: Auditing

To ensure compliance to a code of conduct, organizations will utilize one or more auditing best practice actions to not only reduce the likelihood of trafficked labor within their supply chains, but also to work with suppliers to either remediate a past violation or strengthen their own internal controls.

¹⁴ Consistent with 'King County Labor Trafficking Report', July 2017, page 13 – "Recommendations"

¹⁵ 'Human Trafficking and Supply Chains', June 2017, page 4

Organizations involved in electronics/computer manufacturing, such as Hewlett-Packard¹⁶ and Dell¹⁷ utilize third parties to audit supplier facilities, review employment-related records, conduct employee interviews, monitor working conditions, conduct supplier background checks, and assess supplier risk. The scope of the audits vary based on the organization’s supply chain, vertical industry, and unique needs. Audits can focus on specific high-risk product/service categories, private label merchandise, suppliers operating in high-risk countries or industries applicable to what is predominantly procured.

Organizations with less complex supply chains and operations may choose to employ an internal team to conduct audits. Internal audits can include conducting supplier searches and cross-checking free or paid databases, performing follow up on labor trafficking violations (or potential violations) that have been uncovered during a bid process. These audits can involve multiple disciplines such as risk management, legal, human resources, internal audit, and local authorities if a violation occurs during the life of the contract.

The following table indicates the status of county actions in this best practice category:

Best Practice Category: Auditing	King County		
	Currently Actions	Recommends	Future Consideration
Best Practice Actions			
Include the county’s right to audit in bid and contract language.	X		
Use internal and/or third-party auditors to conduct reviews when county becomes aware of complaints in a current contractor’s supply chain.		X	
Use internal and/or third-party auditors to conduct proactive reviews of supply chains for targeted products and services.			X

2.1 Current Actions

As a normal course of business, all contracts executed with suppliers include the county’s broad “right to audit” legal language, which can be used should a violation involving labor trafficking occur during the contract term. The contract language includes the right of audit and inspection. Refer to Appendix E for the relevant language.

FBOD has bids and Request for Proposal (RFP) documents that contain language requiring bidders to state if they have violated any labor trafficking laws within the past three years. Should a bidder indicate that they have had a violation, FBOD internally conducts a follow up to determine the nature of the violation. While this follow up does not constitute an audit per se, it is a way for the county to perform due diligence on a business prior to entering into a contract with them.

¹⁶ ‘Human Trafficking and Supply Chains’, June 2017, page 38

¹⁷ ‘Human Trafficking and Supply Chains’, June 2017, page 52

FBOD also has staff within its Business Development and Contract Compliance (BDCC) section that monitors contract compliance for construction contracts, one of the targeted industries for labor trafficking. BDCC ensures that prime contractors and subcontractor are implementing prevailing wage laws and other contract terms. BDCC staff enforce requirements for apprenticeship utilization, small contractor and supplier utilization, and new priority hiring requirements. Priority hiring involves the participation of economically disadvantaged workers on construction projects greater than \$15 million or more.

BDCC produces the following compliance-related reports that are submitted on a regular basis to the King County Council:

- (1) the Annual Apprenticeship and Priority Hire Report 2018 – transmitted to council April 2019; and
- (2) the Contracting Opportunities Program Report – 2018 version transmittal to council expected by June 30, 2019.

2.2 Recommended Additions or Enhancements

2.2.1 - In the case of a reported complaint from an employee or other person about the working conditions of a supplier, a supplier code of conduct is recommended that includes the county's right to audit, investigate, and/or review the supplier's social responsibility practices and programs.¹⁸ King County should also have the right to hire a third party to conduct the audit, investigation or review. The supplier may be required to pay for such an audit or be required to provide evidence of a similar third-party audit to assure the county that it is in compliance with the county's supplier code of conduct.

Implementation

Prior to moving forward with this provision for auditing, the county should consider the experiences of other organizations such as the University of Washington. As discussed earlier under best practice category 1.0, section 1.1.2 - Implementation, should resources be made available, FBOD will to hire a consultant to more closely examine the county's supply chains and exposure to labor trafficking. Part of that scope of work will assess the impact on suppliers and the conditions under which they would be asked to pay for audits in response to complaints about labor trafficking.

2.3 Actions for Future Consideration

2.3.1 - The county could consider hiring its own internal audit staff or engage third party contractors to perform periodic audits of county contracts where supply chains are most susceptible to labor trafficking.¹⁹ Of the county's approximate 8,000 suppliers that are registered to do business with the county, approximately 34 percent are based outside of Washington State. The cost/benefit of hiring internal audit staff or contractors to travel outside of Washington to examine supply chains needs to be carefully considered. FBOD would need to work with Risk Management, the Prosecuting Attorney's Office, and applicable county enforcement authorities to understand the legal issues associated with onsite visits, access to supplier-confidential information, and reporting/enforcement. Funding for such audits would need to be approved in one of the county's budget appropriation processes.

¹⁸ Consistent with 'Human Trafficking and Supply Chains', June 2017 page 72 – Additional recommendations

¹⁹ Consistent with 'Human Trafficking and Supply Chains', June 2017, page 72 – Additional recommendations

2.3.2 - In lieu of the county performing, or contracting for, audits, the county could consider utilizing the audits or investigative findings of national or global consortiums that routinely monitor the supply chains of certain industries such as uniform/clothing manufacturing, electronics manufacturing and food production. Refer to best practice category 6.0 Transparent Enforcement & Compliance, section 6.3.3, for a description of these consortiums.

3.0 Best Practice Category: Awareness / Education

Awareness and education about labor trafficking is vital because understanding the problem enables a more effective response. There are two areas of training needed: internal for county employees, and external for the supplier community and business partners.

In addition to internal and external training, suppliers may contract with an independent third party to assist them with developing an anti-labor trafficking program. Best practices include collaborating with other organizations²⁰, regardless of industry served or for profit status, to enable sharing of learnings. In some cases, entities may be able to work more closely together in conducting joint supplier evaluations specific to anti-labor trafficking.

The following table indicates the status of county actions in this best practice category:

Best Practice Category: Awareness / Education	King County		
	Current Actions	Recommends	Future Consideration
Collaborate on awareness and education with other public and private firms	X	X	
Use a third-party firm to develop a targeted awareness/education campaign	X		
Conduct internal training for county buyers and agencies		X	
Conduct external training for county suppliers		X	
Develop a single location for all applicable policies, requirements, laws, etc.		X	
Participate in supplier evaluation consortiums			X

3.1 Current Actions

King County has a history of actively promoting collaboration and awareness of the issues surrounding labor trafficking including: issuing a proclamation²¹ to bring regional attention to the issue of modern day slavery (i.e. labor trafficking) and using awareness mediums such as

²⁰ Consistent with ‘King County Labor Trafficking Report’, July 2017, page 13 - Recommendations

²¹ King County, ‘News – January 30, 2013’,

<https://www.kingcounty.gov/council/news/2013/January/humantraffickKENT.aspx> (accessed May 2019)

buses, billboards, radio and TV.²² A human trafficking public awareness campaign,²³ inclusive of labor trafficking, was announced in January 2019 in partnership with multiple organizations such as the Port of Seattle, Sound Transit, Delta Airlines, and Alaska Airlines.

3.2 Recommended Additions or Enhancements

The following recommendations will further enhance awareness and education of labor trafficking:

- 3.2.1 - Continue to seek opportunities to work with other entities, especially other government agencies, to increase awareness and education involving labor trafficking.
- 3.2.2 - Develop and deliver two training programs: one for buyers and agency staff involved in procurement functions, and one for external suppliers.
- 3.2.3 - Consolidate labor trafficking information in a single location for easy reference by county officials, staff, external stakeholders and the public.

Implementation

Implementation of the above recommendations will occur by folding in the topic of labor trafficking into FBOD's current training and education programs, with the goal of clear and concise communication of the procurement requirements and policies around labor trafficking. FBOD would coordinate with DHR's training pilot to ensure content alignment, and with the Office of Equity and Social Justice to ensure that an equity lens is applied to the training efforts. FBOD's training focus will remain on procurement supply chains while DHR's primary focus will be on training county employees who may come into contact with victims or survivors of labor trafficking. The FBOD training would likely commence several months after the completed consultant study, to help determine the scope.

Consolidating labor trafficking information and documents can begin right away and then be updated as new information becomes available. FBOD's goal is to have a website implemented by mid-2020.

3.3 Actions for Future Consideration

3.3.1 - An additional best practice action that could be put in place in the future is participating in anti-labor trafficking supplier evaluation consortiums. Refer to best practice category 6.0, section 6.3.3 which highlights examples of consortiums the county could participate in.

4.0 Best Practice Category: Supply Chain Transparency

In relation to anti-labor trafficking, supply chain transparency is any activity or set of activities that creates visibility into the health of supply chains for specific types of industries. Such activities can focus on the following: product/service traceability, risk assessments, levels of commitment, recruitment of labor, purchasing policies and practices, worker complaint resolution, monitoring, remediation efforts, and document disclosure.²⁴

²² King County, 'News – January 30, 2013',

<https://www.kingcounty.gov/council/news/2013/January/humantraffickKENT.aspx> (accessed May 2019)

²³ King County, 'News – January 18, 2019', <https://www.kingcounty.gov/council/news/2019/January/0118-JKW-HT.aspx> (accessed May 2019)

²⁴ 'Human Trafficking and Supply Chains', July 2017, page 48

The following table indicates the status of county actions in this best practice category:

Best Practice Category: Supply Chain Transparency	King County		
	Current Actions	Recommends	Future Consideration
Focus on supply chain disclosure for higher-risk procured product/service categories		X	
Require supplier public disclosure based on total annual business with the county			X
Require suppliers to publicly disclose policies, compliance plans and how to obtain support			X
Use social media to enhance transparent mitigation efforts			X
Partner with other municipalities in the county to require large businesses to disclose on their websites their policies regarding labor trafficking.			X
Require suppliers to publish a supply chain map, which may include disclosure of all supplier factories			X

4.1 Current Actions

The county has not yet focused efforts on actions that would lead to increased supply chain transparency.

4.2 Recommended Additions or Enhancements

4.2.1 - A consultant study is recommended to assess the current level of risk of labor trafficking in contract-related supply chains and the potential added value/cost of requiring increased transparency. Based on the results of the study, FBOD will consider actions for those suppliers considered to be at higher risk. Note, that this would be the same consultant study as recommended in best practice category 1.0 Policy / Code of Conduct, section 1.2.1.

Implementation

Implementation is directly tied to acquisition of a consultant and the report of their findings.

4.3 Actions for Future Consideration

4.3.1 - The other best practices listed in the table require supplier action to provide the county with disclosures and information about their respective supply chains. Further analysis would be required to determine how such disclosures would impact on the supplier community and how this information would be used. Allocation of resources to support the administration of the new disclosure requirements would be necessary. A review of the impact on county suppliers and how disclosure requirements may impact competitive bid or proposal processes would also be necessary.

4.3.2 - One method of increasing transparency in designated supply chains is to make use of social media. Research from the University of Washington report indicates that the rise of social media has led to a new, transparent way for anyone to provide and access free-flowing information. The use of said social media platforms could be an effective way to promote supplier supply chain transparency. FBOD could consider the value of developing a social media plan²⁵ around anti-labor trafficking efforts after completing the consultant study involving county supply chains.

5.0 Best Practice Category: Legally Binding Contract

Managing the supplier relationship through a legally binding contract is likely the easiest and simplest method for stating the county's position on anti-labor trafficking while simultaneously holding a supplier accountable for using clean supply chains. Contracts can contain multiple clauses covering key anti-labor trafficking topics including,²⁶ but not limited to:

- Safe working environments
- No recruitment fees
- Various public disclosures
- Adherence to all federal, state, county and local laws
- Guaranteed wages
- Document retention
- Commitment to a supplier code of conduct
- Right to audit
- Attestation of non-use of trafficked labor
- Zero tolerance of child labor
- Document disclosure
- Penalties for violations
- Adherence to performance key performance indicators or standards
- Time and method to cure violations

The following table indicates the status of county actions in this best practice category:

²⁵ Consistent with 'Human Trafficking and Supply Chains', June 2017, page 72 – Additional recommendations

²⁶ Consistent with 'Human Trafficking and Supply Chains', June 2017, page 69 – Recommendations

Best Practice Category Name: Legally Binding Contract	King County		
	Current Actions	Recommends	Future Consideration
Best Practice Action			
Ensure there are legally binding contract terms & conditions based on relevant laws, regulations and codes	X		
Provide for a legally binding agreement of worker safety and wellbeing	X		
Have supplier make attestation to being trafficking-free for a certain number of years or for the term of the contract	X	X	
Execute a supplier code of conduct		X	

5.1 Current Actions

FBOD utilizes three types of boilerplate contracts for construction projects, architecture and engineering (A/E) services, and other “goods and services.” Each of these boilerplate contracts includes language stating that the contractor (supplier) is required to follow all existing federal, state and local laws, inclusive of the requirements set forth in King County Code 2.93.120 regarding compliance of environmental, worker safety, and labor and human trafficking laws. Refer to Appendix E for the relevant contract language by type of contract.

The legally binding contract process begins with competitive bids or requests for proposals (RFPs) from firms. For construction projects, contractors must sign an attestation with their bid submittal that their firm has not been in violation of the Trafficking Victims Violence Protection Act of 2000 *within the past three years*. For A/E and other goods and services contractors, this same attestation must be made at the time the contract is awarded to a firm.

If any firm answers “yes” to having violations, then they are required to explain the details surrounding the violation, which triggers FBOD to conduct additional due diligence in conjunction with applicable county departments. If a firm answers “no” then they are attesting under contract that they have not violated laws, rules and regulations, involving worker safety, labor, anti-discrimination and human trafficking. Refer to Appendix D for a copy of the Attestation Form that applies to the three types of county contracts.

Other language that is standard in contract boilerplates are clauses covering the right to audit, access to supplier documentation, contract termination for breach of contract, and the right to suspend or debar the supplier from doing business with the county for up to two years for any contract violations.

5.2 Recommended Additions or Enhancements

5.2.1 - It is recommended that the county supplement the current language in bids and RFPs stating that that the winning supplier must attest, as part of the contract signing process, to

making their best efforts at complying with the Trafficking Victims Violence Prevention Act of 2000 during the *life* of the contract term.²⁷

Implementation

Changes to bidding and RFP processes would need to be vetted with internal county agencies and a subset of the supplier community. The rollout for these changes would be parallel to the contract language changes involving the supplier code of conduct.

5.3 Actions for Future Consideration

No other contractual changes are identified, but changes to contract boilerplates occur periodically as part of FBOD's continuous improvement work.

6.0 Best Practice Category: Transparent Enforcement & Compliance

The primary premise behind transparent enforcement is that the risk of labor trafficking in a supply chain can be reduced by full public disclosure of a supplier's anti-labor trafficking information and related activities. Disclosed information includes codes of conduct, policies, regulations, approved vendor lists (AVLs), supplier debarments, supplier violations and other related documents. Disclosed activities include anti-labor trafficking initiatives, supplier remediation efforts and results, public news briefs and advertising campaigns.²⁸

The requirement for a supplier to have a published compliance plan serves two purposes. First, it helps to incentivize a supplier from violating any county anti-labor trafficking policies, procedures, requirements and the like. Second, it provides clear guidance about expectations and a path that the supplier can follow should a violation occur²⁹.

The following table indicates the status of county actions in this best practice category:

²⁷ Consistent with 'King County Labor Trafficking Report', July 2017, page 16 - Recommendations

²⁸ Consistent with 'Human Trafficking and Supply Chains', June 2017, page 68 – Recommendations

²⁹ Consistent with 'Human Trafficking and Supply Chains', June 2017, page 69 – Recommendations

Best Practice Category Name: Transparent Enforcement & Compliance	King County		
	Current Actions	Recommends	Future Consideration
Provide supplier incentives to reduce labor trafficking as part of competitive bid or proposal processes	X		
Assess penalties for violations	X		
Provide public disclosure of supplier’s compliance status	X		
Include an anonymous complaint system and requirements for timely reconciliation	X	X	
Require suppliers to describe their policy and due diligence actions to reduce the risks of labor trafficking in their operations			X
Have county representatives responsible for investigating wage theft and other labor violations meet quarterly with the Washington State Department of Labor and Industries		X	
Establish a fee-rebate structure applied to all contracts where revenue generated from fees is used to conduct third party monitoring			X
Join national or global consortiums that provide information and investigate supply chains in targeted industries			X

6.1 Current Actions

For bids and RFPs, FBOD ensures that the winning bidder or proposer is not solely based off of obtaining the lowest price, which is referred to as the “race to the bottom.” The county’s bid and RFP processes avoid race-to-the-bottom scenarios where firms may try to increase labor trafficking in the supply chain to obtain the lowest price possible. For the county, a bid is awarded to the bidder with the “lowest responsive and responsible bid.” The concept of responsibility in bids is important because it accounts for factors such as labor trafficking violations and compliance with other labor laws. For RFPs, cost is only one factor out of other criteria that is used to award the contract such as adherence to county terms and conditions, product/service quality, technology, quality of management staff, service level guarantees and small business participation. The same concept of responsibility also applies to firms submitting RFPs. The recent contract award for the Paratransit RFP is a prime example of a no “race-to-the-bottom” RFP scoring structure.

The county has the authority to penalize suppliers for contract violations including terminating the contract or suspending/debaring a supplier from doing business with the county. In April 2012, the King County Council adopted Ordinance 17310 governing the circumstances under which a firm could be suspended (for up to six months) or debarred (for up to two years). There are both mandatory and discretionary circumstances that are considered for suspension and debarment. Mandatory circumstances include various criminal conviction and any willful

violations of wage payment requirements under State law. Discretionary circumstances include violation of ethical standards, past performance on county contracts, or any other serious cause that affects a firm's ability to meet their contractual obligations. Violations involving labor trafficking are specifically called out and covered under the provisions for debarment, described below in Appendix F.

FBOD publishes a list of approved suppliers with contracts types on its website. FBOD also publishes those suppliers that have been suspended or debarred, inclusive of the details of the suspension or debarment.

Finally, the county has established an anonymous method for people to report labor trafficking complaints. King County currently hosts a Public Health website that lists a National Human Trafficking Resource Center's 24x7, toll-free hotline for anyone to report suspicious activity and seek guidance. This service provides information to direct the public to additional organizations and resources that can provide more specialized assistance.

6.2 Recommended Additions or Enhancements

6.2.1 - It is recommended that a supplier complaint intake process be included as part of the supplier code of conduct. Any supplier required to meet the code of conduct will need to have a process for making it safe for workers to surface a complaint and ensure there is a timely investigation and a transparent outcome. This type of compliant intake process would supplement the hotline for the National Trafficking Resource Center.

6.2.2 - It is recommended to establish ongoing and recurring meetings between appropriate county staff and the Washington State Department of Labor and Industries to discuss investigations of wage theft and other labor violations.

Implementation

The supplier code of conduct, including a required intake complaint process, is expected to be in place by mid-2020, given funding approval

Initial quarterly or exploratory meetings with the Department of Labor and Industries could begin as soon as this fall with a team of current county staff.

6.3 Actions for Future Consideration

6.3.1 - The county could require all suppliers bidding on contracts to submit documentation regarding their policies and actions to reduce the risk of labor trafficking in their supply chains. The county could also limit this requirement to the successful bidder. At this time, it is recommended to focus on a supplier code of conduct that could be applied to all or designated groups of suppliers. Thereafter, a policy decision can be made to assess whether this additional compliance step would be necessary.

6.3.2 - Another best practice action that could be considered is whether to charge a percentage of a given contract value and allocate the funds to monitoring and enforcement activities. The city of Madison, Wisconsin passed an ordinance with no reports detrimental impact on the purchase

price of products/services³⁰. Prior to the county moving forward with such an approach, there needs to be additional research, including a legal review by the PAO, and discussions with county decision makers and the supplier community about benefits, costs and impacts.

6.3.3 - Another action is for the county to join major consortiums to receive information and learn about resources and best practices. There are several major consortiums that the county could join, typically for an affiliation fee, to receive access to an extensive network of monitoring and other informational resources. Before joining any consortium, it is recommended that additional research to determine the applicability to county supply chains occurs. Some possible consortiums to join includes:

- Worker Rights Consortium (WRC): Founded in 2000, this is an independent labor rights monitoring organization that conducts investigation of working conditions in factories around the world. A total of 186 universities and colleges have signed on and agreed to a code of conduct developed by WRC. The code requires that school suppliers of uniforms (Nike, Under Armor, and Gear for Sports) adhere to the rights of workers in their supply chains. It is a collaborative licensing model that could potentially be applied to other goods and services.
- Electronics Watch: This is an independent monitoring organization that supports buyers' efforts to protect workers in their global electronics supply chain. Similar to the WRC model, public sector members pay fees to Electronics Watch to receive information about working conditions in their supplier's factories and to garner support for influencing change.
- The Good Food Program: This program aims to transform the way that public institutions are purchasing food, while growing the market for fair, human, local and nutritious products. The Program provides a comprehensive set of tools, technical support, and a verification system for organizations. Joining members works through the Center for Good Food Purchasing and are assisted through every step of implementation. The Program has been launched or implemented in a number of large cities including Los Angeles, San Francisco, Oakland, Chicago, New York, Cincinnati, and Austin.

Potential Unintended Consequences of Policy Changes

It is important for policymakers and implementers of policies to understand the potential unintended consequences of cutting edge public policies. Below are just two possible issue areas associated with implementing supply chain policies for labor trafficking.

First, small firms sometimes have difficulty navigating through and keeping up with requirements in order to bid on contracts with the county. It is important to strike a balance between new procurement process requirements for reducing labor trafficking with the equally important goal of ensuring the procurement process is not overly burdensome for small firms.

³⁰ 'Human Trafficking and Supply Chains', June 2017, page 54

A second potential issue is that suppliers, irrespective of size, may choose not to bid on county work because of the additional requirements or public disclosure of their supply chain, even if they support the underlying policy against labor trafficking. This issue surfaced with the City of Olympia and its certification requirements for clothing manufacturers. Bidders, while supportive, were wary to attest under penalty that somewhere along the supply chain that a person could have been exploited, especially when simply sourcing from other suppliers.³¹

³¹ 'Human Trafficking and Supply Chains', June 2017, page 60

VII. CONCLUSION

Labor trafficking is an important policy issue for King County leaders. Addressing the injustices that labor trafficking presents is a core social responsibility for the county, and aligns directly with the ongoing equity and social justice efforts championed by county leadership.

Almost 1,800 employees at King County were identified that could interact with companies using trafficked labor, revealing a gap in the current education of county employees. As such, a pilot training program, partnering with agencies in King County and external suppliers has been developed based on the framework of this report analysis.

Within the procurement area, the Executive and County Council have already delivered legislation and other actions to help limit the likelihood of trafficked labor in the county's supply chains. In addition to current legislation and actions, this report makes ten additional recommendations which will add to or enhance current practices. The most significant of these include a public declaration against labor trafficking, a new supplier code of conduct, a more in-depth evaluation of the county's contract-related supply chains, and new contract language stating that suppliers will make their best efforts to comply with the Trafficking Victims Violence Prevention Act of 2000 for the *life* of the contract. The report also describes a range of actions that policy makers can consider for the future.

A key next step is sharing this report findings with community stakeholders and other organizations concerned about anti-trafficking education and procurement actions. The county intends to socialize this report and leverage the experience of organizations that are more directly involved with anti-trafficking. This will lead to additional knowledge, insights and direction that can be used to guide the county's employee training program and procurement policies. Another next step is drafting a scope of work for the consultant study that will be used to inform the county's public declaration against labor trafficking, to develop a supplier code of conduct and to conduct a review of the county's contract-related supply chains. FBOD plans to develop the scope of work and initiate a competitive selection process for a consultant by early November 2019.

VIII. APPENDIX A – AGENCY INTERACTION DETAILS

Agency / Department	# of Employees with Possible Interaction	Point of Interaction with Orgs/Notes from Phone Calls & Emails
Records and Licensing Services (RALS)	30	<ul style="list-style-type: none"> Licensing desk/community service centers Companies use Transportation Network Companies (TNCs) to transport victims
Regional Animal Shelter of King County (RASKC)	10	<ul style="list-style-type: none"> Investigation of animal cruelty cases
Department of Human Resources (DHR)	140	<ul style="list-style-type: none"> Training companies
Department of Community and Human Services (DCHS)	0	<ul style="list-style-type: none"> Pending update from Kelli and DCHS
Department of Local Services (DLS) & Permitting	28	<ul style="list-style-type: none"> Customer service lobby/business licenses Field enforcement/code compliance
Public Health and Environmental Health (PH & EH)	43	<ul style="list-style-type: none"> CHS would not come into contact with organizations and businesses that employ trafficked labor Field enforcement/code compliance
King County Sheriff's Office (KCSO)	100	<ul style="list-style-type: none"> Any KCSO commissioned officer in the field at any given time
Parks	0	<ul style="list-style-type: none"> Operations staff have very little contact with outside businesses
Wastewater Treatment Division (WTD)	0	<ul style="list-style-type: none"> WTD was unable to identify any outside businesses or other organizations that they interact with that might employ potential survivors and victims of labor trafficking.
Solid Waste Division (SWD)	110	<ul style="list-style-type: none"> Transfer stations
Water and Land Resources Division (WLRD)	1	<ul style="list-style-type: none"> Contract services for forestry services (i.e., tree planting, site preparation, etc.).
Metro Transit	1,200	<ul style="list-style-type: none"> Any one of the up to 1,200 Metro employees on duty at any one time can be "exposed" to labor trafficking.
Finance & Business Operations Division (FBOD)	46	<ul style="list-style-type: none"> Meetings, Site-visits, Trainings, & On-site compliance
King County International Airport (KCIA)	0	<ul style="list-style-type: none"> Highly unlikely any organizations that do business with KCIA are trafficking labor.
Department of Assessments (DOA)	55	<ul style="list-style-type: none"> Commercial property appraisals
Department of Public Defense (DPD)	0	<ul style="list-style-type: none"> "Attorney-client privilege and RPC 1.6 prevent us from disclosing any information about those contacts."
Prosecuting Attorney's Office (PAO)	18	<ul style="list-style-type: none"> Supporting law enforcement and handling cases that are referred to them, essentially helping to prosecute the offenders.
District Court	0	<ul style="list-style-type: none"> District Court comes into contact with labor trafficking cases insofar as they make a ruling and then decide punishment.
Superior Court	0	<ul style="list-style-type: none"> Superior Court comes into contact with trafficking cases insofar as they make a ruling and then decide punishment.
King County Information Technology (KCIT)	4	<ul style="list-style-type: none"> KCIT does business with a number of large companies that may have had interactions with labor trafficking at the supplier, supplier and/or supply chain level.
Office of Equity and Social Justice (OESJ)	4	<ul style="list-style-type: none"> Approximately half the OESJ staff interact with firms that could have trafficked or formerly trafficked labor
TOTAL	1,789	

IX. APPENDIX B - COMPLIMENTARY REQUIREMENTS OF OTHER JURISDICTIONS

Complimentary Requirements of Other Jurisdictions to Help Combat Trafficking

In addition to all the policies and procedures that King County uses to combat labor trafficking, the county also complies with the requirements of other jurisdictions. Like King County has passed, the city of Seattle also passed an ordinance detailing wage theft.

Many of these requirements already exist under Washington State's minimum wage and wage payment laws as well.

The Wage Theft Ordinance provides protections against wage theft by requiring payment for all compensation owed for work performed within Seattle city limits on a regular payday; providing each employee with "notice of employment information"; and providing itemized pay information, establishing basic requirements for payment of wage and tips within city limits. The ordinance requires employers to pay all wages and tips owed to employees, provide written notice to employees, and itemize pay information when employees are paid.

The ordinance requires employers to:

- *Provide written notice to employees at time of hire or change of employment, containing the employer's name, physical address and contact information, pay rate, pay basis, regular pay day and tip policies.*
- *Pay all wages and tips owed to employees on a regular pay day.*
- *Provide written notice to employees each time wages and tips are paid detailing employees' gross wages and tips, rate of pay, pay basis and all deductions.*
- *Keep payroll records for no less than 3 years for employees covered under the ordinance.*
- *Provide written notice (e.g. poster) to employees that they are entitled to their rights under this ordinance.*
- *Provide notice in English, Spanish and other languages commonly spoken at a given work site. OLS will provide notice templates and a workplace poster in English, Spanish and other languages on this web site.*

Again, much like King County, the city of Seattle also has requirements for sick leave via the Paid Sick and Safe Time (PSST) Ordinance.

Seattle's PSST ordinance requires employers operating in Seattle to provide all employees with paid leave to care for themselves or a family member with a physical or mental health condition, medical appointment, or a critical safety issue.

Employees can use PSST as follows

- *To care for a personal or family member's illness, injury or health condition, including preventative appointments*

- *To care for a personal or family or household members for a reason related to domestic violence, sexual assault, or stalking*
- *To care for a personal absence when a workplace, or child's school/place of care, has been closed by order of a public official for health reasons*
- *Family member is defined as child of any age, spouse including registered domestic partners, parent and parent-in-law, sibling, grandparent, and grandchild*

Specifically targeting an industry that has historic use of trafficked labor, the city of Seattle also has passed an ordinance that gives domestic workers the rights and privileges of other workers.

In July 2018, the City of Seattle passed a Domestic Workers Ordinance. This law gives minimum wage, rest break, and meal break rights to domestic workers. It also creates a Domestic Workers Standards Board. The Seattle Office of Labor Standards will oversee this law.

In September 2018, the City of Seattle added civil rights for domestic workers to the City's existing Fair Employment Practices law. The Seattle Office for Civil Rights will oversee these protections. Both ordinances begin on July 1, 2019. Current labor standards (like Paid Sick and Safe Time) and civil rights laws provide many rights to domestic workers who are employees.

The ordinance covers domestic workers (both employees and independent contractors) who provide paid services to an individual or household in a private home as a nanny, house cleaner, home care worker, gardener, cook, and/or household manager. Domestic Worker Rights - effective July 1, 2019.

1. Payment of Seattle's minimum wage

- *Domestic workers in Seattle have the right to earn the Seattle minimum wage. See Seattle Minimum Wage Ordinance (SMC 14.19).*

2. Provision of meal periods and rest breaks

- *Domestic workers have the right to a 30-minute, uninterrupted meal period when they work for more than five consecutive hours for the same hiring entity.*
- *Domestic workers must be allowed a paid 10-minute uninterrupted rest break for each four consecutive hours of work for the same hiring entity.*
- *If a domestic worker's work responsibilities make it impossible or infeasible to take a meal period or rest break, the hiring entity must provide additional compensation for the missed meal period or rest break.*

3. Provision of a day of rest after working more than six consecutive days (live-in workers only)

- *Domestic workers who are required to work more than six consecutive days for the same hiring entity have the right to an unpaid 24-hour period of consecutive rest.*

4. Retention of original documents or other personal effects

- *Hiring entities are not allowed to retain a domestic worker's original documents or other personal effects (e.g. passport).*

X. APPENDIX C - UNIVERSITY OF WASHINGTON SUPPLIER CODE OF CONDUCT - 7/29/16**Supplier Code of Conduct**

The University of Washington is committed to conducting its business affairs in a socially responsible, sustainable and ethical manner consistent with the University's educational, research and service missions. Therefore, the University has adopted the following Supplier Code of Conduct to ensure that goods and services provided to the University are produced in a manner consistent with these principles.

This Supplier Code of Conduct is a statement of the University's expectations and requirements with respect to suppliers. The Code is guidance for socially responsible business practices and describes the University's expectations for Supplier policies and actions regarding labor standards, human rights, sustainability, ethics, health and safety and diversity.

a. LABOR AND HUMAN RIGHTS

1. The Supplier shall not discriminate unjustly in its employment practices, including hiring, work assignment, wages, benefits, promotion, discipline, termination or retirement, in accordance with the principles expressed in the Universal Declaration of Human Rights, Article 2. In particular, the Supplier shall not discriminate on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social or ethnic origin, or medical need.
2. The Supplier shall not use coerced or forced labor, nor subject employees to inhumane or abusive treatment, in accordance with UN Global Compact Principle 4 and the Universal Declaration of Human Rights, Articles 4, 5 and 23.
3. The Supplier shall not use labor provided by individuals younger than the age of compulsory education or 15 (fifteen) years of age, whichever is higher, in accordance with UN Global Compact Principle 5.
4. The Supplier shall pay at least the legal minimum wage in all locations in which the Supplier operates.
5. The Supplier shall provide a system for ensuring that employees have paid leave for dealing with personal and familial illnesses, disabilities or the like, retirement plans and severance plans for employees. All overtime hours will be worked in accordance with all applicable laws, regulations, labor agreements and administrative actions and employees will be compensated fairly for their work.
6. The Supplier shall make reasonable accommodations for employees with family responsibilities to ensure that they are not excluded from the workforce or otherwise discriminated against, in accordance with Article 16 of the Universal Declaration of Human Rights.
7. The Supplier shall recognize and respect employees' rights of Freedom of Association and Collective Bargaining. The Supplier will not harass, threaten, pressure, discipline, retaliate, reassign or fire any employee in response to union support or union activity, including decisions regarding unionization or organizing, in accordance with Principle 3 of the UN Global Compact, and Articles 20 and 23 of the Universal Declaration of Human Rights.

8. The Supplier shall engage in good faith collective bargaining with any employee representative group that has been established in accordance with local laws.

9. The Supplier shall not retaliate against Supplier or University employees for raising or investigating allegations of Supplier fraud, waste or abuse.

b. ENVIRONMENTAL SUSTAINABILITY

1. Environmental sustainability will be considered when awarding contracts. The Supplier shall prioritize environmental sustainability practices throughout production, distribution, and disposition of the product, in accordance with Principles 7, 8, and 9 of the UN Global Compact.

2. The University may give preference to products and services that are produced, packaged, and delivered using materials and methods that have minimal harmful impact on the affected ecological systems.

c. LEGAL COMPLIANCE

The Supplier will comply with all applicable local, state, federal and international laws. In the event of a conflict of laws, the University and the Supplier may negotiate which law(s) will prevail.

d. HEALTH AND SAFETY

1. The Supplier shall take and document all steps possible to provide a healthy, safe working environment and prevent injuries, accidents or illnesses, in accordance with ILO Convention C155, Article 16. Employees will not be expected to complete work in a way that would threaten injury or loss of health when an alternative method is available or preventative measures can be taken.

2. The Supplier shall provide employees the opportunity to contribute meaningful input on Supplier health and safety standards.

3. The Supplier shall provide medical care and compensation for injured workers.

e. ETHICS

The Supplier shall have a Code of Ethics, or other mechanism, that addresses issues regarding ethical conduct of employees relevant to the market, such as fair hiring practices, conflict of interest management, and supplier resource utilization. The Supplier and its representatives doing business with the University shall conduct themselves with integrity, in accordance with UN Global Compact, Principle 10.

f. SUPPLIER DIVERSITY

The Supplier shall have programs, policies, and practices that foster diversity in the workforce, including diversity in leadership, and business diversity practices throughout.

g. SUBCONTRACTS

1. This Code applies with equal force to the Supplier's subcontractors. The Supplier shall be responsible for ensuring that any subcontractors with whom the Supplier does business adhere to the Code.

2. Upon request, each Supplier shall disclose to The University of Washington or its designee the location (including facility name, contact name, address, phone number, e-mail address, products produced, and nature of business association) of each facility used in the production of all goods and services provided to fulfill contracts with the University. Such information shall be updated upon request by the University. The University of Washington reserves the right to disclose this information to third parties, without restriction as to its further distribution.

h. REPORTING AND COMMUNICATION

Suppliers shall complete the required self-assessment and reporting process in a timely manner. Suppliers shall have a documented process for compliance with all applicable laws, regulations and this Code of Conduct. The University may, at its discretion, audit suppliers for compliance.

i. INTAKE AND REMEDIATION

The University reserves the right to make judgments, based on available factual and credible evidence, regarding the Supplier's compliance with the Supplier Code of Conduct and impose sanctions in accordance with Supplier's contract with the University. These judgments will reflect University values and will provide additional context and clarification for future applications of the Code.

In response to a complaint submitted to the University of Washington, the University reserves the right to perform audits, investigations, or reviews of any UW supplier's corporate social responsibility practices and programs, using any metric or criteria for evaluation which the UW, in its sole discretion, deems appropriate. The University of Washington also reserves the right to retain a third party to conduct such an audit, investigation, or review. The supplier may be required to pay for any such review conducted by UW, or provide evidence of a similar third-party audit, investigation, or review to assure UW that it is in compliance with the UW Supplier Code of Conduct, which may be evaluated for adequacy in UW's sole discretion."

XI. APPENDIX D - KING COUNTY RESPONSIBILITY DETAIL & ATTESTATION FORM

Instructions

This form shall be completed and certified by the highest ranked Proposer or low responsive Bidder.

Submit Form Electronically

Submit this form electronically (pdf) via email to the Buyer or Contract Specialist identified on page one (1) of the solicitation document.

Attestation Requirement

By completing and signing this Responsibility Detail & Attestation Form, the Proposer/Bidder certifies that the information contained within and any additional information requested by the County, is true and complete.

The Proposer's/Bidder's failure to disclose the required information or the submittal of false or misleading information may result in the rejection of the Proposer's proposal/Bidder's bid, revocation of award, or contract termination, and/or may impact the Proposer's/Bidder's ability to bid on future projects with King County.



King County

Department of Executive Services
Finance & Business Operations Division
(206) 263-9400

Responsibility Detail & Attestation Form

1 Procurement Information

procurement title _____ procurement number _____

proposer / bidder business name _____

2 Financial Resources & Responsibility

1. Within the previous three (3) years, has your firm been the debtor in a bankruptcy?
 yes no _____
 If yes, explain _____

2. Is your firm in the process of or in negotiations to be sold?
 yes no _____
 If yes, explain _____

3. Within the previous three (3) years, has your firm been debarred from contracting with any local, state or federal government agency?
 yes no _____
 If yes, explain _____

4. Within the previous three (3) years, has your firm been determined to be non-responsible for any government contract?
 yes no _____
 If yes, explain _____

5. Within the previous three (3) years, has a governmental or private entity terminated your firm's contract prior to contract completion?
 yes no _____
 If yes, explain _____

6. Within the previous three (3) years, has your firm used a subcontractor to perform work on a government contract when that subcontractor has been debarred by a governmental agency?
 yes no _____
 If yes, explain _____

3 Environmental Responsibility

1. Within the previous three (3) years, has the Proposer/Bidder been found in violation of any environmental laws? Environmental laws shall mean any federal, state, or local statute, regulation, code, rule, ordinance, order, judgement, decree, injunction, or common law pertaining in any way to the protection of human health, safety, or the environment, including without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9602 et seq. ("CERCLA"); the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq. ("RCRA"); the Washington State Model Toxics Control Act, RCW chapter 70.105D ("MTCA"); the Washington Hazardous Waste Management Act, RCW chapter 70.105; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., the Washington Water Pollution Control Act, RCW chapter 90.46, and any laws concerning above ground or underground storage tanks.
 yes no _____
 If yes, explain _____

4 Worker Safety Responsibility

1. Within the previous three (3) years, has the Proposer/Bidder been found by the Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), to have violated any state occupational safety and health regulations as detailed in 29 CFR part 1952 subpart A?
 yes no _____
 If yes, explain _____

continue on next page ➔

Instructions

This form shall be completed and certified by the highest ranked Proposer or low responsive Bidder.

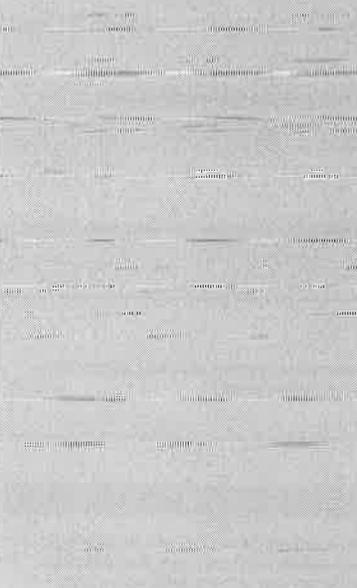
Submit Form Electronically

Submit this form electronically (pdf) via email to the Buyer or Contract Specialist identified on page one (1) of the solicitation document.

Attestation Requirement

By completing and signing this Responsibility Detail & Attestation Form, the Proposer/Bidder certifies that the information contained within and any additional information requested by the County, is true and complete.

The Proposer's/Bidder's failure to disclose the required information or the submital of false or misleading information may result in the rejection of the Proposer's proposal/Bidder's bid, revocation of award, or contract termination, and/or may impact the Proposer's/Bidder's ability to bid on future projects with King County.



 **King County**
Department of Executive Services
Finance & Business Operations Division
(206) 263-9400

5 Labor Laws

1. Within the previous three (3) years, has the Proposer/Bidder been found by the Department of Labor and Industries to have violated a state wage payment law, including willful violation of a wage payment requirement as defined in RCW chapter 49.48.032, and any provision of RCW chapter 49.48 or 49.52, or had a civil judgement entered against your firm for violation of a state wage payment law?

yes no _____
If yes, explain _____

2. Within the previous three (3) years, has the Proposer/Bidder been found by the Department of Labor and Industries to have violated a state minimum wage law, including violation of a minimum wage payment requirement as defined in RCW chapter 49.48, or had a civil judgement entered against your firm for violation of a state minimum wage law?

yes no _____
If yes, explain _____

6 Rules & Regulations

1. Within the previous three (3) years, has your firm been found to have violated any anti-discrimination laws or regulations, whether they be local, state or federal?

yes no _____
If yes, explain _____

2. Within the previous three (3) years, has any principal, officer or employee who will perform any of the work for the County been convicted of a crime?

yes no _____
If yes, explain _____

3. If a license is required to perform the services sought by this solicitation, within the previous three (3) years has your firm or any principal, officer or employee who will perform work for the County had a license suspended by a licensing agency or been found to have violated licensing laws?

yes no _____
If yes, explain _____

4. Within the previous three (3) years, has the Proposer/Bidder been found to have violated ethical standards set forth in King County Code (KCC 3.04)?

yes no _____
If yes, explain _____

5. Is there any other information that the County should be aware of regarding you or your firm's history with financial, criminal or legal history that has bearing on the work that the County is considering you to perform?

yes no _____
If yes, explain _____

7 Human Trafficking

1. Within the previous three (3) years, has the Proposer/Bidder been found in violation of the Trafficking Victims Violence Prevention Act of 2000?

yes no _____
If yes, explain _____

8 Responsibility Attestation

The information provided herein is true and complete.

X
signature of authorized representative _____ date _____

print name _____ title _____

XII. APPENDIX E – STANDARD CONTRACT LANGUAGE

SECTION 5 - RECORDS AND AUDITS

1.20 Retention of Records, Audit Access and Proof of Compliance with Contract

B. Audit Access

The Contractor shall provide access to its facilities, including those of any Subcontractors, to the county, the state and/or federal agencies or officials at all reasonable times in order to monitor and evaluate the Work provided under this Contract. The county shall give reasonable notice to the Contractor of the date on which the audit shall begin.

1.22 Federal Funding Audit

If the Contractor expended a total of \$750,000 or more in federal awards during its fiscal year, and is a non-profit organization, and is, under this Contract, carrying out or administering a program or portion of a program, it shall have an independent audit conducted in accordance with OMB Circular A-133, which shall comply with the requirements of GAAS (generally accepted auditing standards), GAO's Government Audit Standards and OMB Circular A-133, as amended and as applicable. Contractors expending federal awards from more than one source shall be responsible for determining if the combined financial awards are equal to or greater than \$750,000.00. The Contractor shall provide one copy of the audit report to each county division providing federal awards to the Contractor no later than nine (9) months subsequent to the end of the Contractor's fiscal year.

Within goods and services bids, the following language³² is present:

2.3 Responsible Contracting

A. Contractor Responsibility – Compliance with Federal, State and Local Law

For all contracts with a value of \$100,000 or more, the selected Bidder must meet the requirements set forth in King County Code 2.93.120 regarding historic compliance with environmental, worker safety, and labor and human trafficking laws. Historic compliance is defined as a minimum of three (3) years preceding the submittal date for the solicitation.

The county shall conduct a review in order to determine the selected Bidder's responsibility related to these areas. Failure to fully answer any responsibility question, or otherwise be out of compliance with the requirements of the code as determined by the county, shall eliminate the Bidder from consideration of award.

B. Note that the county will issue the "King County Responsibility Detail & Attestation Form" to the low, Responsive, Responsible Bidder, who will then

³² Consistent with 'Human Trafficking and Supply Chains', June 2017 page 67 – Recommendations

complete the form and return it to the county within a time period to be specified in the transmittal.

For all capital project (CAP) architectural and engineering (A&E) Request for Proposals (RFPs), the following language is included:

- A. *Proposer Responsibility. For all contracts with an estimated value of \$100,000 or more, the selected Consultant must meet the requirements set forth in King County Code 2.93.120 regarding historic compliance with environmental, worker safety, and labor and human trafficking laws. Historic compliance is defined as a minimum of three years preceding the submittal date for the solicitation.*
 1. *The selected Consultant is required to complete the “King County Responsibility Detail & Attestation Form”. The county will review the form to determine responsibility. Failure to fully answer any responsibility question, or otherwise be out of compliance with the requirements of the code as determined by the county, shall eliminate the Consultant from consideration of award.*

XIII. APPENDIX F – DEBARMENT ELIGIBLE VIOLATIONS

Violations involving labor trafficking are specifically called out and covered under the provisions for debarment, described below. As required by the ordinance, the Executive has established due process procedures allowing a firm the right to be heard prior to the county making a final decision to suspend or debar.

1. Conviction within the five years preceding the commencement of the debarment or suspension for commission of a criminal offense to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;
2. Conviction within the five years preceding commencement of the department or suspension under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, or any other offense indicating a lack of business integrity or business honesty;
3. Violation of state wage payment laws including;
 - a. A willful violation of a wage payment requirement as defined in RCW 49.48.082 where the citation and notice of assessment for the violation was issued within the five years preceding commencement of the debarment or suspension or
 - b. Civil judgments entered by a court against the person, firm or other legal entity for violations of wage payment requirements under state law within the five years preceding commencement of the debarment or suspension.
4. Violation of ethical standard set forth in contracts with the county; for example, violation of contract provisions which includes language stating that the consultant/contractor has not been found in violation of the Trafficking Victims Violence Prevention Act of 2000.

