

Legislation Text

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Clerk 06/04/2010

AN ORDINANCE relating to procurement procedures for public contracts;
amending Ordinance 12138, Section 7, as amended, and K.C.C. 4.16.010, adding
new sections to K.C.C. chapter 4.16, adding a new section to K.C.C. chapter
4.08, recodifying K.C.C. 4.16.130 and K.C.C. 4.16.140 and repealing Ordinance
10581, Section 7, and K.C.C. 4.16.083, Ordinance 10581, Section 8, as amended,
and K.C.C. 4.16.085, and K.C.C. 4.16.130, Ordinance 12138, Section 20, as
amended, and K.C.C. 4.16.165 and Ordinance 12138, Section 21, and K.C.C.
4.16.168.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 4.16 a new section to read as follows:

To ensure open, fair and competitive procurement processes, to establish a procurement system of quality and integrity, and to maximize the purchasing value of public funds, this chapter applies to contracts for the procurement of tangible personal property, services, professional or technical services and public work entered into by county elected officials, department heads and their designees. Except where exempt by state law, county ordinance or executive policy, county procurement shall be administered through the purchasing and contract services section to maximize economies of scale, consistency in county practices and accountability procedures.

When a procurement involves the expenditure of federal or state assistance, grants or funds, the

manager shall conduct the procurement in accordance with this chapter unless the federal or state agency specifically requires otherwise. This chapter does not limit the authority of the executive to procure tangible personal property, services, professional or technical services, or public work in a manner otherwise provided for in law.

SECTION 2. Ordinance 12138, Section 7, as amended, and K.C.C. 4.16.010 are each hereby amended to read as follows:

~~((Terms used in this chapter shall be given their common and ordinary meaning except where otherwise declared or clearly apparent from the context. Additionally, the following definitions shall apply.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. ~~((The term))~~ ~~"((b))~~Bid~~" (as used throughout this chapter shall))~~ means an offer to provide ~~((materials, equipment, supplies, or services,))~~ tangible personal property, services, technical or professional services and public work in response to a solicitation for bids or proposals issued by the county.

B. ~~((The terms))~~ ~~"((b))~~Bidder~~," or "proposer" ((or "offeror" as used throughout this chapter shall))~~ means ~~((any))~~ a person, firm, partnership or corporation ~~((which))~~ that formally submits a bid, proposal or offer to provide tangible personal property, ~~((or))~~ services, ~~((including expert personal,))~~ professional~~((;))~~ or technical~~((; and consultant))~~ services~~((;))~~and public work to the county in response to a solicitation for bids or proposals or request for qualifications issued by the county.

C. ~~((The term))~~ ~~"((e))~~Contract~~" (as used throughout this chapter shall))~~ means a mutually binding legal relationship or any modification thereof obligating a person, firm, corporation~~((;))~~ or partnership ~~((or group))~~ to provide tangible personal property, ~~((or))~~ services, professional or technical services or public work to the county, and ~~((which))~~ that obligates the county to pay therefor.

D. ~~((The term))~~ ~~"((m))~~Manager~~" (as used throughout this chapter shall))~~ means the manager of the finance and business operations division.

E. ~~((The term))~~ "((m))Metropolitan function" ~~((as used throughout this chapter shall))~~ means ~~((those))~~ a function~~((s))~~ or functions authorized by RCW 35.58.050, approved by the voters, and assumed by the county ~~((pursuant to))~~ in accordance with RCW 36.56.010.

F. ~~((The term))~~ "((p))Professional or technical services" ~~((as used throughout this chapter shall))~~ means those services provided by independent contractors:

1. Within the scope of architecture, accounting, engineering, landscape architecture, law, financial or administrative studies, feasibility studies of a scientific or technical nature, management advisory services and special project management for a defined ~~((period of))~~ time or result or other practice that requires specialized knowledge, advanced education or professional licensing or certification; and

2. Where the primary service provided is mental or intellectual involving the consistent exercise of judgment and discretion or the provision of specialized skills.

G. "Public work" means all work, construction, alteration, enlargement, repair, demolition or improvement other than ordinary maintenance executed at the cost of the county or which is by law a lien or charge on any property therein.

H. ~~((The term))~~ "((f))Rolling stock" as used throughout this chapter shall mean revenue producing vehicles, including buses, vans, cars, railcars, locomotives~~((s))~~ and trolley cars ~~((and buses))~~.

~~((H. The term))~~ I. "((s))Services", except for professional or technical services, ~~((as used throughout this chapter shall))~~ means the furnishing of labor, time~~((s))~~ or effort by a contractor, not involving the delivery of tangible personal property, other than reports ~~((which))~~ that are merely incidental to the required performance.

~~((I. The term))~~ J. "((t))Tangible personal property" ~~((as used throughout this chapter shall))~~ means equipment, supplies, materials, goods~~((s))~~ and rolling stock.

SECTION 3. Ordinance 10581, Section 7, and K.C.C. 4.16.083 are each hereby repealed.

SECTION 4. Ordinance 10581, Section 8, as amended, and K.C.C. 4.16.085 are each hereby repealed.

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 4.16 a new section to read as follows:

The manager shall solicit and award all county public works contracts in accordance with the authority granted by state law, as set forth in Title 36 and Title 39 RCW and all other applicable provisions of the RCW, and any additional requirements prescribed by county ordinance, policy, rule or procedure established by the executive or the executive's designee.

SECTION 6. Ordinance 12138, Section 20, as amended, and K.C.C. 4.16.165 are each hereby repealed.

SECTION 7. Ordinance 12138, Section 21, and K.C.C. 4.16.168 are each hereby repealed.

SECTION 8. K.C.C. 4.16.130 is recodified as a new section in K.C.C. chapter 4.08 to follow K.C.C. 4.08.390.

SECTION 9. K.C.C. 4.16.140 is recodified as a new section in K.C.C. chapter 4.16 to follow K.C.C. 4.16.155.