

Title 20

PUBLIC WORKS, IMPROVEMENTS AND PURCHASING

Subtitle III Contracting

Chapter 20.46

WOMEN'S AND MINORITY BUSINESS UTILIZATION

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Severability: The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.
(Ord. 109113 § 15, 1980.)

20.46.010 Short title.

This chapter shall be entitled the "Women's and Minority Business Utilization Ordinance" and may be cited as "the WMBE Ordinance."
(Ord. 109113 § 1, 1980.)

20.46.020 Findings.

Upon full consideration of all relevant facts, the City Council finds that:

A. Past societal discrimination, the city's

overall contracting process, difficulties in the financing and bonding market, and problems obtaining credit and insurance, have had the effect of underutilization of women's business enterprises and minority business enterprises in contracts awarded by the city, and have contributed to the underdevelopment of such businesses;

B. As a result of this past discrimination against women's business enterprises and minority business enterprises, women and minorities have been deprived of numerous employment opportunities;

C. It is in the best interests of the city to promote the equitable utilization of women's business enterprises and minority business enterprises in city contracting; and

D. The requirements of this chapter are necessary to overcome the present effects of discrimination, and are designed to achieve the goal of equitable utilization of women's business enterprises and minority business enterprises, while at the same time maintaining a high quality of goods and services provided to the city through competitive bidding as required by state law and the City Charter.¹
(Ord. 109113 § 2, 1980.)

1. Editor's Note: The Charter is included at the beginning of this Code.

20.46.030 Declaration of policy.

It is the policy of the city to ensure the full and equitable participation by women's business enterprises and minority business enterprises in the provision of goods and services to the city on a contractual basis. The ultimate goal of this chapter is to increase the use of women's business enterprises and minority business enterprises above the present low level to a level more comparable to the representation of women and minorities in the population.
(Ord. 109113 § 3, 1980.)

20.46.040 Scope.

The provisions of this chapter shall apply to all contracts awarded by the city and services utilized by the city except as may be specifically exempted in this chapter, and shall be liberally construed for accomplishment of its policies and purposes.
(Ord. 109113 § 4, 1980.)

20.46.050 Definitions.

A. "Bidder" means any business which submits a bid or proposal to provide goods or services to the city.

B. "Combination women's and minority business enterprise" means a business for profit which is not owned and controlled by either women or minorities, but which is owned and controlled by a combination of women and minorities.

C. "Contract awarding authority" means the city officer, department, commission, employee, or board authorized to enter into contracts on behalf of the city.

D. "Director" means the Director of the Department of Human Rights.

E. "Minority," "minorities," or "minority person" means ethnic persons of color residing in the United States or its territories, including but not limited to American Indians, Asians (including, but not limited to, Chinese, Filipinos, Japanese, Koreans, Pacific Islanders and Samoans), Blacks, Hispanics, and Native Alaskans.

F. "Minority business enterprise" means a business for profit which is owned and controlled by one or more minority persons. For the purpose of this definition, the non-minority owner or owners of the minority business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the minority business enterprise.

G. "Owned and controlled" means for purposes of determining whether a business is a minority business enterprise, women's business enterprise or combination women's and minority business enterprise, that the minorities, women, or combination of both, as the context requires, shall possess:

1. Ownership of greater than fifty percent of the business; and

2. Control over management, interest in capital, and interest in profit or loss commensurate with the percentage of ownership on which the claim of status under this chapter is based; and

3. A real and continuing interest in the business.

H. "Person" includes one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, or any group

of persons, including any official, agent or employee of the city.

I. "Subcontractor" means any business providing goods or services to a contractor for profit, if such goods or services are procured or used in fulfillment of the contractor's obligations arising from a contract with the city, but shall not include businesses providing goods to a contractor whose contract with the city is for the provision of materials, equipment or supplies.

J. "Women's business enterprise" means a business for profit which is owned and controlled by one or more women residing in the United States or its territories; provided that where the women's interest upon which the claim of women's business enterprise status is based on the community property of the woman and her spouse, only fifty percent of their community property interest will be considered the women's interest for purposes of determining women's business enterprise status. For the purpose of this definition of the male owner or owners in a women's business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the women's business enterprise.

(Ord. 109113 § 5, 1980.)

20.46.060 Powers and duties of Director of Department of Human Rights.

A. In addition to duties and powers given to the Director elsewhere, the Director shall:

1. Provide information and other assistance to women's business enterprises and minority business enterprises to increase their ability to effectively compete for the award of city contracts;

2. Assist city and community agencies to increase women's business enterprise and minority business enterprise participation on city contracts;

3. Adopt rules and regulations, consistent with this chapter and the Administrative Code of the City of Seattle (Ordinance 102228, as amended),¹ establishing standards and procedures for effectively carrying out this chapter;

4. Certify businesses as bona fide women's business enterprises and minority business enterprises and maintain a listing of such bona fide businesses for use by contract awarding authorities and contractors; and

5. Recommend to the Mayor appropriate goals for minority and women's business

enterprise utilization.

B. The requirements of this chapter are in addition to those imposed by the United States or the state as a condition of financial assistance or otherwise; therefore, the Director may authorize the substitution of such state or federal women's business enterprise and minority business enterprise requirements for the requirements of this chapter whenever such state or federal requirements are substantially the same as those of this chapter.

C. The Director may enter into cooperative agreements with other government agencies concerned with increasing the utilization of women's or minority business enterprise in government contracting, subject to the approval of the legislative authority of the city.

D. In order to enhance the successful achievement of the policy and goals of this chapter with respect to women's business enterprises, the Office for Women's Rights shall:

1. Provide information and other assistance to women business enterprises to increase their ability to compete effectively for the award of city contracts;

2. Assist city and community agencies to increase women and business enterprise participation on city contracts;

3. Provide advice and assistance to HRD regarding the adoption of rules and regulations consistent with this ordinance and the Administrative Code of the City of Seattle (Ordinance 102228, as amended)¹ establishing standards and procedures for effectively carrying out this chapter;

4. Develop educational programs and otherwise assist women business enterprises to compete effectively for city contracts;

5. Review the progress of departments and awarding authorities toward achievement of their annual goals for the utilization of women business enterprises;

6. Make recommendations to the Director of HRD, departments, and awarding authorities to further the policies and goals of this chapter; and

7. Recommend to the Mayor appropriate goals for women's business utilization. (Ord. 109113 § 6, 1980.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

20.46.070 Utilization goals.

A. Except as provided in subsection C of this section, the Mayor, with the advice of the Director and contract awarding authorities, shall establish separate city-wide annual goals for the utilization of women's business enterprises and for the utilization of minority business enterprises. These goals shall be expressed in terms of a percentage of the total dollar value of all contracts to be awarded by the city, and may be established separately for categories of contracting such as public works, consultant, concession and purchasing contracts. Goals shall be reasonably achievable, and shall be based upon factors such as:

1. The level of participation of women's business enterprises and minority business enterprises on past contracts awarded by the city which have contained minority business enterprise requirements;

2. The level of participation of women's business enterprises and minority business enterprises on contracts awarded by other governmental agencies in the Seattle area which have utilized women's business enterprise and minority business enterprise requirements;

3. The availability of women's business enterprises and minority business enterprises which are capable of providing goods and services to the city; and

4. The degree to which such annual goals will contribute to the achievement of the ultimate goal as set forth in Section 20.46.030.

The city-wide annual goal shall be not less than fifteen percent for minority business enterprises and not less than three percent for women's business enterprises.

B. Except as provided in subsection C of this section, the Mayor, with the advice of the Director and each contract awarding authority, shall establish separate annual goals for utilization of women's business enterprises and minority business enterprises by that awarding authority; these goals shall be expressed as a percentage of the total dollar value of all contracts to be awarded by the contract awarding authority, and may be established separately by contract category; they shall equal or exceed the city-wide annual goals.

C. Because of the insufficiency of current information regarding the availability of women's business enterprises, and where necessary

to ensure, that goals for the utilization of such businesses are reasonably achievable, the Mayor, with the advice of the Office of Women's Rights and the Director, may study the availability of women's business enterprises for city contracting prior to establishing the utilization goals required by this section. Such goals shall be established in any event no later than one year following the effective date of the ordinance codified in this chapter.¹ (Ord. 109113 § 7, 1980.)

1. Editor's Note: Ord. 109113 became effective July 17, 1980.

**20.46.080 Utilization requirements—
Generally.**

A. Contract awarding authorities shall:

1. Make every effort to solicit bids and proposals from women's business enterprises and minority business enterprises;

2. To the maximum extent feasible and consistent with state law, arrange contracting by size and type of work to be performed to most effectively enhance the opportunity for participation by women's business enterprises and minority business enterprises;

3. When advisable, waive bid bonding requirements for and/or make advance payments to women's business enterprises and minority business enterprises whenever such waivers or advances are permitted by the Constitution and the laws of the state and are appropriate and necessary to achieve the declared policy of this chapter; and

4. Impose such sanctions or take such other actions as are designed to ensure compliance with the provisions of this chapter, which shall include, but are not limited to:

- a. Refusal to award a contract,
- b. Suspension of a contract,
- c. Withholding of funds,
- d. Rescission of a contract based upon a material breach of a contract provisions pertaining to women's business enterprise and minority business enterprise utilization,

3. Disqualification of a bidder, contractor, subcontractor, or other business from eligibility for providing goods or services to the city for a period not to exceed two years; no contract shall be awarded to any person or business which is disqualified from doing business with the city under the provisions of this chapter or Ordinance 101432,¹ nor shall any contract be awarded to any person or business which is disqualified from doing business

with any governmental agency based on failure to comply with women's or minority business or contract compliance requirements which are substantially the same as those of this chapter or Ordinance 101432.¹

B. In addition to such other requirements as may be set forth elsewhere, the following shall apply to all contracts awarded by the city:

1. Bid conditions, requests for proposals and all other specifications for contracts awarded by the city shall require that where subcontracting is utilized in performing the contract, the bidder or proposer, prior to the submission of bids or proposals, must make every effort to subcontract to or purchase from women's business enterprises and minority business enterprises. Such specifications shall require the bidder to keep records of such efforts adequate to permit a determination of compliance with the specifications;

2. Contracts shall incorporate by reference this chapter and shall provide that the failure of any bidder, contractor or subcontractor to comply with any of its requirements shall be a material breach of contract;

3. Contracts shall require that during the term of the contract, the contractor shall:

a. Fulfill the women's business enterprise and minority business enterprise participation commitments submitted with their bid or proposal,

b. Continue to make every effort to utilize women's business enterprises and minority business enterprises, and

c. Require that their subcontractors make every effort to utilize women's business enterprises and minority business enterprises,

d. Maintain records reasonably necessary for monitoring their compliance with the provisions of this chapter;

4. As required by RCW 35.22.650, and in addition to the requirements of this chapter, the following clause shall be contained in all public works contracts exceeding the sum of Ten Thousand Dollars (\$10,000.00), or Fifteen Thousand Dollars (\$15,000.00) for construction of water mains:

Contractor agrees that he shall actively solicit the employment of minority group members. Contractor further agrees that he shall actively solicit bids for the subcontracting of goods or services from qualified minority businesses. Contractor shall furnish evidence of his compliance with these requirements of minority

employment and solicitation. Contractor further agrees to consider the grant of subcontracts to said minority bidders on the basis of substantially equal proposals in the light most favorable to said minority businesses. The contractor shall be required to submit evidence of compliance with this section as part of the bid. As used in this clause, the term "minority business" means a business at least fifty-one percent of which is owned by minority group members. Minority group members include, but are not limited to, blacks, women, native Americans, Orientals, Eskimos, Aleuts, and Spanish Americans.

5. Whenever contract supplements, amendments or change orders are made which increase the total dollar value of the contract by more than ten percent of the dollar value of the original contract, the contractor shall comply with those provisions of this chapter which applied to the original contract with respect to the supplement, amendment or change order;

6. All contracts or other agreements between the city and other governmental or quasi-governmental agencies, or public corporations, whereby such agencies receive money from or through the city for the purpose of contracting with businesses to perform public improvements shall require such agencies to comply with the provisions of this chapter in awarding and administering such contracts.

C. For the purpose of determining women's and minority business enterprise participation:

1. Contracts or subcontracts awarded to joint ventures in which one or more women's business enterprises or minority business enterprises are combined with one or more businesses which are not women's or minority business enterprises shall be deemed to be awarded to women's or minority business enterprises only to the extent of the women's or minority business' participation in the joint venture;

2. One-half the dollar value of any contracts or subcontracts awarded to partnerships in which a woman is a fifty percent partner with a non-minority male not her husband, or in which a minority is a fifty percent partner with a non-minority, shall be deemed to be awarded to a women's business enterprise or minority business enterprise; and

3. Contracts or subcontracts awarded to combination women's and minority business enterprises shall be deemed to be awarded to a

women's business enterprise to the extent of women's ownership and to a minority business enterprise to the extent of minority ownership.

D. To the extent permissible under applicable law, and where a contract awarding authority does not appear able to achieve its utilization goals by another available alternative, then a contract awarding authority may limit competition for certain negotiated contracts to women's business enterprises or minority business enterprises, or both.

(Ord. 109113 § 8, 1980.)

1. Editor's Note: Ord. 101432 is codified in Chapter 20.44 of this Code.

20.46.090 Utilization requirements—Public works, consultant and other service contracts.

A. For all contracts for public works and contracts for consultant or other services, the estimated cost of which exceeds Five Thousand Dollars (\$5,000.00), the contract awarding authority shall furnish the Director with an informational copy of all bid conditions and requests for proposals, if any, along with a statement identifying all funds provided by any other governmental agency which will be used in payment of the contract, prior to solicitation of bids or proposals, and the Director may make recommendations to the contract awarding authority with respect to provisions pertaining to women's business enterprise and minority business enterprise utilization.

B. Contracts for public works the estimated cost of which exceeds Ten Thousand Dollars (\$10,000.00), and contracts for consultant or other services the estimated cost of which exceeds Fifteen Thousand Dollars (\$15,000.00), shall be awarded and administered in accordance with the following standards and procedures:

1. In addition to the requirements set forth in subsection B of Section 20.46.080 and elsewhere bid conditions and requests for proposals shall require bidders and proposers to include in their bid or proposal both minority business enterprise and women's business enterprise participation in the contract in a percentage which equals or exceeds the awarding authority's annual goals. Except as provided in subsection C of Section 20.46.070 and subsection B2 of this section, bids or proposals not including both minority business enterprise

and women business enterprise participation in an amount which equals or exceeds that required by the bid conditions or request for proposals shall be declared nonresponsive.

a. Bids and proposals shall identify the particular minority business enterprises and women's business enterprises to be utilized in performing the contract, specifying for each the dollar value of the participation, the type of work to be performed and such information as may reasonably be required to determine the responsiveness of the bid or proposal.

b. During the term of the contract any failure to comply with the levels of minority business enterprise or women's business enterprise participation identified in the bid or proposal shall be considered a material breach of contract.

2. A contract awarding authority or a department may request the Director to waive the set aside requirements of this subsection, or to reduce the amount of the set aside, for either or both minority business enterprises or women business enterprises, by submitting the reasons therefor in writing to the Director prior to solicitation of bids or proposals.

a. The Director may grant such a waiver or reduction upon determination that:

i. The reasonable and necessary requirements of the contract render subcontracting or other participation of businesses other than the bidder or proposer infeasible; or

ii. Sufficient qualified minority and women's business enterprises capable of providing the goods or services required by the contract, are unavailable in the market area of the project, despite every feasible attempt to locate appropriate minority and women's business enterprises.

b. Only the requirements of subsection B1 of this section are waived by a waiver under this paragraph.

c. Any reductions in set aside amount granted by the Director shall specify the amount to which the set aside has been reduced.

d. Whenever the Director denies a request to waive or reduce a set aside, the contract awarding authority may appeal that denial to the Mayor, whose decision on the request shall be final.

C. All bid conditions and requests for proposals for consultant and other service contracts the value of which does not exceed Fifteen Thousand Dollars (\$15,000.00), shall

require bidders and proposers to make every effort to utilize women's business enterprises and minority business enterprises as subcontractors and suppliers. All bids and proposals shall identify projected women's business enterprise and minority business enterprise participation, and the efforts made to utilize women's business enterprises and minority business enterprises.

D. For all consultant and other service contracts the value of which exceeds One Thousand Dollars, (\$1,000.00), the contract awarding authority shall solicit proposals from qualified minority and women's business enterprises. The contract awarding authority shall notify the Director prior to solicitation of bids or proposals whenever such qualified businesses cannot be identified, unless the Director has waived such notification requirement based on the known unavailability of such businesses. The Director shall attempt to identify such businesses, and if successful, shall notify the awarding authority, who shall provide such women's business enterprise or minority business enterprise every practical opportunity to submit bids or proposals.

E. All consultant selection panels and the Seattle Design Commission shall give appropriate consideration to the utilization goals of the contract awarding authority in evaluating, recommending and selecting contractors. The Director may assist such panels and the Design Commission in evaluating the impact of their recommendation or selection on achievement of the contract awarding authority's utilization goals.

(Ord. 109113 § 9, 1980.)

20.46.100 Utilization requirements— Purchasing contracts.

All contracts awarded by the Purchasing Agent for the purchase of materials, equipment, supplies or services, the estimated cost of which equals or exceeds One Thousand Dollars (\$1,000.00), shall be awarded and administered in accordance with the following standards and procedures:

The Purchasing Agent shall solicit bids from women's business enterprises and minority business enterprises qualified to supply the required materials, equipment, supplies or services. The Director shall provide the Purchasing Agent with a list of women's business enterprises and minority business enterprises

qualified to provide each of those commodities which the Purchasing Agent indicates are required by the city. The Purchasing Agent shall notify the Director prior to solicitation of bids whenever no such qualified businesses are available, unless the Director waives such notification based on the known unavailability of such qualified businesses to perform a particular contract. The Director shall attempt to identify such qualified businesses, and if successful, shall notify the Purchasing Agent of their availability; the Purchasing Agent shall provide such women's business enterprises and minority business enterprises every practical opportunity to submit bids.

(Ord. 109113 § 10, 1980.)

20.46.110 Utilization requirements—Lease concession and other contracts.

All leases in which the city is the lessee and all contracts for concessions shall be awarded and administered in accordance with the following standards and procedures:

A. City departments shall solicit proposals from women's business enterprises and minority business enterprises qualified to enter into leases or concession contracts. Whenever a department, after investigation, determines that no such qualified enterprises are available, the Director shall be so notified prior to signing of the lease or award of the concession contract, unless the Director waives such notification based on the known unavailability of such qualified businesses to perform a particular contract. The Director may attempt to identify such qualified businesses, and if successful, shall notify the contract awarding authority of their availability. The contract awarding authority shall provide such women's business enterprises and minority business enterprises every practical opportunity to submit bids or proposals.

B. All requests for concession proposals shall require concessionaires to make every good faith effort to utilize women's business enterprises and minority business enterprises as subcontractors if subcontractors are used. Concession proposers shall be required to submit their projected utilization of women's business enterprises and minority business enterprises along with a description of the efforts made to utilize such businesses.

C. All city departments, commissions, boards, officers and employees, in the deposit

of city funds and performance of their other official duties, shall make every good faith effort to equitably utilize the services of women's business enterprises and minority business enterprises. Such services shall include, but are not limited to, the financial services of banks, savings and loan companies and other commercial financial institutions, arrangement of travel and accommodations when traveling on official city business, and legal services to city departments, commissions and boards shall submit to the Director on an annual basis a written report on the efforts made pursuant to this subsection. The City Treasurer, City Comptroller and Retirement Board shall report annually to the Mayor on their utilization of financial institutions which are women's business enterprises and minority business enterprises.

(Ord. 109113 § 11, 1980.)

20.46.120 Exceptions and waivers.

A. A contract awarding authority may waive the utilization requirements of this chapter except for those of subsection B of Section 20.46.090, for a specific contract under the following circumstances:

1. Whenever the contract awarding authority finds with the advice of the Director that needed goods or services are available only from a sole source, and the prospective contractor is not currently disqualified from doing business with the city under the provisions of subsection B5 of Section 20.46.080, Ordinance 101432,¹ or from doing business with any governmental agency based on a failure to comply with women's or minority business enterprise or contract compliance requirements; or

2. If the contract awarding authority certifies in writing to the Director prior to contract award:

a. That an emergency exists which requires goods or services to be provided with such immediacy that they are unable to comply with the requirements of this chapter, and

b. That the prospective contractor is a women's business enterprise or minority business enterprise, or if not, that the prospective contractor will make every good faith effort to subcontract to women's business enterprises and/or minority business enterprises should subcontracting be utilized;

3. If the contract awarding authority

certifies in writing to the Director that the contract is necessary to respond to an emergency which endangers the public health or safety; provided that such certification shall be made within seven days after the contract award.

B. The Mayor may waive the utilization requirements of this chapter whenever he or she finds that compliance with the requirements of this chapter would impose an unwarranted economic burden or risk on the city when compared to the degree to which the purpose and policy of this chapter would be furthered by requiring compliance.

C. The requirements of this chapter shall not apply to contracts with private, nonprofit organizations for the delivery of social services. (Ord. 109113 § 12, 1980.)

1. Editor's Note: Ord. 101432 is codified in Chapter 20.44 of this Code.

20.46.130 Monitoring, reporting and compliance.

A. The Director shall monitor compliance with these requirements during the term of the contract. If the Director determines that there is cause to believe that a contractor or subcontractor has failed to comply with any of the requirements of this chapter, rules and regulations adopted pursuant to this chapter, or contract provisions pertaining to women's business enterprise or minority business enterprise utilization, the Director shall so notify the contract awarding authority and the contractor. The Director shall attempt to resolve the noncompliance through conciliation. If the noncompliance cannot be resolved, the Director shall submit to the contract awarding authority and the contractor a written finding of noncompliance. The contracting authority shall give the contractor an opportunity to be heard, and if the contract awarding authority concurs with the finding of the Director, it shall impose such sanctions or take such other action as will effectuate the purposes of this chapter.

B. Whenever the Director finds after investigation that a contract awarding authority has failed to comply with the provisions of this chapter, a written finding specifying the nature of the noncompliance shall be transmitted to the contract awarding authority; and

The Director shall attempt to resolve any noncompliance through conference and concilia-

tion. Should such attempt fail to resolve the noncompliance, the Director shall transmit a copy of the finding of noncompliance along with a finding that conciliation was attempted and failed to the Mayor who shall take appropriate action to secure compliance.

C. The Director may require such reports, information, and documentation from contractors, bidders, contract awarding authorities, and the head of any department, division, or office of the city, as are reasonably necessary to determine compliance with the requirements.

D. In addition to the requirements set forth in subsection C of this section, awarding authorities shall maintain accurate records for each contract awarded, its dollar value, the nature of the goods or services to be provided, the name of the contractor awarded the contract, the efforts it employed to solicit bids from and award the contract to women's business enterprises and minority business enterprises, and all subcontracts awarded by the contractor, identifying for each its dollar value, the nature of the goods or services provided, and the name of the subcontractor.

E. The Director shall submit an annual report to the Mayor and the City Council on the progress of the city toward the utilization goals established by Section 20.46.070, together with an identification of problems and specific recommendations for improving the city's performance.

(Ord. 109113 § 13, 1980.)

Chapter 20.48

PUBLIC WORKS CONTRACTS—FINANCIAL REQUIREMENTS

Sections:

20.48.070 Daily administrative charges.

20.48.070 Daily administrative charges.

There is imposed a charge of Thirteen Dollars (\$13.00) per day from date of execution to date of acceptance of the work as to each and every public works contract administered by the Board of Public Works with the exception of contracts for consulting services, other service contracts, and tree or plant establishment portions of landscaping contracts. Such charge shall be computed by the Executive Secretary of the

Board of Public Works and billed to the department or fund for which such contract is administered, and receipts therefrom shall be deposited in the General Fund.

(Ord. 109491 § 1, 1980: Ord. 108654 § 1, 1979: Ord. 107832 § 1, 1978: Ord. 106002 § 1, 1976: Ord. 102688 § 1, 1973: Ord. 100181 § 1, 1971: Ord. 99492 § 1, 1972.)

Chapter 20.52

DATA PROCESSING EQUIPMENT AND SERVICES

Sections:

- 20.52.020 Director of Administrative Services to control contracting.
- 20.52.030 Procurement Procedures.
- 20.52.040 Duties of Director of Administrative Services.

20.52.020 Director of Administrative Services to control contracting.

A. Consistent with the provisions of Article VIII, Section 16, of the Charter,¹ no city officer or employee shall order or contract for any automated data processing equipment, programs, or services except through, or in accordance with guidelines, standards or procedures made by, the Director of Administrative Services and after having secured written approval for any such procurement from the Director of Administrative Services or his/her designee. For efficient operation of the city's business, the Director of Administrative Services shall review and approve or disapprove such requests and contracts in a timely manner. In conducting this review, the factors considered by the Director of Administrative Services shall include, but not necessarily be limited to, the following considerations: city-wide as well as departmental long- and short-term costs; timeliness of service; multipurpose use of equipment and software programs; and training requirements for supporting staff.

B. In order to assure the efficient utilization of existing city ADP resources, the Director of Administrative Services may require the use of city resources in lieu of obtaining additional equipment, systems, programs or services from sources other than the city.

C. The Director of Administrative Services'

decisions should be documented to explain the factors determining the decision. Documentation when possible or necessary should include considerations such as comparative cost data and the ability of Administrative Services to respond to the specifics of a user's request.

(Ord. 109577 § 1, 1980: Ord. 108329 § 2, 1979.)

1. Editor's Note: The Charter is included at the beginning of this Code.

20.52.030 Procurement Procedures.

A. All city departments requiring acquisition of automated data processing equipment, systems, programs or services shall submit requests to the Director of Administrative Services setting forth the justification for such procurement making specific reference to the name of the approved project in the city's data processing plan. Department heads making such requests shall comply with directions of the Director of Administrative Services consistent with the provisions of this chapter.

B. The Director of Administrative Services may develop required equipment, systems, programs and services standards and, in connection therewith, develop multidepartmental contracts, where appropriate, to consolidate individual departmental equipment, systems, programs and service requests in single contracts.

C. The Director of Administrative Services' decisions should be documented to explain the factors determining the decision. Documentation when possible or necessary should include considerations such as comparative cost data and the ability of the Department of Administrative Services to respond to the specifics of a user's request.

(Ord. 109577 § 2, 1980: Ord. 108329 § 3, 1979.)

20.52.040 Duties of Director of Administrative Services.

A. The Director of Administrative Services shall develop and establish guidelines, standards and procedures consistent with the provisions of this chapter and such guidelines, standards and procedures shall be applicable to all city departments, as follows:

- 1. Standards for the coordinated acquisition and maintenance of automated data processing equipment, systems, programs and services;

2. Standards for the specifications, justification, development, acquisition, and maintenance of ADP equipment, systems, programs or services;

3. Standards for systems development, programming and documentation; and

4. Standards and requirements to provide for confidentiality of data and information recorded, processed, stored or reported by the city departments using ADP equipment, systems, programs or services, insofar as such confidentiality may be necessary to protect individual rights of privacy as provided by law, and to provide data security in compliance with state and federal law and to prevent fraud and embezzlement of public funds and, where necessary, to discharge obligations to protect proprietary products, when otherwise lawful. Proposed standards, guidelines, or procedures established by the Director of Administrative Services which relate to this subsection A4 shall be submitted to the City Council for their review at least thirty days prior to their effective date.

B. The Director of Administrative Services shall also provide city departments with such automated data processing technical training as is necessary or convenient to implement standardization of automated data processing techniques.

C. The Director of Administrative Services shall also, from time to time, audit city department compliance with such standards and procedures as he/she may develop to ensure the efficient, effective, and legal use of automated data processing equipment and techniques. (Ord. 109577 § 3, 1980; Ord. 108329 § 4, 1979.)

Subtitle V Miscellaneous Provisions

Chapter 20.84

RELOCATION ASSISTANCE

Sections:

20.84.030 Definitions.

20.84.030 Definitions.

For the purpose of this chapter and for the purpose of administering and implementing any federal, state or local relocation assistance

statute, law, ordinance, rule, regulation, order or program, applicable to any acquisition of real property or any interest therein by the city or to any program or project involving the city or any of its departments:

A. "City Department Head" means the head of the city department (such as the Director of Engineering, Superintendent of Parks and Recreation, Director of Administrative Services, and Director of Community Development, among others) having authority over and responsibility for the applicable program or project and its costs.

B. The City Department Head, as defined in subsection A, is declared to be "the executive head of the displacing entity" as those or similar terms may be used in state or federal statutes, rules, regulations or orders.

(Ord. 109157 § 1, 1980; Ord. 104542 § 3, 1975.)

Chapter 20.88

REAL PROPERTY LEASE BY CITY

Sections:

20.88.010 Authority to execute leases—Standard form.

20.88.020 Rental not to exceed fair market value—Determination.

20.88.040 Rental payments—Annual adjustment.

20.88.050 Department or agency responsibility.

20.88.010 Authority to execute leases—Standard form.

A. The Director of Administrative Services is authorized to negotiate and execute for and on behalf of the city, real property leases for the purpose of acquiring necessary facilities for use by city departments and agencies to carry out authorized functions and programs. The term of any such lease shall not exceed thirty-six consecutive calendar months.

B. When appropriate, the Director of Administrative Services shall use a standard lease form or forms prepared with the assistance of and approved by the City Attorney. Execution of any lease not in the standard form shall be contingent upon approval by the City Attorney, who shall review all such nonstandard leases,

indicate approval or disapproval as to form, and return the same to the Department of Administrative Services within seventy-two hours of receipt.

(Ord. 109128 § 2, 1980; Ord. 107252 § 1, 1978.)

20.88.020 Rental not to exceed fair market value—Determination.

The rental payments provided by the terms of any lease agreement shall not exceed the fair market rental. Fair market rental shall be deemed to mean the rental payments which such property would bring on the open rental market, and shall be determined: (A) by a formal appraisal to establish the fair market rental for a particular property whenever it is anticipated that the monthly rental of such property will exceed Three Thousand Dollars (\$3,000.00) per month or whenever in the judgment of the Director of Administrative Services such an appraisal will be in the interest of the city; or (B) by an informal review and determination by the Director of Administrative Services or the Director's designee of the market rentals in the general vicinity in which the property is located.

(Ord. 109128 § 3, 1980; Ord. 108125 § 1, 1979; Ord. 107252 § 2, 1978.)

20.88.040 Rental payments—Annual adjustment.

Any rental payment specified in any lease may be made subject to an annual adjustment based upon the expenditure class "Rent, residential" in the Urban Wage Earners and Clerical Workers (1967 = 100) of the Consumer Price Index for the Seattle area as compiled by the Bureau of Labor Statistics, United States Department of Labor, and any rent which is so adjusted may exceed the limits imposed by Section 20.88.030 upon rental payments provided in leases entered into by the Director of Administrative Services pursuant to the authority granted in Section 20.88.010.

(Ord. 109128 § 4, 1980; Ord. 107252 § 4, 1978.)

20.88.050 Department or agency responsibility.

No lease shall be entered into by the Director of Administrative Services pursuant to the authority of Section 20.88.010 unless the department or agency which is to occupy the

premises to be leased shall have available to it funds which it is duly authorized to use to pay the Department of Administrative Services for its anticipated billing for the use of such space during the balance of the current budget year. Funds paid by the departments and agencies using space leased by the Director of Administrative Services pursuant to the authority of Section 20.88.010 shall be deposited in the Administrative Services Fund.

(Ord. 109128 § 5, 1980; Ord. 107252 § 5, 1978.)

Title 21

UTILITIES

Subtitle I Water

Chapter 21.04

WATER RATES AND REGULATIONS

Sections:

21.04.100 Connection—Minimum size—Fees and charges.

21.04.120 Special tap charge—Computation and payment.

21.04.140 Repealed.

21.04.220 Repealed.

21.04.430 Rates inside city.

21.04.440 Rates outside city.

21.04.100 Connection—Minimum size—Fees and charges.

A. No service connection less than three-fourths inch in size shall be installed.

B. The fees for the installation of water service as hereinbefore provided shall be the actual cost of labor and material plus overhead charges to be determined by the Superintendent of Water in laying such a service, installing the meter, and replacing the pavement.

C. The Superintendent of Water may establish standard charges based on a review of prevailing actual costs for the installation of the various sizes of service including the meter. Such standard charges shall be subject to annual review.

D. In such cases and in cases of connections