

Title 20

PUBLIC WORKS, IMPROVEMENTS AND PURCHASING¹

This title is intended for those provisions of the Code which relate to procedures and specifications for public works, local improvements and City purchasing.

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1. Editor's Note: Former §§ 20.88.010 through 20.88.050, constituting Ch. 20.88, were editorially renumbered to §§ 3.18.200 through

3.18.280 in the November, 1986 supplement.

Subtitle I

Public Improvements

Chapter 20.04

PUBLIC IMPROVEMENT DISTRICTS

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20.04.010 Method of procedure.

Whenever the City Council shall provide for local improvements, this chapter and ordinances amendatory thereof shall apply.
(Ord. 109729 § 1, 1981.)

20.04.020 Council vote required.

No ordinance relating to local improvements shall be considered passed unless it shall have received the affirmative vote of at least a majority of the members of the City Council; provided, that unless a petition for any improvement is presented, the improvement shall not be ordered except by ordinance passed by the affirmative vote of two-thirds (2/3) of all members of the City Council at a regular meeting, or at a meeting

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which is an adjournment of a regular meeting; provided, that no streets shall be ordered graded without petition, except by a unanimous vote of all members present.
(Ord. 109729 § 2, 1981.)

20.04.030 Notice of hearings--Mailing.

The Director of Transportation shall mail all notices of hearings on proposed improvements and assessment rolls required by law to be mailed, and shall make all certificates of mailing required by law in such connection, and file the same with the City Clerk.
(Ord. 118409 § 136, 1996: Ord. 109729 § 3, 1981.)

20.04.040 Plans, contract and management of work.

After the legislative authority has provided by ordinance for the making of any local improvement, plans therefor shall be approved, the contract let and the work supervised and accepted or rejected, all in accordance with the provisions of Article VII of the City Charter¹ (Contracting requirements) and ordinances implementing said provisions.

(Ord. 120794 § 213, 2002: Ord. 109729 § 4, 1981.)

1. Editor's Note: The Charter is set out at the front of this Code.

20.04.050 Modes of payment.

There shall be two (2) modes of payment for the portion of the cost and expense of any local improvement contemplated by this chapter, and payable by special assessment, to wit: "immediate payment" and "payment by bonds." The mode adopted shall be the mode petitioned for in case the improvement shall be made upon petition. Otherwise, the Director of Executive Administration, in consultation with the Director of Finance, shall make a recommendation to the City Council as to the mode of payment, and the mode shall be the one designated in the ordinance ordering such improvement.

(Ord. 120794 § 214, 2002: Ord. 109729 § 5, 1981.)

20.04.060 Preliminary assessment roll.

A. After the City has ordered a local improvement and created a local improvement district by ordinance, the Director of Transportation shall prepare, and within fifteen (15) days after the improvement of work has been ordered and a local improvement district created, file with the Director of Executive Administration the following:

1. The title of the improvement;
2. The district number;
3. Copy of a diagram or print showing the boundaries of the district;
4. Preliminary assessment roll or abstract thereof showing the lots, tracts and parcels of land that will be especially benefited;
5. The estimated cost and expense of such improvement to be borne by each such lot, tract or

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parcel; and

6. The name of the owner thereof, if known, but in no case shall a mistake in the name of the owner affect the validity of any assessment when the description of the property is correct.

B. The Director of Executive Administration shall immediately post the proposed assessment roll upon his or her index of local improvement district assessments against the properties affected. (Ord. 120794 § 215, 2002; Ord. 118409 § 137, 1996; Ord. 116368 § 225, 1992; Ord. 109729 § 6, 1981.)

20.04.070 Final assessment roll--Hearing--Date, notice and general procedure.

Within ninety (90) days following the completion and acceptance of the improvement, the Director of Transportation shall prepare and file with the City Clerk the proposed final assessment roll, unless the time for filing such roll shall be extended by the City Council by resolution, or the ordinance ordering the improvement provides otherwise. Upon receipt of such roll, the City Council shall by resolution fix a date for a hearing on the roll before the City Council, a committee thereof, the City Hearing Examiner, or an officer, as designated in the resolution, and direct the City Clerk to give notice of the time, place and purpose of the hearing by publication at least five (5) times in the official daily newspaper or at least two (2) times in a weekly newspaper of general circulation in the community where the improvement is constructed; provided, that at least fifteen (15) days must elapse between the date of the last publication thereof and the date fixed for the hearing. Notice of the hearing shall be mailed by the City Clerk or a person designated by the City Clerk to do so under his/her supervision to the owner or reputed owner of each property described on the assessment roll, at the address shown on the tax rolls of the County Comptroller at least fifteen (15) days before the date fixed for such hearing. At the time fixed for the hearing, the City Council, a committee thereof, the Hearing Examiner, or designated officer shall sit as a Board of Equalization for the purpose of considering the assessment roll; provided, that if the ordinance authorizing the improvement so states, award of the improvement contract or commencement of work by the City shall be deferred until confirmation and filing of the assessment roll, and until funds for the improvements are assured in the judgment of the City Council expressed by resolution. (Ord. 118409 § 138, 1996; Ord. 109729 § 6A, 1981.)

20.04.080 Final assessment roll--Departmental representatives at hearing.

One or more representatives of the Director of Transportation and any affected department of the City may be designated by the department head to assist in the presentation of pertinent materials at the hearing. (Ord. 118409 § 139, 1996; Ord. 109729 § 6B, 1981.)

20.04.090 Final assessment roll--Hearing--Conduct.

In a hearing before the City Council, a committee thereof, the Hearing Examiner or designated officer, the City Attorney shall be the legal representative of the local improvement district.

- A. 1. The City Council, the committee thereof, the Hearing Examiner or officer designated by the City Council shall commence the hearing on the date and at the time and place fixed by the resolution of the City Council, but may in the exercise of discretion recess the hearing to times certain in order to allow the parties to obtain essential additional information, provided, however, that an effort shall be made at all times to avoid delays which unnecessarily allow interest to accumulate upon

obligations for which the local improvement district is responsible.

2. The Hearing Examiner or officer shall reduce his/her findings, recommendations and decisions to writing and shall file them with the City Clerk within twenty (20) days following the conclusion of the hearing. Notice of the filing, together with copies of the findings, recommendations and decisions shall be mailed by the City Clerk or any person designated by the City Clerk to do so under his/her supervision within three (3) business days of the filing to all persons who filed timely written objections to confirmation of the assessment roll as prepared. Instructions as to the filing of any appeal to the City Council shall be included in the mailing.

B. Upon receipt of the report, findings, recommendations and decisions of the Hearing Examiner or officer the City Council or a committee thereof shall review the same. As soon as all timely appeals from the findings, recommendations and decisions of Hearing Examiner or officer have been decided or the time allowed for filing appeals has expired with no appeals having been filed the City Council may accept the assessment roll as prepared, or may correct, revise, raise, lower, change or modify the roll or any part thereof, or may set aside the roll and order the assessment to be made de novo, and at the conclusion thereof, and after the Director of Transportation has made the appropriate changes on the assessment roll at the City Council's direction, confirm the roll by ordinance. If an appeal has been filed from the findings, recommendations and decisions of the Hearing Examiner or officer it shall be heard and determined and the results thereof incorporated into the assessment roll before it is confirmed.

C. Any finding, recommendation or decision of the Hearing Examiner, or officer designated by the City Council to conduct a hearing pursuant to RCW 35.44.070 and RCW 35.44.080, shall be subject to appeal to the City Council, which may direct that the appeal shall be heard by a committee thereof.

- D. 1. An appeal pursuant to subsection C of this section may be filed only by a party who timely perfected a protest at the initial hearing. The notice of appeal shall, in addition to requirements as to content specified elsewhere in this chapter, state clearly on the cover or cover page the number of the local improvement district and the appellant's name and shall be filed with the City Clerk no later than the fifteenth day after the day upon which the report and recommendation of the Hearing Examiner or other officer is filed with the City Clerk.

2. Upon the filing of a notice of appeal the City Clerk shall immediately notify the City Attorney and furnish a copy of the notice to the City Council and the City Departments immediately concerned. Within fifteen (15) days following the filing of a notice of appeal the City Council shall set a time and place for a hearing on the appeal before the City Council or a committee thereof and shall immediately mail or cause to be mailed notice of the time and place to the appellant, provided the time shall be as soon as practicable in order to avoid accumulation of additional interest on the obligations of the local improvement district.

E. Review by the City Council or Council Committee on appeal shall be limited to and shall be based solely upon the record from the hearing below, provided, however, that the City Council or the appropriate City Council committee may permit oral or written arguments or comments when confined to the content of the record of the hearing below. Written arguments shall not be considered unless filed with the City Council or Council Committee prior to the conclusion of the hearing on appeal, and the City Council or committee thereof may determine the appeal on the record, with or without written argument.

F. The recommendation appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. In respect to the matter appealed the City Council may adopt or reject, in whole or in part, the findings, recommendations and decisions of the Hearing Examiner or officer or make such other disposition of the matter as is authorized by RCW 35.44.100 and subsection B of this section above. The City Council shall reduce its determination to writing, file the original in the record of the local improvement district, and transmit a copy of the same to the appellant. No ordinance confirming an assessment roll shall be enacted by the legislative authority until all appeals to the City Council or a committee thereof are decided.
(Ord. 118409 § 140, 1996: Ord. 109729 § 6C, 1981.)

20.04.100 Hearing records--Requirements.

A. All papers, exhibits, protests, documents, verbatim records of proceedings, transcripts and findings, recommendations and decisions of any kind which are filed in connection with a hearing on an assessment roll, preliminary or final, shall be placed in a file created by the City Clerk to receive all materials related to the assessment rolls of such local improvement district. The City Clerk shall cause the contents of the file to be assigned subnumbers, item by item, in the order of filing. Items filed at hearings shall be assigned the next consecutive subnumber according to the order of filing. All hearings shall be electronically recorded and a memorandum identifying and locating the tapes shall become a part of the file aforementioned.

B. The City Council, the Committee thereof, the Hearing Examiner or the officer conducting a hearing on a final assessment roll shall designate a person acceptable to the City Clerk to act as clerk for the hearing. Such person shall be responsible to the City Clerk for all City files required to be at the hearing and for transmitting to the City Clerk, at the conclusion of the hearing, all files obtained from the City Clerk for use during the hearing together with all additional documents, papers or exhibits of any kind which have become additions to any file during the hearing.

C. Separate files, in such numbers as may be convenient, may be created and maintained for the estimate/contract/construction phase of any local improvement district project, in the City Clerk's discretion. All such files shall be cross-referenced to the pertinent local improvement district number and the ordinance creating said district.
(Ord. 116368 § 226, 1992: Ord. 109729 § 6D, 1981.)

20.04.110 Appeal to City Council.

In the event of an appeal to the City Council or a committee thereof the notice of appeal shall cite by page and line and quote verbatim that portion or portions of the findings, recommendations and decisions of the Hearing Examiner or officer from which the appeal is taken. The notice of appeal shall also include a concise statement of the basis therefor and in the event that appellant deems the references on the findings, recommendations and decisions inadequate, a reference by metered index numbers to the places in the electronically prepared record of the hearing where the pertinent material may be found. The notice of appeal shall also designate by name or title and by subnumber the items or exhibits in the record to which reference will be made in argument or comment before the City Council or committee. Preparation of a written verbatim transcript of all or any designated part of the hearing shall be at the appellant's initiative and expense, but shall not be required unless within five (5) working days after the filing of a notice of appeal the City Council or

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designated committee thereof so notifies the appellant, who in no event shall be required to pay the cost of any portion of a verbatim transcript not pertinent to appellant's own appeal. (Ord. 109729 § 6E, 1981.)

20.04.120 Confirmation by ordinance--Procedure.

The ordinance confirming any assessment roll shall levy and assess against each lot, tract, or parcel of land, or other property appearing upon such roll, the amount charged against the same. Upon the enactment of the ordinance, the roll shall be delivered to the City Clerk, together with a list containing the lots and the names of the owners thereof upon which the collection of local improvement district assessments will be deferred pursuant to RCW 35.43.250. The City Clerk shall forthwith transmit the same to the Director of Executive Administration, with his or her certificate that the same has been duly approved by ordinance, and annually thereafter, in the case of assessments payable by the mode of "payment of bonds," the Director of Executive Administration shall extend the installments of principal and interest upon any unpaid balance as shown upon said approved roll. Interest shall be at the rate fixed by the ordinance confirming the assessment roll. (Ord. 120794 § 216, 2002; Ord. 116368 § 227, 1992; Ord. 109729 § 6F, 1981.)

20.04.130 Mode of "immediate payment."

A. Whenever the cost and expense of any improvement shall be payable by the mode of "immediate payment," the Director of Executive Administration, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the City once a week for two (2) consecutive weeks that the roll is in his or her hands for collection, and that all or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the notice without penalty, interest or cost, and that unless payment be made within such time, the assessment or unpaid portion thereof will become delinquent. Within fifteen (15) days of the first newspaper publication, the Director of Executive Administration shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the County Comptroller for each item of property described on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of assessments the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as now existing or hereafter amended, the notice shall also state that the assessment shall be paid within the period of deferral and that unless the assessment the collection of which has been deferred is paid within such period of deferral, the assessment or any unpaid portion thereof will become delinquent. Reference to deferred collection assessments may be omitted from the notice when there is no provision for deferred collection in the ordinance creating the district.

B. Upon delinquency a penalty of twenty percent (20%) of the assessment shall attach to, and become part of all assessments. Delinquent assessments shall bear interest until paid at a percentage rate to be fixed by the ordinance confirming the assessment roll. Delinquent assessments, penalties and interest shall forthwith be collected and the lien thereof enforced in the manner provided by statute, the City Charter¹ and ordinances of the City.

(Ord. 120794 § 217, 2002; Ord. 116368 § 228, 1992; Ord. 111640 § 1, 1984; Ord. 109729 § 7, 1981.)

1. Editor's Note: The Charter is set out at the front of this Code.

20.04.140 Mode of "payment by bonds."

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A. Whenever the cost and expense of any improvement shall be payable by the mode of "payment by bonds," the Director of Executive Administration, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the City once a week for two (2) consecutive weeks that the roll is in his or her hands for collection and that all or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the notice without penalty, interest or cost. Within fifteen (15) days of the first newspaper publication, the Director of Executive Administration shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the County Comptroller for each item of property described on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of assessments or of any installment thereof the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as existing or hereafter amended, the notice shall also state that the assessment or any installment shall be paid within such period of deferral and that unless the assessments or installments, the collection of which have been deferred are paid within such period of deferral, such assessment or unpaid portion or installment thereof will become delinquent.

B. Unless collection of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as now existing or hereafter amended, the first installment of principal and interest of any assessment payable under the mode of "payment by bonds" shall become due and payable during the thirty (30) day period succeeding a date one (1) year after the date of first publication of the notice by the Director of Executive Administration that the assessment roll is in his or her hands for collection, and annually thereafter each succeeding installment of principal or interest shall become due and payable in like manner. All installments must be paid in sequential order. Whenever an installment shall become due and payable, the Director of Executive Administration shall mail a notice thereof to the owner of the property assessed, when the post office address of such owner is known, but failure to mail the same shall not affect the validity of the assessment lien. Any such installment not paid prior to the expiration of the thirty (30) day period during which such installment is due and payable shall thereupon become delinquent.

C. Whenever the collection of an installment of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as existing or hereafter amended, the installment of principal or interest shall become due and payable upon expiration of the period of such deferral and each succeeding installment of principal or interest shall become due and payable in like manner. Any such installment not paid within thirty (30) days after expiration of the period of such deferral shall thereupon become delinquent.

D. All delinquent installments shall, until paid, be subject to an additional charge of twenty percent (20%) levied upon the principal and interest due on such installment or installments. (Ord. 120794 § 218, 2002; Ord. 116368 § 229, 1992; Ord. 111895 § 1, 1984; Ord. 111577 § 1, 1984; Ord. 111003 § 1, 1983; Ord. 110710 § 1, 1982; Ord. 109729 § 8, 1981.)

20.04.145 Installment notes.

In addition to the issuance of bonds and warrants in payment of the cost of any local improvement, the City Council may, in the ordinance ordering any such improvement and adopting the mode of payment, direct the issuance of local improvement installment notes and certificates payable out of the local improvement district fund, and to the extent provided by law from the Local Improvement Guaranty Fund, when such notes are to be held exclusively by one (1) or more other City funds as authorized by RCW 35.45.150. Loans

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evidenced by such notes shall comply with RCW 35.45.150. The total sum of all outstanding principal on such installment notes shall not at any time exceed One Million dollars (\$1,000,000.00).

The Finance Director may refund such installment notes by the issuance of local improvement district bonds or consolidated local improvement district bonds in accordance with RCW Chapter 35.45, and may transfer any such notes, at par plus accrued interest among funds of the City.
(Ord. 118138 § 1, 1996.)

20.04.150 Special fund for each district.

The ordinance creating any local improvement district shall also create a special fund to be called "Local Improvement Fund, District No. _____," into which shall be placed all sums from any source intended for use in the prosecution of the work contemplated by such ordinance and, when the assessment roll has been confirmed, all sums paid on account of such assessment, including all interest and penalty thereon, and in the event of sale of bonds by the City, all proceeds of sale and all premiums and accrued interest on bonds issued for such improvement. The moneys in such local improvement district fund derived from assessments shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement. Provided, that if the fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment for the cost and expense of the improvement by check.
(Ord. 120794 § 219, 2002; Ord. 120114 § 36, 2000; Ord. 109729 § 9, 1981.)

20.04.160 Bonds--Issuance.

Local improvement bonds shall be issued and sold in such denominations, in such form, and with such terms and conditions as shall be authorized by ordinance and as contemplated by state law, presently codified as RCW Chapter 35.45.
(Ord. 109729 § 10, 1981.)

20.04.170 Bonds--Register required.

The City Finance Director shall keep in his or her office a register of all such bonds issued. He or she shall enter therein the local improvement fund district number, for which the same are issued, and the date, amount and number of each bond and term of payment.
(Ord. 116368 § 230, 1992; Ord. 109729 § 11, 1981.)

20.04.180 Consolidated districts authorized when.

The City may, from time to time, authorize the establishment of consolidated local improvement districts for the purpose of issuing bonds to fund or refund outstanding local improvement district obligations in the manner contemplated by state law, presently codified as RCW 35.45.155 and RCW 35.45.160.
(Ord. 109729 § 12, 1981.)

20.04.190 Delinquent assessments--Foreclosure procedures.

The City Attorney may institute foreclosure proceedings in accordance with RCW Chapter 35.50.

(Ord. 111003 § 2, 1983; Ord. 110710 § 2, 1982; Ord. 109729 § 13, 1981.)

20.04.200 Warrants--Call and payment.

A. It shall be the duty of the City Finance Director to call and pay in numerical order such outstanding warrants against any particular improvement fund as he or she may be able to pay with the money on hand credited to such fund, and whenever he or she shall have money on hand to the credit of such fund, but not sufficient to pay the whole of the next succeeding outstanding warrant, he or she may call in and pay such portion thereof as shall exhaust the amount of such fund; provided, however, that the City Finance Director may call the warrants issued to the contractor on estimates of the department head supervising the construction in any local improvement district as soon as the City Council has, by resolution or ordinance, fixed a date for the issuance of bonds or installment notes in respect to such local improvement district.

B. Whenever the City Finance Director shall pay a portion of any warrant as above provided, he or she shall endorse upon such warrant the date and amount of such payment and take a receipt from the holder thereof, showing the number and description of such warrant and the date and amount so paid, which receipt the said Director shall record as a voucher for the money so paid.

(Ord. 116368 § 231, 1992; Ord. 111640 § 2, 1984; Ord. 109729 § 14, 1981.)

20.04.210 Contracts--Requirements generally.

A. Contracts for local improvements shall provide for a retainage from the moneys earned by the contractor on estimates during the progress of the improvement or work of a sum to be used as a trust fund for the protection and payment of any person or persons, mechanics, subcontractors or material men who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to RCW Title 82 which may be due from subcontractor. Said fund shall be computed and administered pursuant to Chapter 205, 1st Ex. Sess., Laws of 1977, presently codified as RCW 60.28.010. No improvement shall be deemed completed until the department head supervising the project shall have filed with the City Clerk a statement in duplicate declaring the same to have been completed.

B. During the time allowed for the completion of the contract the department head supervising the project shall each month issue an estimate of the amount of work completed by the contractor during the preceding month; provided, that after the expiration of the time allowed for such completion no estimate other than the final estimate shall be issued. The final estimate shall include a statement of the amount of money due the contractor, a statement of the amount of money expended for abstracts, advertising, accounting and collection, and engineering expense incurred prior to the expiration of the time allowed for the completion of the contract. The City's engineering expenses incurred after the time allowed for the completion of the contract, shall be borne by the contractor as the minimum penalty for failure to complete the work within the specified time.

C. After the issuance of the estimate by the department head supervising the project, the Director of Executive Administration shall, on or about the twenty-fifth day of the month, deliver to the contractor money or warrants in an amount equal to such estimate less the percentage to be retained therefrom as herein provided. After the expiration of thirty (30) days following the final acceptance of said improvement or work and the expiration of the time for the filing of lien claims as provided by law, said reserve, or all amounts thereof in

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excess of a sufficient sum to meet and discharge the claims of material men and laborers who have filed their claim as provided by law, together with a sum sufficient to defray the cost of such action, and to pay attorney's fees, shall be paid to said contractor.

D. Such warrants shall be drawn against the local improvement district fund and shall bear interest at the rate prevailing in the market from the date of issuance until redeemed; provided, that warrants shall not bear interest after two hundred forty (240) days from the time fixed in the proposal and contract for the completion of the contract.

E. If the work is completed within the time fixed by the contract, or any extension thereof, and there is no money available for payment of contractors' warrants at the expiration of the two-hundred-forty (240) day period above mentioned, the contractor may be paid by separate non-interest-bearing warrants a sum equivalent to interest at the rate prevailing in the market on outstanding warrants from the date when interest on such warrants ceased to the date when funds are available for the redemption thereof.

F. If an extension of time is granted for the completion of the contract and the work is not completed when the extension period has expired, the contractor may be paid by separate non-interest-bearing warrants a sum equivalent to interest at the rate prevailing in the market on outstanding warrants from the day when interest ceased, as above mentioned, to a date two hundred forty (240) days from the date on which the extension period expires.

G. The Director of Executive Administration shall immediately upon receipt of the final estimate for a local improvement, file in the office of the City Clerk a certificate setting forth the total amount of said final estimate, together with accrued interest on warrants issued or to be issued.

H. All warrants issued shall be redeemed in cash, in order of issuance within two hundred forty (240) days after the completion and acceptance of the contract, so far as payment into the local improvement district fund shall permit. Warrants not so redeemed in cash shall, except as otherwise provided in this chapter, be redeemed in order of their issuance in local improvement district bonds, the lowest numbered warrants being redeemed with the lowest numbered bonds, if the mode of payment is "payment by bonds"; or, if the mode of payment be "immediate payment," by the issuance of local improvement district fund warrants with interest at the rate prevailing in the market from the date of issuance until redeemed, such redemption to be made in the same manner as that followed under the mode of payment "payment by bonds."

I. If the mode of payment is "payment by bonds" and the bonds are sold as provided in this chapter, all such warrants not so redeemed in cash as above provided, shall be redeemed in order of issuance in cash out of the proceeds of the sale of such bonds.

(Ord. 120794 § 220, 2002; Ord. 116368 § 232, 1992; Ord. 109729 § 15, 1981.)

20.04.220 Contracts--To lowest bidders--Notice--Check with bid.

All the work to be done in any local improvement district shall be let in one (1) contract or, at the option of the head of the department supervising the project, the work may be subdivided and separate contracts be let for each subdivision thereof. All local improvements to be made by contract shall be let to the lowest and best bidder therefor. Before the award of any such contract, there shall be published for at least two (2) days in the official newspaper of the City a notice, the last publication being at least ten (10) days before the letting of such

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contract, inviting sealed proposals for such work, and the plans and specifications whereof must, at the time of publication of such notice, be on file in the office of the department head supervising the project, subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same, sealed and filed with the City as specified in the notice, on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the Director of Executive Administration, or a surety bond for a sum not less than five percent (5%) of the amount of the bid, and no bid shall be considered unless accompanied by such check or bond. If, in the discretion of the head of the department supervising the project, the work should be done by the City by day labor, and under the management of the department, it is hereby empowered to proceed with the work irrespective of all such bids, and, in such case, all bids shall be rejected; provided, however, the work shall not be done by the City if the determination so to do is in conflict with the provisions of RCW 35.22.620.

(Ord. 120794 § 221, 2002; Ord. 116368 § 234, 1992; Ord. 109729 § 16, 1981.)

20.04.230 Contracts--Opening bids--Acceptance, rejection and forfeiture conditions.

At the time and place named, such bids shall be publicly opened and read; no bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The department head supervising the project shall proceed to determine the lowest and best bidder, and may let such contract to such bidder, or if all bids received exceed by ten percent (10%) preliminary cost estimates prepared by an independent consulting engineer or registered professional engineer retained for that purpose by the City, he or she may reject all of them and re-advertise, or may proceed to do the work under the direction of the department head supervising the project by "day labor," and, in case of rejection of all bids all checks shall be returned to the bidders; but if the contract be let, then, and in such case, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until the contract be entered into for making such improvement between the bidder and the City, in accordance with such bid, and the duly approved and accepted bond therefor be filed in the office of the City Clerk. If the successful bidder fails to enter into the contract in accordance with his bid within ten (10) days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the City, and the same shall be delivered to the Director of Executive Administration, who pay the same into the City Treasury to the credit of the appropriate Local Improvement District Fund. Neither the department head nor the City Council shall have the power to remit such forfeiture.

(Ord. 120794 § 222, 2002; Ord. 116368 § 234, 1992; Ord. 109729 § 17, 1981.)

20.04.240 Subdistricts authorized--Conditions.

Whenever the legislative authority shall provide for the construction of any trunk sewer or trunk water main, it may divide the territory to be served thereby into subdistricts, and the construction of the improvement may be made under separate contracts for such subdistricts thereof. The legislative authority may levy assessments in each subdistrict and issue bonds to be paid by the collection of assessments against property in each subdistrict independent of any other subdistrict; provided, however, that the subdistricts shall be set forth in the ordinance providing for the improvement, and when it is proposed to pay any portion of the cost of the improvement from City funds, the ordinance shall specify approximately the amount to be apportioned to each subdistrict.

(Ord. 109729 § 18, 1981.)

20.04.250 Unit water main assessments.

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The cost of a unit water main is the reasonable cost of a local water main and its appurtenances suited to the requirements of the territory served. Such cost may be assessed against the property specially benefited thereby. The remaining portion of the cost and expense of any water main, except where the legislative authority shall provide for the creation of a trunk water main district, shall be paid from such fund as the legislative authority shall by ordinance direct.

(Ord. 109729 § 19, 1981.)

20.04.260 Costs--City's contribution to be specified in ordinance.

Every ordinance ordering any local improvement shall declare what, if any, portion or proportionate amount of the cost and expense thereof shall be borne by the City out of its general fund, or other fund, and shall direct that the remainder of the cost and expense be assessed against the property within the district created therefor in the manner provided by law.

(Ord. 109729 § 20, 1981.)

20.04.270 Items of cost and expense for estimates.

All estimates of the cost and expense of local improvements shall include the following:

- A. The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within street intersections;
- B. The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the City;
- C. The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;
- D. The estimated cost and expense of advertising, mailing and publishing all necessary notices;
- E. The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the City in connection with the improvement;
- F. The cost of acquisition of rights-of-way, property, easements or other facilities or rights, whether acquired by eminent domain, purchase, gift, or in any other manner; provided, that any of the costs enumerated in this subsection may be excluded from the cost and expense to be assessed against the property in the local improvement district if the legislative authority so designates by ordinance at any time and may be paid from any other moneys available therefor;
- G. The cost of legal, financial, and appraisal services and any other expense incurred by the City for the district or in the formation thereof, or by the City in connection with the construction or improvement and in the financing thereof, including the issuance of any bonds;
- H. A charge against each description of property in the following amounts, to wit: in case of "immediate payment," Six Dollars (\$6.00) per description; in case of assessment payable in three (3) annual

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installments, Eighteen Dollars (\$18.00) per description; in case of assessment payable in five (5) annual installments, Twenty-six Dollars (\$26.00) per description; in case of assessment payable in ten (10) annual installments, Forty-six Dollars (\$46.00) per description; in case of assessment payable in fifteen (15) annual installments, Sixty-six Dollars (\$66.00) per description; in case of assessment payable in twenty (20) annual installments or more of either principal or interest, Eighty-six Dollars (\$86.00) per description; which is the charge of accounting, clerical labor, books and blanks used by the City; provided, however, that when any assessment payable in installments is paid in full within the thirty (30) day period fixed by law for the payment of assessments without interest, the Director of Executive Administration shall allow a rebate of the charge in this subsection in excess of the sum of Six Dollars (\$6.00) per description. In all instances wherein the contractor doing the work in any local improvement district deposits cash with the Director of Executive Administration under the terms of his or her contract to cover items of cost shown by the department head supervising the contract in his or her final estimate and specified in this section, the Director of Executive Administration shall transfer the amount of such rebate from the fund in which it has been deposited to the appropriate local improvement fund.

(Ord. 120794 § 223, 2002; Ord. 116368 § 235, 1992; Ord. 109729 § 21, 1981.)

20.04.280 Segregation of assessments.

A. The Director of Executive Administration is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land, upon which a local improvement assessment has been, or may hereafter be, made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of said local improvement as the Director of Transportation shall certify to be chargeable to such subdivision or subdivisions in accordance with state law.

B. Whenever, on account of the filing of a plat or replat on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed for local improvements, it shall appear to be to the best interest of the City to segregate a local improvement district assessment thereupon, the Director of Transportation is authorized to make the proper certification as provided in this chapter, upon the written application of the owner, approved by the Director of Executive Administration, and confirmed by the City Council by resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the Director of Transportation to submit the necessary Resolution for Segregation for City Council approval. A fee of Sixty Dollars (\$60.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Ten Dollars (\$10.00) per description for each description added to the assessment roll, to defray the cost of the engineering and clerical work involved. Such fees shall be paid to the Director of Executive Administration and shall be deposited in the General Fund.

C. Upon receipt of a certified copy of a resolution of the City Council authorizing segregation, the Director of Executive Administration shall enter the segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records and, upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to the segregated portion, give a proper receipt; provided, that this chapter shall not authorize the segregation of any assessment which has been delinquent for a period of two (2) years or more, or in any case where it appears that the property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such

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instance, upon a recommendation by the Director of Executive Administration, the City Council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished to the Director of Transportation by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the Director of Transportation, the City Council shall determine such question of fact.

(Ord. 120794 § 224, 2002: Ord. 118409 § 141, 1996: Ord. 116368 § 236, 1992: Ord. 109729 § 22, 1981.)

20.04.290 Cancellation of assessment--Release of assessment lien.

The Director of Executive Administration is authorized to cancel on the books and records of a local improvement district the assessment or an installment of an assessment, interest and penalties imposed by or for the district when:

A. The amount due shown on the district's books and records has been found to be void by a final judgment of a court with jurisdiction over the local improvement district;

B. RCW 35.50.050, which limits the time for commencing foreclosure proceedings, bars a foreclosure action to enforce the payment;

C. King County has resold the property to pay property taxes, the resale is free and clear of the assessment lien, and pursuant to RCW 35.49.160, the City has received or will receive from the proceeds of the county sale such funds as are due to the district; or

D. The City Attorney by written opinion advises the Director of Executive Administration that the assessment, interest or penalty to be cancelled is void or that the law otherwise prevents its collection.

Upon cancellation of an assessment, interest or penalty, the Director of Executive Administration may release the assessment lien upon the property to secure the payment which was cancelled. A release affects only the payment(s) or liens named in the release document and does not release other payments or other liens upon the same property of other local improvement districts respectively.

(Ord. 120794 § 225, 2002: Ord. 116368 § 237, 1992: Ord. 113320 § 1, 1987.)

Chapter 20.08

LOCAL IMPROVEMENT GUARANTY FUND

Sections:

20.08.010 Fund established.

20.08.020 Annual tax levy.

20.08.030 Issuance and payment of warrants or checks.

20.08.040 Defaulted interest coupons, bonds or warrants.

20.08.010 Fund established.

There is created in the City Treasury the special fund established by Chapter 209, Laws of Washington, 1927, RCW Chapter 35.54, and designated "Local Improvement Guaranty Fund," for the purpose of

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guaranteeing, to the extent thereof and in the manner therein contemplated, the payment of local improvement bonds and warrants and for paying the amounts of assessments, the collection of which has been deferred pursuant to RCW 35.43.250, 35.50.050, and 35.54.100, as now existing or hereafter amended.
(Ord. 116368 § 238, 1992: Ord. 102560 § 12, 1973: Ord. 62364 § 1, 1932.)

20.08.020 Annual tax levy.

San Francisco creating and amending
In order to maintain the fund and to effectuate the purposes of this chapter, there shall be levied each year by the City Council in its annual tax levy, a tax upon all of the property in the City subject to taxation sufficient to meet the financial requirements thereof; provided that the sums so levied in any year shall not be more than sufficient to pay the outstanding warrants on the fund and to establish therein a balance which combined levy in any one (1) year shall not exceed five (5) percent of the outstanding obligations thereby guaranteed. The tax levies authorized and directed shall be additional to, and, if need be, in excess of, any and all statutory and Charter limitations applicable to the tax levies of the City. There shall be paid into the fund the interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement fund guaranteed under this chapter, lawfully applicable thereto, and payments of principal and interest applicable for assessments, or installments thereof, the collection of which has been deferred pursuant to Chapter 137, Laws of 1972, First Extraordinary Session as now existing or hereafter amended.
(Ord. 102560 § 13, 1973: Ord. 62364 § 2, 1932.)

20.08.030 Issuance and payment of warrants or checks.

In order to effectuate the purposes of this chapter, the Director of Finance is authorized to from time to time direct the Director of Executive Administration to draw and pay warrants drawing interest at a rate not to exceed six (6) percent on the Local Improvement Guaranty Fund for the purposes contemplated in Section 20.08.010; provided, that such warrants shall at no time exceed five (5) percent of the outstanding bond obligations guaranteed by the fund. Warrants on the Local Improvement Guaranty Fund shall be numbered serially in the order of their issuance. If the Local Improvement Guaranty Fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance may elect to make payment by check.
(Ord. 120794 § 226, 2002: Ord. 120114 § 37, 2000: Ord. 116368 § 239, 1992: Ord. 70894 § 1, 1941: Ord. 62364 § 3, 1932.)

20.08.040 Defaulted interest coupons, bonds or warrants.

A. As among the several issues of bonds or warrants guaranteed by the fund, no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation. Whenever any defaulted interest coupons, bonds or warrants shall be presented to the City Finance Director for purchase, if the outstanding warrants against the Local Improvement Guaranty Fund (including the amount of the coupons, bonds or warrants so presented) do not then exceed five (5) percent of the outstanding bond obligations guaranteed by the fund, the City Finance Director shall examine such coupons, bonds or warrants and if satisfied that the same are guaranteed by such fund he shall receive and keep such coupons, bonds or warrants, issuing his or her receipt therefor to the holder of the same, together with a warrant upon the Local Improvement Guaranty Fund in the amount thereof. Warrants so issued shall be paid from the Local Improvement Guaranty Fund in the order of their serial numbers.

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B. If at the time any defaulted interest coupons, bonds or warrants are presented for purchase the warrants upon the Local Improvement Guaranty Fund then outstanding (including the amount of the coupons, bonds or warrants so presented) shall exceed five (5) percent of the outstanding bond obligations guaranteed by the fund, the City Finance Director shall examine such coupons, bonds or warrants and if satisfied that the same are guaranteed by such fund he or she shall issue to the holder a presentation certificate describing such coupons, bonds or warrants and showing the date and time of the day when the same were so presented for purchase, and the name and address of the holder thereof. Such presentation certificate shall be issued and numbered serially in the order of the presentation for purchase of defaulted interest coupons, bonds or warrants by the respective holders thereof. Whenever the amount of outstanding warrants against the Local Improvement Guaranty Fund shall be retired in an amount sufficient to authorize the issuance of a warrant upon the fund for the purchase of the coupons, bonds or warrants described in any presentation certificate it shall be the duty of the City Finance Director to notify the holder of such presentation certificate by mail at the address stated in the presentation certificate; and upon presentation to him of the presentation certificate, together with the coupons, bonds or warrants described therein, the City Finance Director shall receive and keep such coupons, bonds or warrants, issuing his receipt therefor together with his or her warrant upon the Local Improvement Guaranty Fund covering the same. Such warrants shall be issued in the order of the serial numbers of the presentation certificates.

(Ord. 116368 § 240, 1992: Ord. 70894 § 2, 1941: Ord. 62364 § 4, 1941.)

Chapter 20.12

DEFERRAL OF ASSESSMENT COLLECTION

Sections:

20.12.010 Authorization.

20.12.020 Eligibility criteria.

20.12.030 Assessment--Deferral of collection--Time limitations.

20.12.040 Applications for deferral--Death of spouse--Disabling injury.

20.12.050 Deferred assessment interest rate.

20.12.060 Termination of deferred assessment.

20.12.070 Application of payments.

20.12.080 Administration by City officials.

Statutory Reference: For statutory provisions on the deferral of collection of assessments for economically disadvantaged persons, see RCW 35.43.250.

20.12.010 Authorization.

The collection of an assessment upon property assessed by a local improvement district, or any installment thereof, may be deferred as provided in RCW 35.43.250 and 35.54.100, as now existing or hereafter amended, upon the application of a person responsible for the payment of an assessment, who is economically disadvantaged, whenever authorized in the ordinance creating the district. Unless otherwise provided in such ordinance, or in the ordinance confirming an assessment roll for such district, the terms and conditions of this chapter shall establish the terms and conditions for the deferral of collection of such assessments, the persons eligible therefor, the rate of interest, the duties of the respective City officials and the obligations of the Local Improvement Guaranty Fund with respect thereto.

(Ord. 102560 § 1, 1973.)

20.12.020 Eligibility criteria.

A. The term "person responsible for payment of an assessment" means the owner of the property to be assessed (including life tenants) and other persons, who under the terms of a recorded contract of purchase, recorded mortgage, recorded deed of trust transaction or recorded lease is responsible under penalty of forfeiture, foreclosure, or default as between vendor/vendee, mortgagor/mortgagee, grantor and trustor/trustee and grantee, and beneficiary and lender, or lessor and lessee for the payment of the local improvement district assessment.

B. A person responsible for payment of an assessment may qualify as "economically disadvantaged" when that person has annual income that when combined with the annual income of all adult household members does not exceed two hundred (200) percent of the poverty level for the number of individuals in the household as computed annually by the U.S. Government or the City and as determined by the Human Services Department.
(Ord. 121574 § 1, 2004; Ord. 104953 § 1, 1975; Ord. 102560 § 2, 1973.)

20.12.030 Assessment--Deferral of collection--Time limitations.

Whenever an ordinance creating a local improvement district shall hereafter authorize deferral of collection of local improvement assessment upon properties benefited thereby pursuant to RCW 35.43.250 and 35.54.100, the following terms and conditions contained in the statute shall apply:

- A. The amount of the assessment or an installment thereof, the collection of which has been deferred, shall be paid out of the Local Improvement Guaranty Fund.
- B. The Local Improvement Guaranty Fund shall have a lien on the benefited property in an amount equal to the amounts paid by such fund, together with interest as provided by the ordinance creating the district.
- C. The collection of any particular installment shall not be deferred longer than two (2) installment periods, provided, the foregoing shall not preclude the deferral of collection of other installments of such assessment.
- D. Local improvement assessment obligations, the payment of which has been deferred, shall become due and payable upon the earliest of the following dates:
1. Upon the date and pursuant to the conditions established by the agreement for deferral of collection;
 2. Upon the sale of property which has a deferred assessment lien upon it, from the purchase price; or
 3. Upon the death of the person to whom the deferral was granted from the value of his estate; except, a surviving spouse shall be allowed to continue the deferral of collection, which shall be payable by the spouse as provided by the terms and conditions of the deferral in accordance with this chapter.
- E. The time during which collection is deferred shall not be a part of the time limited for commencement of an action to collect the amount deferred or to enforce the local improvement assessment lien.

F. The collection of an assessment shall in no event be deferred beyond the time of the dissolution of the local improvement district.

G. The party granted the deferment of collection of an assessment, or installment thereof, shall provide assurance of property security acceptable in form and substance to the City Engineer for the payment of such assessment, or installment thereof.
(Ord. 102560 § 3, 1973.)

20.12.040 Applications for deferral--Death of spouse--Disabling injury.

Applications for deferral of collection of an assessment that involve any of the following must be made in writing at or before the hearing of the legislative authority for confirmation of the assessment roll:

A. Deferral of collection or an installment payment plan for payment of an assessment levied for total immediate payment;

B. Deferral of collection of the first installment of an assessment payable over multiple installments; and

C. Deferral of collection of assessments by a plan providing phased payments during the duration of the district, with a series of multiple deferrals of successive installments.

An application for deferral of collection of one or more particular installments subsequent to confirmation of the assessment roll may be made on or before such installment becomes delinquent, should death of a spouse or head of household, disabling injury, or other serious adversity render a person responsible for payment of an assessment economically disadvantaged.

If the application is approved, the applicant must return a properly signed, notarized agreement with the City no later than thirty (30) days after the date the installment becomes delinquent.
(Ord. 111640 § 3, 1984; Ord. 102560 § 4, 1973.)

20.12.050 Deferred assessment interest rate.

The assessment, or the installment thereof, upon which collection has been deferred, shall bear interest during the period of deferral at the same rate as borne by the note, warrant, or bonds issued by the City to pay the cost and expense of the improvement.
(Ord. 102560 § 5, 1973.)

20.12.060 Termination of deferred assessment.

The period of deferral of collection of an assessment or an installment thereof shall not extend beyond a fixed date of termination of occupancy of the person responsible for payment of an assessment under a leasehold or fee of definite duration, unless the owner of the reversion or remainder assents to such deferral.
(Ord. 102560 § 6, 1973.)

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20.12.070 Application of payments.

Moneys received for payment of assessment installments shall be applied toward the earliest unpaid installment unless the party making the payment shall direct otherwise.
(Ord. 102560 § 7, 1973.)

20.12.080 Administration by City officials.

A. The City Director of Transportation shall administer the deferral of collection of assessments, except such duties as are assigned by this chapter or by law to other City officials. The City Director of Transportation shall have the power and authority to:

1. Give notice to property owners of the availability of ordinance procedures for deferral of collection of assessments;
2. Accept and process applications for deferral of collection of assessments, and amendments thereof as appropriate;
3. Conclude with the persons responsible for payment of an assessment an agreement setting the terms and conditions consistent with this chapter and state law, including, on request and at his or her discretion, without extra charge, provision for billing and payment of installment on a monthly or quarterly basis;
4. Secure execution and filing of any necessary instruments, and, upon notice from the Director of Executive Administration, note satisfaction thereof;
5. Terminate the deferral of collection of assessments upon occurrence of conditions that render the assessment or installments thereof due and payable;
6. Recommend to the Director of Executive Administration the amounts to be paid from the Local Improvement Guaranty Fund to the fund of such local improvement district upon the making of such deferral;
7. Take such other actions as necessary and appropriate to administer this chapter in accordance with RCW 35.43.250, 35.49.010, 35.50.050, and 35.54.100. The agreement with the person responsible for an assessment setting forth the terms and conditions of deferral of collection of the assessment shall be recorded with the King County Office of Records and Elections and transmitted to the City Clerk, and a copy thereof to the Director of Executive Administration. All records retained by the Director of Transportation containing the application and information received in processing an application shall be kept confidential.

B. The Director of Executive Administration shall draw such warrants upon the Local Improvement Guaranty Fund as necessary and appropriate to make payments to the local improvement district fund for assessments, the collection of which has been deferred, and shall report annually to the City Council and the Director of Finance about the amount of payments made from the Local Improvement Guaranty Fund for assessments or installments deferred pursuant to this chapter and RCW 35.43.250, 35.50.050, and 35.50.100, as

now existing or hereafter amended; the current balance in such fund and outstanding obligations guaranteed by such fund. If the Local Improvement Guaranty Fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

(Ord. 121574 § 2, 2004; Ord. 120794 § 227, 2002; Ord. 120114 § 38, 2000; Ord. 118409 § 142, 1996; Ord. 116368 § 241, 1992; Ord. 111640 § 4, 1984; Ord. 102560 § 8, 1973.)

Chapter 20.16

RECONSTRUCTION OF WATER MAINS

Sections:

20.16.010 Ungraded streets--Assessment of abutting property.

20.16.020 Ungraded streets--Payments from Water Fund.

20.16.030 Regrading--Payment when no benefit to abutting property.

20.16.040 Regrading--When desired by property owners.

20.16.050 Regrading--Assessment of costs.

20.16.060 Assessment of costs for water and fire protection during reconstruction.

20.16.070 Substitution or enlarging of mains--Costs.

20.16.010 Ungraded streets--Assessment of abutting property.

Whenever it becomes necessary to lay water mains in ungraded streets to supply water to residents of the district abutting on the streets, and the abutting property is assessed for the laying of the mains, such property shall be again assessed for the re-laying or reconstruction thereof when the streets are graded to permanent grade; provided that if, at the time of the laying of the mains originally, a permanent grade on the streets is established, the City Council may order the mains laid to permanent grade, as near as may be, and assess the entire cost thereof to the improvement district.

(Ord. 27209 § 1, 1911.)

20.16.020 Ungraded streets--Payments from Water Fund.

Whenever it becomes necessary to lay water mains in ungraded streets that do not serve that particular district, or specially benefit it, no charge or assessment for re-laying or reconstructing the mains shall be made against the district abutting on the streets when the same are graded, but such cost shall be paid from the Water Fund of the City.

(Ord. 27209 § 2, 1911.)

20.16.030 Regrading--Payment when no benefit to abutting property.

Whenever general public necessity demands the regrade of any street already improved and with established grades, and such regrade is made, and it becomes necessary to adjust, relay or reconstruct water mains by reason thereof which do not serve, or specially benefit the district abutting on such streets, no charge for such reconstruction or adjustment shall be made against the abutting property of such streets or against the district assessed for the regrade, but the cost thereof shall be paid from the General Fund of the City.

(Ord. 27209 § 3, 1911.)

20.16.040 Regrading--When desired by property owners.

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Whenever it is desired by owners of property abutting on any street or streets that such street or streets be regraded, and such regrade is made, and by reason thereof it becomes necessary to adjust, re-lay or reconstruct any water mains in the street or streets not used for the purpose of serving the property abutting thereon, the entire cost of such adjustment or reconstruction may be assessed against the General Fund; provided, if such regrade is instituted by petition and the petitioners agree to bear any portion of the cost of adjustment, re-laying or reconstruction, or if the improvement is instituted by resolution of the City Council and the resolution declares the purpose of the Council to assess any portion of the cost to the property abutting on the streets to be regraded, in such event the portion of the cost as provided by either the petition or the resolution shall be assessed against the property in the district, and the balance thereof against the General Fund.

(Ord. 27209 § 4, 1911.)

20.16.050 Regrading--Assessment of costs.

Whenever, whether for the benefit of the public at large or for the enhancement of the value and improvement of property adjacent or tributary to any district, the regrade of the district is desired, and by reason thereof it becomes necessary to adjust or reconstruct water mains in the district which specially benefit and furnish water to the property abutting or adjacent to the streets to be regraded, the entire cost of such adjustment or reconstruction, up to and including twelve (12)-inch mains, shall be assessed against the property lying within the bounds of such district, and the cost of adjusting mains in excess of twelve (12) inches, and up to twenty-four (24) inches in size, shall be as follows: a sum equal to the cost of adjusting, re-laying or reconstructing twelve (12)-inch mains, together with fifty (50) percent of the excess cost by reason of the increased size of the main shall be assessed to the abutting property; provided, that the resolution and ordinance ordering the work and creating the district shall specify the cost as provided in this section, but no charge or assessment shall be made upon property lying within the district for the adjusting, re-laying or reconstruction of mains where they exceed twenty-four (24) inches in size for that proportion of the cost caused by the excess of twenty-four (24) inches.

(Ord. 27209 § 5, 1911.)

20.16.060 Assessment of costs for water and fire protection during reconstruction.

Whenever any regrade is made, the entire cost of reconstruction of existing connections to water mains, hydrants, etc., which must be maintained to provide water and fire protection to the district during the progress of the regrade work, shall be assessed to the regrade district.

(Ord. 27209 § 6, 1911.)

20.16.070 Substitution or enlarging of mains--Costs.

Whenever, in the prosecution of any of the improvements contemplated in this chapter, it is determined by the Seattle Public Utilities to substitute or enlarge the mains passing through the district, the entire cost of such substitution or enlarging, in excess of the reconstruction of existing mains, shall be borne by the Water Fund.

(Ord. 118396 § 15, 1996: Ord. 27209 § 7, 1911.)

Chapter 20.20

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FILLING OF PRIVATE PROPERTY

Sections:

20.20.010 Proceedings for making improvements and levying assessments.

20.20.020 Establishment of new grade--Survey by Board of Public Works.

20.20.030 Resolution of intent.

20.20.040 Establishment of local improvement district.

20.20.050 Modes of payment.

20.20.060 Applicability of Ord. 53493.

Statutory reference: For statutory provisions on filling and draining lowlands, see RCW Ch. 35.56.

20.20.010 Proceedings for making improvements and levying assessments.

Whenever the City Council shall order any improvement to be made or work to be done, by filling private property where necessary, as a sanitary measure which shall confer special benefits upon any property in the City, and it is desired to pay the whole or any part of the cost and expense of the same by and from special assessments levied upon the property specially benefited thereby, the proceedings for making such improvements and levying and collecting special assessments for the purpose of paying the whole or any part of the cost and expense thereof and for paying such cost and expense may be had and conducted as provided in this chapter.

(Ord. 35083 § 1, 1915.)

20.20.020 Establishment of new grade--Survey by Board of Public Works.

Whenever the City shall establish or shall have established the grade of any street or streets, alley or alleys, at a higher elevation than any private property abutting thereon, thereby rendering the drainage of such private property or any part thereof impracticable without the raising of the surface of such private property, or whenever the surface of any private property in the City shall be so low as to make sanitary drainage thereof impracticable, the City Council may determine by resolution that a fill of such private property is necessary as a sanitary measure. The Council shall in such resolution direct the Board of Public Works to make the necessary surveys of the district proposed to be improved and the necessary plans and specifications for such improvement, and to submit, within twenty (20) days after the first publication of such resolution, a report to the City Council to be filed with the City Clerk giving a description of the property proposed to be improved by such fill, the grade to which it is necessary to fill the same and the estimated cost thereof.

(Ord. 35083 § 2, 1915.)

20.20.030 Resolution of intent.

The City Council shall before establishing the new grade of such property or providing for such fill, first pass a resolution declaring its intention to make such improvement and giving in such resolution a description of the property proposed to be improved by such fill, the estimate of the cost of the same, and stating that such cost is to be assessed against the property benefited thereby, and shall fix a time not less than thirty (30) days after the first publication of the resolution as specified in this section within which protests against such proposed improvement may be filed in the office of the City Clerk. The Council shall in such resolution, or in the ordinance providing for such improvement, declare the mode of making payment for such portion of the cost and expense of such improvement as shall be chargeable against such private property. At the time named in such resolution, the Council shall proceed to consider such resolution and report of the Board of Public Works on the matters referred to it in such resolution, together with all protests filed against the improvement, if

any such protests be filed, and if the Council shall notwithstanding such protests and after full hearing thereof, if any protestant shall ask for such hearing, determine that it is necessary to fill such private property, or any portion or portions thereof, as a sanitary measure, the Council shall then or at a subsequent time proceed to enact an ordinance providing for such improvement.

(Ord. 35083 § 3, 1915.)

20.20.040 Establishment of local improvement district.

Whenever the Council shall order any such improvement to be made, it shall in the ordinance ordering the same establish a local improvement district to be called "Local Improvement District No. _____," which shall include all the property found by the Council as aforesaid to require such fill as a sanitary measure.

(Ord. 35083 § 4, 1915.)

20.20.050 Modes of payment.

A. There shall be two (2) modes of making payment for such portion of the cost and expense of the improvements provided for in this chapter, as shall be chargeable against the local improvement district created as provided in this chapter: "immediate payment" and "payment by bonds." The mode adopted shall be the mode set forth in the resolution declaring the intention of the Council to make the improvement, if such resolution specifies the mode; if such resolution fails to specify the mode, then it shall be the mode specified in the ordinance ordering the improvement.

B. In all cases where the mode of "payment by bonds" is directed, the assessments shall be payable in equal annual installments the number of which shall be less by two (2) than the number of years the bonds or warrants may run.

C. Such bonds by their terms shall be made payable on or before a date not to exceed twelve (12) years from and after the date of the issue of such bonds, which latter date may be fixed by resolution or ordinance by the City Council provided that whenever the improvement shall lie wholly or partly within the boundaries of any commercial waterway district, organized and existing under the provisions of Chapter 243 of the Laws of 1907, of the State of Washington, and the acts amendatory thereof, such bonds may be made payable on or before a date not to exceed twenty-two (22) years from and after the date of the issue of such bonds. Such bonds shall bear interest at the rate provided by the ordinance ordering the improvement, but not exceeding eight (8) percent per year, such interest to be payable annually. Each bond shall have attached thereto interest coupons for each interest payment.

(Ord. 35083 § 5, 1915.)

20.20.060 Applicability of Ord. 53493.

Ordinance 53493,¹ approved August 5, 1927, shall apply to all improvements made under the provisions of this chapter and to all proceedings relating to such improvements and to the making, collection and enforcement of special assessments therefor, and to the mode of paying for the same, except insofar as the same shall be in conflict with this chapter.

(Ord. 66638 § 1, 1936; Ord. 35083 § 6, 1915.)

1. Editor's Note: Ord. 53493 is not included in this codification as it is presently undergoing comprehensive revision.

Subtitle II

For current SMC contact
the Office of the City Clerk

Public Works

Chapter 20.32

ART IN PUBLIC WORKS CONSTRUCTION

Sections:

20.32.010 Purpose.

20.32.020 Definitions.

20.32.030 Funds for works of art.

20.32.040 Office of Arts and Cultural Affairs--Authority.

20.32.050 Municipal Arts Fund.

20.32.010 Purpose.

The City accepts a responsibility for expanding public experience with visual art. Such art has enabled people in all societies better to understand their communities and individual lives. Artists capable of creating art for public places must be encouraged and Seattle's standing as a regional leader in public art enhanced. A policy is therefore established to direct the inclusion of works of art in public works of the City.
(Ord. 102210 § 1, 1973.)

20.32.020 Definitions.

A. "Office" means the Office of Arts and Cultural Affairs.

B. "Commission" means the Seattle Arts Commission.

C. "Construction project" means any capital project paid for wholly or in part by the City to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, within the limits of The City of Seattle.

D. "Eligible fund" means a source fund for construction projects from which art is not precluded as an object of expenditure.

E. "Municipal Arts Plan" means the plan required by Section 20.32.040 A.

F. "Administrative costs" means all costs incurred in connection with the selection, acquisition, installation and exhibition of, and publicity about, City-owned works of art.

(Ord. 121006 § 11, 2002; Ord. 117403 § 1, 1994; Ord. 105389 § 1, 1976; Ord. 102210 § 2, 1973.)

20.32.030 Funds for works of art.

All requests for appropriations for construction projects from eligible funds shall include an amount equal to one (1) percent of the estimated cost of such project for works of art and shall be accompanied by a request from the Office of Arts and Cultural Affairs for authorization to expend such funds after the same have been deposited in the Municipal Arts Fund. When the City Council approves any such request, including the one (1) percent for works of art, the appropriation for such construction project shall be made and the same shall

include an appropriation of funds for works of art, at the rate of one (1) percent of project cost to be deposited into the appropriate account of the Municipal Arts Fund. Money collected in the Municipal Arts Fund shall be expended by the Office of Arts and Cultural Affairs for projects as prescribed by the Municipal Arts Plan, and any unexpended funds shall be carried over automatically for a period of three (3) years, and upon request of the Office of Arts and Cultural Affairs, carried over for an additional two (2) years. Any funds carried over for three (3) years, or upon special request for five (5) years, and still unexpended at the expiration of such period shall be transferred to the General Fund for general art purposes only; provided, that funds derived from revenue or general obligation bond issues or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which appropriated at the expiration of said three (3) or five (5) year period. (Ord. 121006 § 12, 2002: Ord. 105389 § 2, 1976: Ord. 102210 § 3, 1973.)

20.32.040 Office of Arts and Cultural Affairs--Authority.

To carry out its responsibilities under this chapter, the Office of Arts and Cultural Affairs shall:

- A. Prepare, adopt and amend with the Mayor's approval a plan and guidelines to carry out the City's art program, which shall include, but not be limited to a method or methods for the selection of artists or works of art and for placement of works of art;
- B. Authorize purchase of works of art or commission the design, execution and/or placement of works of art and provide payment therefor from the Municipal Arts Fund. The Office of Arts and Cultural Affairs shall advise the department responsible for a particular construction project of the Office's decision, in consultation with the Seattle Arts Commission, regarding the design, execution and/or placement of a work of art, funds for which were provided by the appropriation for such construction project;
- C. Require that any proposed work of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation or maintenance;
- D. Promulgate rules and regulations consistent with this chapter to facilitate the implementation of its responsibilities under this chapter.
(Ord. 121006 § 13, 2002: Ord. 105389 § 3, 1976: Ord. 102210 § 4, 1973.)

20.32.050 Municipal Arts Fund.

There is established in the City Treasury a special fund designated "Municipal Arts Fund" into which shall be deposited funds appropriated as contemplated by Section 20.32.030, together with such other funds as the City Council shall appropriate for works of art, and from which expenditures may be made for the acquisition and exhibition of works of art consistent with the plan specified in Section 20.32.040A, and for Office of Arts and Cultural Affairs staff costs and administrative costs (as defined in SMC Section 20.32.020 F) that are associated with developing and implementing the Municipal Arts Plan, but not the cost of maintaining City-owned art work, which maintenance cost may be paid from the Cumulative Reserve Subfund or such other source(s) as may be specified by ordinance. Separate accounts shall be established within the Municipal Arts Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. Disbursements from such fund shall be made in connection with projects approved by the Seattle Arts Commission on vouchers approved by the Director of the Office of Arts and Cultural Affairs. (Ord. 121006 § 14, 2002: Ord. 117403 § 2, 1994: Ord. 116368 § 242, 1992: Ord. 105389 § 4, 1976: Ord.

102210 § 5, 1973.)

Chapter 20.36

GIFTS OF ART--ACCEPTANCE BY MAYOR

Sections:

20.36.010 Acceptance by Mayor.

20.36.010 Acceptance by Mayor.

In accordance with the following procedures, the Mayor is authorized for and on behalf of the City to accept gifts of works of art for display in or on property owned or occupied by the City:

A. Before accepting a gift of work of art pursuant to the authority of this chapter, the Mayor shall consult with the head of the City department or departments responsible for the premises where such work of art will be displayed and shall also obtain from the Seattle Arts Commission, or a duly designated committee thereof, its recommendation as to whether such gift of work of art should be accepted.

B. No gift shall be accepted pursuant to the authority of this chapter which will require substantial expenditures for protection from theft or damage, maintenance or operation.

C. Any gift accepted pursuant to the provisions of this chapter must be offered to the City unconditionally, except that the donor may impose any or all of the following conditions:

1. Specify the location where the work of art shall be displayed and/or specify reasonable conditions for the display of such work of art;
2. Specify reasonable conditions as to the care and protection of the work of art, provided such conditions do not require the expenditure of substantial funds in order to comply therewith; and
3. Specify that a sign or placard be placed near the work of art identifying the donor and/or the person or persons or event which such work of art commemorates or in whose memory or memories such work was donated.

D. The Mayor shall manifest his acceptance of any such gift of work of art on behalf of the City by issuing a certificate of acceptance to the donor and by filing a copy of such certificate with the City Clerk. The provisions of this chapter shall not apply to the acceptance of gifts of works of art which are made to the Seattle Public Library and which are accepted by the Board of Library Trustees pursuant to RCW 27.12.210. (Ord. 116368 § 243, 1992: Ord. 107578 § 1, 1978.)

Chapter 20.38

APPRENTICESHIP PROGRAM

Sections:

20.38.005 Apprentice utilization.

For current SMC, contact
the Office of the City Clerk

20.38.010 Definitions.

20.38.020 Powers.

20.38.030 Waivers or reductions of goals.

20.38.005 Apprentice utilization.

On public works contracts with an estimated cost of One Million Dollars (\$1,000,000) or more, the Director is authorized to require that up to fifteen (15) percent of the contract labor hours be performed by apprentices enrolled in training programs approved or recognized by the Washington State Apprenticeship and Training Council (SAC). Furthermore, it is the City's intent that, on public works projects with an apprentice utilization requirement, there shall be a goal that twenty-one (21) percent of the apprentice labor hours be performed by minorities and twenty (20) percent of the apprentice labor hours be performed by women. (Ord. 120794 § 228, 2002; Ord. 120181 § 119, 2000; Ord. 118834 § 1(part), 1997.)

20.38.010 Definitions.

When used in this chapter:

- A. "Apprentice labor hours" means the total hours required to be worked by apprentices on the public works project.
- B. "Director" means the Director of Executive Administration or his or her designee.
- C. "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" shall exclude hours worked by foremen, superintendents, owners and workers who are not subject to prevailing wage requirements. (Ord. 120181 § 120, 2000; Ord. 118834 § 1(part), 1997.)

20.38.020 Powers.

The Department of Executive Administration shall be responsible for the implementation and administration of this chapter and is authorized to develop and adopt rules consistent with the requirements of this chapter. The Department of Executive Administration shall establish contract specification language to implement the apprenticeship requirement, which may change from time to time. The Department of Executive Administration shall develop and implement a system for monitoring the actual use of apprentices on public works projects. (Ord. 120794 § 230, 2002; Ord. 120181 § 121, 2000; Ord. 118834 § 1(part), 1997.)

20.38.030 Waivers or reductions of goals.

The Director is authorized to waive or reduce the apprenticeship participation goals on contracts. (Ord. 120794 § 231, 2002; Ord. 120181 § 122, 2000; Ord. 118834 § 1(part), 1997.)

Chapter 20.40¹

SMALL PUBLIC WORKS

For current SMC, contact
the Office of the City Clerk

Sections:

20.40.010 Small public works--Department authority to execute contracts.

20.40.020 Small Works Roster.

1. Editor's Note: Ordinance 118833 § 1, which created Section 20.40.010 suggested numbering this section as Section 20.38.010. Chapter 20.38, however, was already in use, so this section was renumbered as Chapter 20.40, Section 20.40.010.

20.40.010 Small public works--Department authority to execute contracts.

Notwithstanding the provisions of Chapters 3.04 and 20.60, the Director of Executive Administration may authorize other departments to administer and execute public works contracts that are less than or equal to Five Thousand Dollars (\$5,000). This amount shall be adjusted pursuant to and be equal to the dollar limit for direct vouchers resulting from the application of SMC 20.60.140 B to direct vouchers. Such departments shall comply with all state laws and City ordinances governing public works contracts. (Ord. 121720 § 1, 2005; Ord. 121719 § 1, 2005; Ord. 120794 § 232, 2002; Ord. 120181 § 123, 2000; Ord. 118833 § 1, 1997.)

20.40.020 Small Works Roster.

The Director of Executive Administration shall establish and administer a Small Works Roster for use on City of Seattle public works projects that meet the requirements of Revised Code of Washington (RCW) 39.04.155 and 35.22.620, as now or hereafter amended. The Director of Executive Administration shall adopt rules and regulations regarding procedures for the use of the Small Works Roster. The Director of Executive Administration may also execute interagency agreements or other contractual documents as required to establish such a Small Works Roster. (Ord. 120794 § 233, 2002; Ord. 119953 § 2, 2000.)

Subtitle III

Contracting

Chapter 20.42

EQUALITY IN CONTRACTING

Sections:

20.42.005 Short title.

20.42.010 Purpose.

20.42.020 Definitions.

20.42.030 Powers and duties of the Director.

20.42.040 Limitations on City Contracts and lease and service agreements.

20.42.050 Affirmative efforts in employment and subcontracting, non-discrimination in services required.

20.42.060 Affirmative efforts by City Contract awarding authorities required.

20.42.070 Assistance to contractors.

20.42.080 Discrimination in contracting practices and violations of this chapter prohibited.

20.42.005 Short title.

This Chapter may be referred to as the "Equality in Contracting Ordinance."
(Ord. 121717 § 1, 2005.)

20.42.010 Purpose.

The City finds that minority and women businesses are significantly under-represented and have been underutilized on City Contracts. Additionally, the City does not want to enter into agreements with businesses that discriminate in employment and the provision of services. The purpose and intent of this chapter are to provide the maximum practicable opportunity for increased participation by minority and women owned and controlled businesses, as long as such businesses are underrepresented, and to ensure that City contracting practices do not support discrimination in employment and services when the City procures public works, goods, and services from the private sector.
(Ord. 121717 § 1, 2005.)

20.42.020 Definitions.

For the purposes of this chapter:

- A. "Affirmative Efforts" means documented reasonable attempts in good faith to contact and employ women and minorities and to contact and contract with Women and Minority Businesses.
- B. "Availability" or "Available" as used in this chapter means a business that is: interested in and Capable of performing the item of work in question; and able to perform the work within the time frame required by the bid specifications or request for proposals or qualifications.
- C. "Capability" or "Capable" as used in this section means that a business appears able to perform a Commercially useful function on the item of work in question.
- D. "Commercially useful function" means the performance of real and actual services in the discharge of any contractual endeavor.
- E. "Contract" means an agreement for: public works; consulting as set forth in SMC Chapter 20.50; or supplies, material, equipment or services as set forth in SMC 20.60.100 et seq.
- F. "Contract awarding authority" means the City officer, department, commission, employee, or board authorized to enter into or to administer Contracts on behalf of the City.
- G. "Contractor" means a business that has a Contract with the City.
- H. "Department" means the Department of Executive Administration.
- I. "Director" means the Director of the Department of Executive Administration.
- J. "Women or Minority Business" means a business that is at least fifty-one (51) percent owned by women and/or minority (including, but not limited to, African Americans, Native Americans, Asians, and Hispanics) group members.
(Ord. 121722 § 16, 2005; Ord. 121720 § 1, 2005; Ord. 121717 § 1, 2005.)

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20.42.030 Powers and duties of the Director.

The Director shall have the power and duty to:

- A. Prepare and require that City contract awarding authorities use Contract specifications pertaining to:
 - 1. Equal opportunity and non-discrimination;
 - 2. Affirmative efforts to assure equality of employment and contracting opportunity, that may include, but are not limited to, employment goals for women and minorities and goals for subcontracting to Women and Minority Businesses. Any goals established under this chapter shall be reasonably achievable, however, no utilization requirements shall be a condition of contracting, except as may be allowed by RCW 49.60.400; and
 - 3. Requiring non-discrimination by the Contractor in the provision of goods and services;
- B. Prepare and require that City Contract awarding authorities utilize particular Contract specifications requiring affirmative efforts to assure equality of contracting opportunity as required by RCW 35.22.650;
- C. Advise Contract awarding authorities as to, and take action with regard to, the compliance records of prospective contractors; and report findings regarding discriminatory practices to appropriate authorities as established by pertinent ordinances, state or federal laws, or regulations affecting prospective contracts;
- D. Provide information and technical assistance to Women and Minority Businesses to increase their capacity to effectively compete for the award of government contracts and subcontracts;
- E. Assist City and community agencies to increase employment of women and minorities and increase Women and Minority Business participation on City Contracts;
- F. Develop educational and outreach programs and otherwise assist Women and Minority Businesses to compete effectively for City Contracts;
- G. Request and review relevant records, information, and documents maintained by Contract awarding authorities, Contract administering authorities, Contractors and subcontractors for the purpose of determining compliance with the requirements of this section;
- H. Enter into cooperative agreements with other public agencies to carry out the purposes of this chapter;
- I. Adopt rules and procedures in accordance with the Administrative Code of The City of Seattle (SMC Chapter 3.02) not inconsistent with this Chapter, including establishing practices and procedures that may be required for implementing 49 CFR Part 23, Subpart D2; and

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J. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.
(Ord. 121717 § 1, 2005.)

20.42.040 Limitations on City Contracts and lease and service agreements.

A. The City shall not enter into Contracts with contractors that do not agree to use Affirmative Efforts as required under this chapter or violate any provisions of this chapter.

B. The City shall not enter into lease agreements or service agreements that are not Contracts as defined in SMC 20.42.020 with persons that discriminate in employment, in the provision of public services, or in leasing practices as prohibited by law. The Director may specify appropriate language for lease and service agreements to implement the requirements of this section.

C. The Director may waive the requirements of Subsections A and B of this section when the Director determines that an emergency exists, such requirements would have a significant adverse effect on the City's interests, or there is only one (1) contractor that can satisfy the requirements of the Contract, lease agreement or service agreement.
(Ord. 121717 § 1, 2005.)

20.42.050 Affirmative efforts in employment and subcontracting, non-discrimination in services required.

Contractors entering into agreements under this chapter shall actively solicit the employment of women and minority group members. Contractors shall actively solicit bids for subcontracts to qualified, Available, and Capable Women and Minority Businesses to perform Commercially useful functions. Contractors shall consider the grant of subcontracts to women and minority bidders on the basis of substantially equal proposals in the light most favorable to Women and Minority Businesses, as may be required by RCW 35.22.650. At the request of the Department, Contractors shall furnish evidence of the Contractor's compliance with these requirements of women and minority employment and solicitation and will submit evidence of compliance with this section as part of any bid. Contractors shall provide records necessary to document: 1) Affirmative Efforts to employ women and minority group members; 2) Affirmative Efforts to subcontract with Women and Minority Businesses on City Contracts; and 3) the Contractor's non-discrimination in the provision of goods and services. Compliance with all requirements under this chapter shall be a condition of eligibility for contracting with the City.

In applying the provisions of this section to Contracts funded in whole or in part with federal funds and subject to 49 CFR Part 23, Subpart D, references to Women and Minority Businesses shall also include federally recognized disadvantaged business enterprises. In the event of a conflict between the provisions of this chapter, or the rules implementing this chapter, and the requirements of 49 CFR Part 23, Subpart D, or any other superseding applicable federal statute or regulation, the provisions of the federal statute or regulation shall control.
(Ord. 121717 § 1, 2005.)

20.42.060 Affirmative efforts by City Contract awarding authorities required.

Each Contract awarding authority shall adopt a plan, developed in consultation with the Director, to

afford Women and Minority Businesses the maximum practicable opportunity to directly and meaningfully participate on City Contracts. The plan shall include specific measures the Contract awarding authority will undertake to increase the participation of Women and Minority Businesses. Each Contract awarding authority shall make efforts to comply with any goals established in the plan for that Contract awarding authority under these provisions for public works, consultant services and procuring goods or services. The Contract awarding authority may also establish aspirational goals for the participation of Women and Minority Businesses in a particular City Contract on a case-by-case basis.
(Ord. 121717 § 1, 2005.)

20.42.070 Assistance to contractors.

The Director may offer the services and facilities of the Department to assist contractors desiring to bid on, or having been awarded a City Contract, to comply with the equal opportunity, non-discrimination, and affirmative efforts provisions for such Contract, and may offer information as to organizations and agencies available to assist such contractor in recruiting, tutoring, training, or otherwise preparing potential employees and subcontractors.
(Ord. 121717 § 1, 2005.)

20.42.080 Discrimination in contracting practices and violations of this chapter prohibited.

A. No Contractor on a City Contract shall violate the provisions of this chapter, SMC Ch. 14.04, SMC Ch. 14.10, SMC Ch. 20.45, or other local, state or federal non-discrimination laws.

B. Contractors in violation of this chapter shall be subject to debarment from City contracting activities in accordance with SMC Ch. 20.70.

C. No Contract shall be awarded to any person or business that is debarred or otherwise disqualified from doing business with the City under the provisions of this chapter, as now or hereafter amended. No Contractor shall subcontract to, or purchase supplies, materials, or services from, any person or business that is debarred or otherwise disqualified from doing business with the City under the provisions of this chapter as now or hereafter amended.

D. Action under these provisions shall be in addition to other remedies that may be available to the City under the Contract, SMC Ch. 20.45, and other laws or provisions prohibiting discrimination and requiring affirmative efforts.
(Ord. 121717 § 1, 2005.)

Chapter 20.45

CITY CONTRACTS--NONDISCRIMINATION IN BENEFITS

Sections:

20.45.010 Definitions.

20.45.020 Discrimination in the provision of benefits prohibited.

20.45.030 Limitations.

20.45.040 Powers and duties of the Director.

20.45.050 Effective date.

For current SMC, contact
the Office of the City Clerk

20.45.010 Definitions.

For the purposes of this chapter:

A. "Contract" means a contract for public works, consulting, or supplies, material, equipment or services as set forth in SMC Section 3.38.800 et seq., estimated to cost Thirty-three Thousand Dollars (\$33,000) or more in 1999, consistent with the competitive threshold requirements of, and as adjusted pursuant to, Seattle Municipal Code Sections 3.38.940 and 3.114.140.

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

C. "Department" means the Department of Executive Administration.

D. "Director" means the Director of Executive Administration.

E. "Domestic partner" means any person who is registered with his/her employer as a domestic partner, or, in the absence of such employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Department.

F. "Employee benefits" means the provision of bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

(Ord. 120794 § 240, 2002; Ord. 120181 § 130, 2000; Ord. 119748 § 1(part), 1999.)

20.45.020 Discrimination in the provision of benefits prohibited.

A. No contractor on a City contract shall discriminate in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following conditions:

1. In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
2. The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.

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Seattle Municipal Code
December 2025 code update file
Text provided for historic reference only.
See ordinances creating and amending sections for complete text, graphics, and tables and to confirm accuracy of this source file.

B. Other Options for Compliance Allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:

1. Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
2. Allow each employee to designate a legally domiciled member of the employee's household as being eligible for spousal equivalent benefits; or
3. Provide benefits neither to employees' spouses nor to employees' domestic partners.

C. Requirements Inapplicable Under Certain Conditions. The Director may waive the requirements of this chapter where:

1. Award of a contract or amendment is necessary to respond to an emergency;
2. The contractor is a sole source;
3. No compliant contractors are capable of providing goods or services that respond to the City's requirements;
4. The contractor is a public entity;
5. The requirements are inconsistent with a grant, subvention or agreement with a public agency;
6. The City is purchasing through a cooperative or joint purchasing agreement.

D. Requests for waivers of the terms of this chapter are to be made to the Department by the contract awarding authority in a manner prescribed by the Department. Decisions by the Department to issue or deny waivers are final.

E. The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this chapter.

F. No contract awarding authority shall execute a contract with a contractor unless such contractor has agreed that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter.

G. All contracts awarded by the City shall contain provisions developed by the Department prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by SMC Section 20.45.040, except as exempted by this chapter or rule.

(Ord. 119748 § 1(part), 1999.)

20.45.030 Limitations.

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The requirements of this chapter only shall apply to those portions of a contractor's operations that occur (A) within the City; (B) on real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and (C) elsewhere in the United States where work related to a City contract is being performed. The requirements of this chapter shall not apply to subcontracts or subcontractors of any contract or contractor. (Ord. 119748 § 1(part), 1999.)

20.45.040 Powers and duties of the Director.

The Director of Executive Administration shall have the power to:

A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Seattle (SMC Chapter 3.02), establishing standards and procedures for effectively carrying out this chapter;

B. Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but not limited to:

1. Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to five (5) years, and

2. Contractual remedies, including, but not limited to, liquidated damages and termination of the contract;

C. Examine contractor's benefit programs covered by this chapter;

D. Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;

E. Allow for remedial action after a finding of noncompliance, as specified by rule;

F. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

(Ord. 120794 § 241, 2002; Ord. 120181 § 131, 2000; Ord. 119748 § 1(part), 1999.)

20.45.050 Effective date.

The provisions of this chapter shall apply to any contract awarded on or after September 30, 2000. (Ord. 119748 § 1(part), 1999.)

Chapter 20.48

PUBLIC WORKS CONTRACTS--FINANCIAL REQUIREMENTS

Sections:

20.48.010 Contractor's bond required.

20.48.030 Funds to be available before entering into contract.

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the Office of the City Clerk

20.48.040 Filing of statement of contract amount.

20.48.050 Not applicable to certain local improvements.

20.48.060 Contracts in violation--Voidable.

20.48.080 Auditing authority.

Statutory Reference: For statutory provisions on contractor's bonds, see RCW Ch. 39.08; for provisions concerning prevailing wages on public works, see RCW Ch. 39.12.

20.48.010 Contractor's bond required.

Before any contract for a public work or improvement shall be valid or binding against the City, the contractor shall make, execute and deliver to the City a bond(s) that meets the requirements of RCW Ch. 39.08 as now or hereafter amended. Such bond shall be in an amount equal to not less than twenty-five (25) percent, nor more than one hundred (100) percent of the full contract price agreed to be paid for such public work or improvement. Contract Awarding Authorities shall determine whether to require bond or retainage for limited public works projects awarded under the provisions of RCW 39.04.155(3), as now or hereafter amended. If required, a bond shall name the City as obligee, and shall be filed with the City Clerk. The amount of the bond to be required of any contractor shall be (1) stated in the call for bids for the doing of the public work or improvement; or (2) if there is no call for bids, as required by the department awarding the contract. (Ord. 120782 § 1, 2002: Ord. 118833 § 5, 1997: Ord. 116368 § 248, 1992: Ord. 35902 § 1, 1916.)

20.48.030 Funds to be available before entering into contract.

Before the construction of any public work or improvement, or any part thereof, either by contract or by day labor, is authorized or begun under the direction and general supervision of the Director of Executive Administration, said Director shall obtain from the head of the City department for which such work is to be undertaken, such department head's certification that sufficient funds have been appropriated to cover the full cost and expense of completing the desired public work or improvement (which appropriations shall be identified, by ordinance number and, where appropriate, by Capital Improvement Project number, in such certification). No contract shall be entered into, nor shall the construction of such work or improvement, or any part thereof, be undertaken by said Director, unless there is a balance in the appropriation sufficient to cover such cost and expense. For contracts executed pursuant to Chapter 39.10 RCW, the Director or department head is authorized to enter into contracts without such certification, provided that no phase of any public work may be started unless sufficient funds have been appropriated to cover the full cost and expense of completing that phase.

(Ord. 120794 § 244, 2002: Ord. 120181 § 136, 2000: Ord. 118397 § 117, 1996: Ord. 118087 § 1, 1996: Ord. 116007 § 6, 1991: Ord. 46545 § 1, 1924.)

20.48.040 Filing of statement of contract amount.

Whenever the Director of Executive Administration shall award any contract for any public work or improvement, or any part thereof, or shall have determined to make such public work or improvement, or any part thereof, by day labor under such official's management, the Director shall forthwith file a statement of the amount of such contract or the estimated cost of such work, and shall enter such amount upon the books in his or her office as a preliminary charge against the appropriation made to cover the cost and expense of such work or improvement.

(Ord. 120794 § 245, 2002: Ord. 120181 § 137, 2000: Ord. 118397 § 118, 1996: Ord. 116368 § 249, 1992: Ord. 116007 § 7, 1991: Ord. 46545 § 2, 1924.)

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20.48.050 Not applicable to certain local improvements.

The provisions of Sections 20.48.030 through 20.48.060 shall not apply to local improvements, the funds for the making of which are directly or indirectly to be derived in whole or in part from assessments upon the property benefited thereby.
(Ord. 46545 § 3, 1924.)

20.48.060 Contracts in violation--Voidable.

Any contract entered into, or any obligation against the City incurred by the Director of Executive Administration in violation of the provisions of Sections 20.48.030, 20.48.040 or 20.48.050 shall be voidable at the option of the City.
(Ord. 120794 § 246, 2002; Ord. 120181 § 138, 2000; Ord. 118397 § 119, 1996; Ord. 116007 § 8, 1991; Ord. 46545 § 4, 1924.)

20.48.080 Auditing authority.

The City Auditor is authorized to audit public works contracts to determine whether required procedures were followed; the compensation or other consideration was properly paid; and the improvement or services, which were contracted for, were received in a timely manner.
(Ord. 116368 § 250, 1992; Ord. 115601 § 2, 1991.)

Chapter 20.49

BOOST PROGRAM

Sections:

- 20.49.010 Findings.
- 20.49.020 Boost for small economically disadvantaged businesses.
- 20.49.030 Scope.
- 20.49.040 Definitions.
- 20.49.050 Criteria for participation.
- 20.49.060 Certification Process.
- 20.49.070 Limitation of Certification.
- 20.49.080 Methods of providing incentive.
- 20.49.090 Violations and sanctions.
- 20.49.100 Appeals.

20.49.010 Findings.

The City Council finds the following:

- A. The success of small economically disadvantaged businesses is important to the region's overall economy, including the development of job opportunities and social mobility.
- B. Economic justice is served by enhancing opportunities for small economically disadvantaged business owners to become more skilled competitors.
- C. Through its contracting activities, the City is in a position to create important economic

incentives to use small economically disadvantaged businesses.

D. It is in the City's economic interest to provide incentives to encourage small economically disadvantaged businesses to successfully do business with, and in, the City.
(Ord. 120664 § 1, 2001; Ord. 120021 § 2, 2000.)

20.49.020 Boost for small economically disadvantaged businesses.

The Director of Executive Administration shall implement a "Boost" Program under which the City and its contractors have an incentive or requirement to make use of small economically disadvantaged businesses as prime contractors, subcontractors and suppliers on City contracts as determined by the Department.
(Ord. 120794 § 247, 2002; Ord. 120664 § 1, 2001; Ord. 119602 § 2, 1999.)

20.49.030 Scope.

The Boost Program shall apply to City public works, consulting, and procurement contracts.
(Ord. 119602 § 3, 1999.)

20.49.040 Definitions.

"Director" means the Director of Executive Administration.

"Department" means the Department of Executive Administration.

"Small economically disadvantaged business" means that a business and the person or persons who own and control it are in a financial condition which puts the business at a substantial disadvantage in attempting to compete for public contracts. In assessing these financial conditions, the Director shall substantially adopt the approach used by the federal Small Business Administration ("SBA"), provided that the SBA dollar ceilings for various standard business classifications shall be adjusted by the Director to account for local market conditions as appropriate.

(Ord. 120794 § 248, 2002; Ord. 120664 § 3, 2001; Ord. 120021 § 3, 2000.)

20.49.050 Criteria for participation.

To be certified for the Boost Program, a business must be a small economically disadvantaged business serving a commercially useful function, as determined by the Director.

(Ord. 120664 § 4, 2001; Ord. 120021 § 4, 2000.)

20.49.060 Certification process.

The Department is authorized to develop a process for certifying businesses for participation in the Boost Program. The Department may arrange, or contract for, a coordinated certification agency in cooperation with other agencies that may adopt compatible programs, as appropriate.

(Ord. 120664 § 5, 2001; Ord. 119602 § 6, 1999.)

20.49.070 Limitation of certification.

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In order to provide significant opportunities and incentives for Boost businesses to prove themselves competitive within the market, the certification of such businesses shall be limited to five (5) years or a specified contract and dollar volume of participation.
(Ord. 119602 § 7, 1999.)

20.49.080 Methods of providing incentive.

The Boost Program shall use one or more methods to create an incentive to promote the use of Boost businesses. This incentive shall be produced either through a bonus system in which the increased participation of Boost businesses is a factor in the award of contracts or a factor in compensation to the contractor, or through a set-aside system under which contractors are required to achieve a specified level of participation by Boost businesses. Where the bonus system is used, the contract shall state the maximum incentive available for Boost participation and the possible methods for making use of the incentive. Where a set-aside system is used, the contract shall state a required minimum utilization. The program may provide additional incentives for Boost businesses meeting two or more of the additional criteria for certification.
(Ord. 120021 § 5, 2000.)

20.49.090 Violations and sanctions.

A person who violates any provision of this chapter or the rules promulgated under its authority or who fails to comply with representations or commitments made to receive a benefit or qualify for an incentive under the Boost program shall be subject to sanctions including but not limited to: (a) liquidated damages, (b) withholding of funds, (c) a civil fine or penalty, (d) disqualification from eligibility for bidding on or entering into or participating, as a subcontractor or in any other manner, in a contract with the City for a period not to exceed five (5) years. The Director shall set forth the sanctions and/or liquidated damages to be imposed and the reasons therefor in a written order and shall promptly furnish a copy of the order to the contract awarding authority or contract administering authority, and shall mail a copy by certified mail, return receipt requested, to the person being sanctioned.
(Ord. 119602 § 9, 1999.)

20.49.100 Appeals.

Any person against whom sanctions have been imposed by the Director may appeal within fifteen (15) days from the date the Director's decision was mailed to the person being sanctioned, by filing a notice of appeal with the office of the Hearing examiner within forty-five (45) days after receiving the notice of appeal, the Hearing Examiner. Within forty-five (45) days after receiving the notice of appeal, the Hearing Examiner shall convene the appeal hearing. Written notice of the hearing date shall be given to the appellant and to the department at least thirty (30) days prior to the hearing. Within thirty (30) days after conclusion of the appeal hearing, the Hearing Examiner presiding at the hearing shall prepare a written decision and order. The final decision shall be filed as a public record with the City Clerk, and copies thereof mailed to each party of record and to the Director.
(Ord. 119602 § 10, 1999.)

Chapter 20.50

PROCUREMENT OF CONSULTANT SERVICES

Sections:

- 20.50.010 Definitions.
- 20.50.030 Advertising of need for Consultant services.
- 20.50.040 Consultant selection.
- 20.50.050 Notification of selection or nonselection.
- 20.50.060 Required form, terms and conditions of agreements with Consultants.
- 20.50.070 Filing of Consultant contracts.
- 20.50.080 Performance review and evaluation reports.
- 20.50.090 Requirements inapplicable under certain conditions.
- 20.50.100 Consultant rosters.
- 20.50.110 Establishment and operation of rosters.
- 20.50.120 Escalation of dollar limitations.
- 20.50.130 Retention of expert witnesses and legal counsel.

20.50.010 Definitions.

The words defined in this section shall have the meanings set forth below whenever they appear in this chapter, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular section or provision:

A. "Consultant" means any Person that by experience, training and education of the principals, officers or employees thereof has established a reputation or ability to perform specialized activities on a discrete, nonrecurring basis over a limited and pre-established term, as an independent contractor, delivering or providing for a monetary or other consideration, advice, recommendations(s), report(s), analysis(es), evaluation(s), audit(s), survey(s), or other products of cognitive processes or expert or professional services including but not limited to services from any attorney, architect, accountant, public relations advisor, dentist, physician, surgeon, psychiatrist, psychologist, veterinarian, engineer, surveyor, appraiser, planning consultant, investment counselor, and actuary; provided, that the following shall not be deemed a "Consultant":

1. Any provider of services appropriate for a service contract pursuant to SMC Ch. 20.60, Subchapter II, as amended;
2. Any expert witness retained by the Law Department in connection with anticipated or actual litigation, or by the City Council in connection with any hearing on the nomination or appointment of any individual as a municipal officer; and
3. Any person retained for legal advice when, in the determination of the Law Department, a public solicitation process would likely adversely affect the City's legal interests or the attorney-client relationship.

B. "Contract" means and includes all types of agreements between or among the City and one (1) or more Consultants, regardless of the form of the agreement, for the procurement of Consultant services, and amendments thereto.

C. "Department" means any City department, office, board, commission, council, agency or other administrative or operating part of the City, and any division or part or combination thereof.

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D. "Director" means the Director of Executive Administration.

E. "Estimated to cost" means the anticipated charges for all activities that a Consultant agrees to perform pursuant to Contract and the anticipated charges for all additional specialized activities to be performed by the Consultant under all renewals, extensions, and amendments of the Contract and under subsequent stages of the same project.

F. "Person" means individuals, businesses, associations, sole proprietors, partnerships, corporations, or limited liability companies.
(Ord. 121722 § 1, 2005; Ord. 120794 § 33, 2002; Ord. 108762 § 1, 1979.)

20.50.030 Advertising of need for Consultant services.

A. This section shall apply to any proposed Contract for Consultant services estimated to cost Twenty Thousand Dollars (\$20,000) or more, other than Contracts to Consultants on a Consultant roster.

B. Departments shall advertise for Consultant services in the City's official newspaper for at least two (2) days (which need not be consecutive). Such advertisements shall include in general terms at least a description of the services sought, the name of the concerned Department, the name and telephone number of a representative of the Department from whom additional information may be obtained, and an indication that the selection of the Consultant is subject to applicable laws and ordinances regarding equal employment opportunity.

C. Solicitations for placement on a Consultant roster shall be advertised in the same manner and with as much of the information described in subsection B of this section as practical. The Director shall determine the frequency of the solicitation advertisements for placement on a consultant roster.
(Ord. 121722 § 2, 2005; Ord. 120794 § 34, 2002; Ord. 120181 § 62, 2000; Ord. 119651 § 1, 1999; Ord. 115388 § 2, 1990; Ord. 112334 § 4, 1985; Ord. 108762 § 3, 1979.)

20.50.040 Consultant selection.

A. This section applies to Contracts estimated to cost Twenty Thousand Dollars (\$20,000) or more.

B. The selection of Consultants shall be based upon evaluation criteria relevant to the services to be provided. Departments shall select Consultants based on factors including, but not limited to, their competence and qualifications for the type of services to be provided, the consideration the City will pay for such services (except for services under Chapter 39.80 RCW), and the affirmative action/equal opportunity record of the Consultant. Departments will provide these criteria and the method by which they will evaluate responses to solicitations.

C. Department heads shall appoint and use a Consultant evaluation committee that should include, where practical, representation by women and minorities. The Consultant evaluation committee shall review the materials submitted by Consultants in response to a solicitation and shall report in writing its recommendations including, where possible, the ranking of the top five (5) Consultants evaluated. The report shall describe any measurable differences among Consultants evaluated, together with an explanation of the evaluation processes used. Thereafter, such evaluation report shall be filed with the Contract.

D. The Department head shall consider the report and recommendations of the committee in making a final selection. If the Department head chooses not to accept the recommendation of the committee, he or she shall file a written explanation to be retained with the Department's records related to the Contract.

E. Department heads shall make a good-faith effort to rotate the award of Consultant Contracts among Consultants evaluated as being equally qualified and capable of performing the desired services.

F. Departments shall not retain the same Consultant to perform accounting or auditing services, and to provide management consulting services during the term of a current Contract or within one (1) year after completion of a Contract for either type of service.

G. Departments shall not enter into a Contract with any Consultant for performance of services on a retainer basis (whether for a term of years, or from year-to-year, or on another successive arrangement) for more than five (5) consecutive years. This restriction shall not apply to:

1. A contract for services in connection with a particular project or activity although completion of the assignment may extend for more than five (5) years;
2. A retainer agreement used to establish eligibility for placement on a roster from which Consultants are selected from time to time for particular assignments; or
3. An agreement implementing a deferred compensation plan for City employees contemplated by 26 USC § 457.

(Ord. 121722 § 3, 2005; Ord. 120794 § 35, 2002; Ord. 120181 § 63, 2000; Ord. 119651 § 2, 1999; Ord. 118397 § 49, 1996; Ord. 116000 § 2, 1991; Ord. 112334 § 5, 1985; Ord. 108762 § 4, 1979.)

20.50.050 Notification of selection or nonselection.

Departments that receive a proposal from a Consultant to provide services will notify each Consultant from which it received a proposal, in writing, as to whether such Consultant was selected to provide the desired services, or qualified for placement on a certified roster.

(Ord. 121722 § 5, 2005; Ord. 116000 § 5, 1991; Ord. 112334 § 8, 1985; Ord. 108762 § 7, 1980.)

20.50.060 Required form, terms and conditions of agreements with Consultants.

Every Contract between or among the City and a Consultant shall be in writing and signed by at least one (1) authorized representative of each contracting party. Each such Contract shall include a specific and detailed description of the scope of work or services to be provided by the Consultant(s) and the products of any sort to be delivered to the City; the maximum amount of compensation to be paid and any other consideration to be provided to the parties to the Contract, together with a description of the timing and method(s) of such payment and any retainage to be held; the dates the Contract is effective and is to expire; all equal employment opportunity, women's and minority business enterprise, and affirmative action provisions required by law, ordinance, rule or regulation to be included in such Contract; the authority of the City to audit the Consultant's books and records with respect to the services to be provided, costs thereof, and compensation paid therefor; and any appropriate or required funding or other provision. All such Contracts providing compensation of a

value of Twenty Thousand Dollars (\$20,000) or more shall be subject to review by the City Attorney, for, among other things, form; the specificity of descriptions of work to be performed for and products or results to be delivered to the City; and liability, insurance, indemnification, and bonding provisions.

(Ord. 121722 § 6, 2005; Ord. 116000 § 6, 1991; Ord. 108762 § 8, 1980.)

20.50.070 Filing of Consultant contracts.

Departments shall file one (1) complete copy of each Consultant Contract with original signatures with the City Clerk or such official's functional successor following execution by all parties. A copy of such Contract shall be provided by the concerned Department to the Director upon request.

(Ord. 121722 § 7, 2005; Ord. 120794 § 38, 2002; Ord. 120181 § 66, 2000; Ord. 118397 § 52, 1996; Ord. 116000 § 7, 1991; Ord. 108762 § 9, 1980.)

20.50.080 Performance review and evaluation reports.

Departments shall prepare a written Consultant evaluation report in accordance with any procedures or directives made by the Director.

(Ord. 121722 § 8, 2005; Ord. 120794 § 39, 2002; Ord. 120181 § 67, 2000; Ord. 118397 § 53, 1996; Ord. 116368 § 74, 1992; Ord. 116000 § 8, 1991; Ord. 108762 § 10, 1980.)

20.50.090 Requirements inapplicable under certain conditions.

The provisions requiring and related to a formal advertised competitive selection process in this chapter shall be inapplicable in the following circumstances:

- A. When a Department head determines that such provisions would adversely affect the City's interests either because an emergency exists or because compliance with such provisions would have a significant adverse effect. The Department head shall file a written explanation of the determination with the Contract.
- B. When a Department head determines that only one (1) Consultant is available with the expertise required to provide the services desired. The Department head shall file a written explanation of the determination with the Contract.
- C. Whenever services are obtained for the City through cooperative and/or joint agreements with any state or governmental agency or subdivision thereof, or any other governmental unit or any public benefit nonprofit corporation.

(Ord. 121722 § 9, 2005; Ord. 120794 § 40, 2002; Ord. 120181 § 68, 2000; Ord. 118397 § 54, 1996; Ord. 116000 § 9, 1991; Ord. 112334 § 9, 1985; Ord. 108762 § 11, 1980.)

20.50.100 Consultant rosters.

The Director, in conjunction with interested Departments, may establish rosters of qualified Consultants for the use by any Department for skills or services in specialized areas of knowledge or experience. A Department may contract with a Consultant on the appropriate roster for assignments or projects within the described specialty without soliciting proposals as previously set forth in this chapter as long as: (A) each

Contract is estimated to cost no more than the amount established pursuant to SMC Section 20.50.110; and (B) the Department has determined that its needs can be fully met without soliciting proposals through public advertising.

(Ord. 121722 § 11, 2005; Ord. 120794 § 44, 2002; Ord. 120181 § 71, 2000; Ord. 119651 § 5, 1999; 118397 § 57, 1996; Ord. 117583 § 1, 1995; Ord. 116000 § 13, 1991; Ord. 113797 § 2, 1987; Ord. 112334 § 1(part), 1985.)

20.50.110 Establishment and operation of rosters.

These provisions apply to the establishment, maintenance, and use of Consultant rosters:

A. Establishment and Duration.

1. The Director, in conjunction with participating Departments, shall establish Consultant rosters based on the different consultant skills or services that the City is likely to need during the effective time of the Consultant rosters.
2. The Director, in conjunction with participating Departments, shall issue Requests for Qualifications ("RFQ(s)") to establish Consultant rosters for use by any Department. At a minimum, the RFQ shall describe the skills or services needed by the City; the minimum qualifications to be placed on the particular Consultant roster; the roster contract dollar limits; the expected duration of the roster, if known; standard contract terms and conditions, if any; and a description of the process to be used for selecting Consultants off of the roster.
3. A Consultant roster shall remain in effect until such time as the Director determines it is in the best interests of the City to disestablish the roster. Departments may petition for the establishment or disestablishment of a roster, or a roster category where the existing rosters or roster categories do not meet the needs of the Department.

B. Opportunities for Small Business. Whenever fifteen (15) or more Consultants qualify as "small business concerns" in a single roster category, the category shall consist only of those Consultants who are eligible to be classified as a "small business concern." If fourteen (14) or fewer such Consultants are qualified, Consultants for that roster category shall be selected without regard to their eligibility under the small business criteria. A Consultant may evidence its qualification as a "small business concern" by:

1. Showing its qualification as a Small Business under the Small Business Act of the United States, 15 USC Section 632, and its implementing regulations, 13 CFR Part 121 or any successor legislation or regulations; or
2. Showing certification as defined in any City program designed to encourage the utilization of small businesses.

C. Limitations.

1. A Department may contract with the Consultants on the roster for projects estimated to cost no more than Two Hundred Thousand Dollars (\$200,000) as adjusted in Section 20.50.110 C2.

2. A Department may amend any roster Contract for additional work related to the original roster Contract up to a total Contract amount of Two Hundred Fifty Thousand Dollars (\$250,000).

3. Each Department may only use a certified roster Consultant up to a maximum amount of Four Hundred Thousand Dollars (\$400,000) per year, per roster category.

D. Deletion From a Roster. The Director may delete a Consultant from the City's certified roster program at his or her discretion.

E. Adding to a Roster. During the existence of a roster, the Department of Executive Administration will perform, with assistance as needed from participating Departments, ongoing evaluations of any new Consultant application to a roster. All Consultants found to be qualified for a Consultant roster category will be added to that roster, except as a roster category may be limited to small businesses and except as a Consultant may be removed from the roster at the discretion of the Director.

F. Use of Roster Consultants Not Required. Placement on a Consultant roster makes a Consultant eligible for consideration and possible selection by a participating Department for providing services. Placement on a roster does not guarantee any Consultant any Contract for any amount. In addition, the City reserves the power to amend or repeal this chapter and to change or discontinue the roster system at any time.

G. Evaluation Criteria. Consultants shall be evaluated for placement on a roster on the basis of the ability of the Consultant to perform the work or service that the roster category was created for and to meet the minimum qualifications set forth in the request for qualifications.
(Ord. 121722 § 12, 2005; Ord. 120794 § 45, 2002; Ord. 120181 § 72, 2000; Ord. 119651 § 6, 1999.)

20.50.120 Escalation of dollar limitations.

All monetary amounts referenced in this chapter shall be annually adjusted hereafter by the Director, immediately following publication of the preceding year's annual Consumer Price Index for all urban consumers Seattle-Tacoma-Bremerton metropolitan area, All Items, (1982-84 = 100), or a successor index thereto, as determined by the U.S. Department of Labor, Bureau of Labor Statistics. The intent of this adjustment is to eliminate the effects of inflation or deflation on purchasing power and the authority granted by this chapter. All such monetary amounts, as adjusted, shall be rounded upwards to the nearest thousand dollars.
(Ord. 121722 § 13, 2005; Ord. 120794 § 43, 2002; Ord. 120181 § 70, 2000; Ord. 119651 § 4, 1999; Ord. 118397 § 56, 1996; Ord. 116000 § 12, 1991; Ord. 112334 § 10, 1985; Ord. 108762 § 14, 1980.)

20.50.130 Retention of expert witnesses and legal counsel.

A. In retaining any provider of legal advice or any expert witness in connection with anticipated or actual litigation, the Law Department, consistent with the City's legal interests, shall make reasonable efforts in good faith to contact and retain women and minorities, notwithstanding any other provision of this chapter.

B. The Law Department shall report back to the Finance and Budget Committee of the Seattle City Council once per year in 2006 and 2007 the number of times that it has retained any person for legal advice without a public solicitation process as permitted under Section 20.50.010 A 3 of this chapter.

(Ord. 121722 § 14, 2005.)

Chapter 20.60¹

PURCHASING AND PROCUREMENT

1. Editor's Note: Section 1 of Ordinance 121720 redesignated Chapter 3.04 Subchapters II and III (SMC 3.04.100 through SMC 3.04.226) of the Seattle Municipal Code as Chapter 20.60 of the Seattle Municipal Code. For purposes of classification and expansion of the Seattle Municipal Code, Chapter 20.60 has been further divided into Subchapters I through III at the editor's discretion.

Sections:

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Subchapter II Purchases

- 20.60.100 Purchasing powers.
- 20.60.101 Definition.
- 20.60.102 Compliance by City officers and employees--Exceptions.
- 20.60.106 Competitive bidding--Cost over \$30,000.
- 20.60.108 Zoo animals and specimens.
- 20.60.110 Expenditures under \$30,000.
- 20.60.112 Open market purchases where bidding is impractical.
- 20.60.114 Emergency purchases.
- 20.60.116 Items purchased by published price list.
- 20.60.118 Leasing or rental of equipment.
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- 20.60.122 Inspection of deliveries.
- 20.60.124 Reports of supplies on hand--Sale or transfer of surplus.
- 20.60.126 Testing of samples.
- 20.60.130 Examination of requisition--Brand and trade names.
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Subchapter III Recycled Content Product Procurement Program

- 20.60.200 Purpose.
- 20.60.202 Definitions.
- 20.60.204 Policies.
- 20.60.206 Annual report.
- 20.60.207 Reusable products.
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- 20.60.212 Requirements for purchase contracts.
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- 20.60.216 Vendor certification of recycled material content.
- 20.60.218 Rules and regulations for procurement of paper and paper products including the following provisions.
- 20.60.220 Requirements and procedures for designation and procurement of other recycled-content products and recyclable products.
- 20.60.222 Capital improvement projects and construction contracts.
- 20.60.224 Responsibilities of the Director.
- 20.60.226 Exemptions.

Subchapter I

In General (Reserved)

Subchapter II

Purchases

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20.60.100 Purchasing powers.

Except as otherwise provided in this subchapter, the Director of Executive Administration shall purchase, sell or transfer, contract for, rent or lease all supplies, materials, equipment, and services other than expert and consultant services needed by various departments of the City government, referred to in this subchapter as "using" agencies; provided, that the Director of Executive Administration is authorized to enter into cooperative and/or joint agreements with any state or governmental agency or subdivision thereof, or any other governmental unit or any public benefit nonprofit corporation for the purchase of such supplies, materials, equipment, and services under the purview of this chapter; provided, further, that such public benefit nonprofit corporation is an agency that is receiving local, state, or federal funds either directly or through a public agency; provided, further, that purchases made pursuant to any such agreement shall be separately invoiced to the respective purchasers in accordance with the purchases made by each; and provided, further, that each such purchaser shall be responsible for payment for its own purchases only. Purchases made for the City under a purchasing contract executed by a state, or agency or subdivision thereof, or by another governmental unit or public benefit nonprofit corporation shall be exempt from the competitive bidding and related requirements of Section 20.60.106.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 28, 2000; Ord. 118338 § 9, 1996; Ord. 116007 §§ 10, 27(part), 1991; Ord. 102151 § 2, 1973.)

20.60.101 Definition.

As used in this subchapter, "Director" shall mean the Director of Executive Administration.
(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002.)

20.60.102 Compliance by City officers and employees--Exceptions.

No city officer or employee shall have the authority to order or contract for the purchase of any supplies, materials, equipment, or service within the purview of this subchapter except through, or in accordance with rules and regulations prescribed by the Director and no order or contract made contrary to the provisions of the subchapter shall be approved by the Director or any subordinate thereof or be binding upon the City; provided, that contracts for services in connection with public works and construction, or by consultants pursuant to SMC Chapter 20.50, and all contracts for services in connection with the acquisition of real property and property rights, processing of claims and all litigation of the City or in which the City or any of its departments may be interested, shall be exempt from the requirements of this section.

(Ord. 121722 § 16, 2005; Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 29, 2000; Ord. 118397 § 19, 1996; Ord. 117159 § 7, 1994; Ord. 116007 §§ 11, 27(part), 1991; Ord. 112044 § 1, 1984; Ord. 111829 § 1, 1984; Ord. 102151 § 3, 1973.)

20.60.106 Competitive bidding--Cost over \$30,000.

A. Except in emergencies provided for in this subchapter, all expenditures for supplies, materials, equipment, and services within the purview of this subchapter the estimated cost of which is in excess of Thirty Thousand Dollars (\$30,000) per requisition shall be made on written contract entered into upon the basis of competitive bids and are subject to the preferences provided by SMC Section 20.60.210. Notices inviting sealed competitive bids shall be published at least once in the City official newspaper, and at least five (5) calendar

Seattle Municipal Code
December 2005 code update file
Do not use for legal reference only.
Text from the 2005 code update file.
See Ordinance creating and amending
and the 2005 code update file.
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days must intervene between the date of the last publication and the final date for submitting the bids; provided, that purchases of patented or proprietary items available from a single source, or purchases or contracts for services within the purview of this subchapter where competitive bidding is deemed impracticable by the Director, shall be exempt from the competitive bidding requirements of the section; provided, further, that the purchase of supplies, materials, and equipment to be resold by the using agency may be negotiated for by the Director when, in his or her judgment, the lowest and best price can be obtained by such negotiation.

B. All such bids shall be submitted sealed to the Director and shall be accompanied by surety in such form and amount as shall be prescribed by the Director in the notice inviting bids.

C. The bids shall be opened in public at the time and place stated in the notice inviting bids. No bids will be considered which arrive at the place of bid opening at any time later than the time specified in the notice inviting bids. After examination and tabulation by the Director, all bids may be inspected by the competing bidders. The Director may reject any or all bids, or part of bids, and shall state in writing and keep a record of the reason or reasons for such rejection, which record shall be open to public inspection. Otherwise the Director shall award the contract to the lowest and best bidder, or in the case of multiple awards to the lowest and best bidders. In determining the lowest and best bidder, the Director may consider such factors, among others, as quality, delivery terms, and service reputation of the vendor.

D. An Invitation to Bid may specify that life cycle costing will be used either as the exclusive basis for evaluating bids or on an alternative basis. If sufficient life cycle cost information is readily available, the Director shall consider the life cycle cost in determining the lowest and best bid in accordance with the Invitation to Bid. "Life cycle cost" means the total cost to the City of the supplies, materials, or equipment procured over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal as far as these costs can be reasonably determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" means the estimated time from the date of acquisition to the date of replacement or disposal, determined in a reasonable manner.

E. When in the judgment of the Director, bids require further information and analysis for the purpose of determining the lowest and best bidder, he/she may request that bidders provide pertinent information, and on receipt thereof may negotiate with one (1) or more bidders and award such contract to the lowest and best bidder as determined by such negotiation.

F. When two (2) or more low bids received are for the same total amount or unit price, the Director may allow such tied bidders to offer a lower price or may make such purchase in the open market at a price not exceeding such bid price.

G. The Director may require, before any contract is executed, that the successful bidder furnish a performance bond in such amount as said official shall find reasonable and necessary, which requirement shall be stated in the notice inviting bids. All surety bonds shall be subject to approval as to form by the City Attorney. If the successful bidder does not enter into a contract and file any required surety within ten (10) days after the award, such bidder shall forfeit the surety which accompanied its bid. A copy of each contract covering a term of three (3) months or more together with any required surety for performance thereof, shall be filed with the City Clerk.

H. As authorized by RCW 39.30.040, for determining the lowest and best bidder, the Director shall

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take into consideration the tax revenues derived by the City from its business and occupation or utility taxes (Seattle Municipal Code Chapters 5.45 and 5.48) and its sales and use taxes (Seattle Municipal Code Chapter 5.60) from the proposed purchase.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120668 § 25, 2001; Ord. 120181 § 30, 2000; Ord. 118397 § 20, 1996; Ord. 118338 § 1, 1996; Ord. 117242 § 2, 1994; Ord. 117159 § 8, 1994; Ord. 116270 § 1, 1992; Ord. 116131 §§ 1, 2, 1992; Ord. 116007 §§ 13, 27(part), 1991; Ord. 116004 § 1, 1991; Ord. 113501 § 1, 1987; Ord. 110009 § 1, 1981; Ord. 105150 § 1, 1975; Ord. 104710 § 1, 1975; Ord. 102151 § 5, 1973.)

Cases: In letting a contract pursuant to City's competitive bidding law, Purchasing Agent did not have the right, after the bid opening, to negotiate with an individual bidder to lower the bidder's bid price without giving the same opportunity to all bidders. **Platt Elec. Sup., Inc. v. City of Seattle**, 16 Wn.App. 265, 555 P.2d 421 (1976).

20.60.108 Zoo animals and specimens.

The Director shall effect acquisition or disposal by sale, purchase, trade, exchange, or loan, of all zoo animals and other zoo specimens and where competitive bidding is deemed impracticable by the Director, such acquisition or disposal shall be exempt from the competitive bidding requirements of this subchapter and the same may be effected by negotiated agreements by the Director in cooperation with the Superintendent of Parks and Recreation in accordance with such procedures as may be established by the Director.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 31, 2000; Ord. 118397 § 21, 1996; Ord. 116007 §§ 14, 27(part), 1991; Ord. 104710 § 2, 1975; Ord. 102151 § 5A, 1973.)

20.60.110 Expenditures under \$30,000.

All expenditures for supplies, materials, equipment, and services within the purview of this subchapter, the estimated cost of which will not exceed Thirty Thousand Dollars (\$30,000) per requisition may be made in the open market; provided, that to the extent possible, the Director or his or her designated representative shall endeavor to obtain from prospective vendors at least three (3) competitive bids, and shall award such purchase to the lowest and best bidder, subject to the preferences provided by SMC Section 20.60.210. The Director or his or her designated representative may, in his or her discretion, determine the lowest and best bidder for expenditures under Thirty Thousand Dollars (\$30,000) per requisition by the same criteria as used for larger purchases. When the Invitation to Bid so specifies, and if sufficient life cycle cost information is readily available, the Director shall consider the life cycle cost in determining the lowest and best bidder in accordance with the Invitation to Bid.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 32, 2000; Ord. 118397 § 22, 1996; Ord. 118338 § 2, 1996; Ord. 117159 § 9, 1994; Ord. 116270 § 2, 1992; Ord. 116131 § 3, 1992; Ord. 116007 § 15, 1991; Ord. 116004 § 2, 1991; Ord. 110009 § 2, 1981; Ord. 102151 § 6, 1973.)

20.60.112 Open market purchases where bidding is impractical.

The Director or his or her designated representative may secure in the open market without bids any supplies, materials, equipment, or services within the purview of this subchapter, the cost of which will not exceed Five Thousand Dollars (\$5,000) per item, when the delay and expense of handling bids on small purchases would not be advantageous to the City. The Director may delegate any or all of the powers in this section to other departments at his or her discretion.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 33, 2000; Ord. 118833 § 4, 1997; Ord. 118397 § 23, 1996; Ord. 118338 § 3, 1996; Ord. 116007 §§ 16, 27(part), 1991; Ord. 102151 § 7, 1973.)

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20.60.114 Emergency purchases.

In case of an emergency which requires immediate purchase of supplies, materials, equipment, or services within the purview of this subchapter the Director or such other City officers or employees authorized by ordinance or rule to act in such event may make such purchases in the open market without advertisement at the best obtainable price regardless of the amount of the expenditure; and in determining the best price, such factors, among others, as quality, delivery terms, and service reputation of the vendor, may be considered; provided, that expenditures amounting to more than Ten Thousand Dollars (\$10,000) per requisition shall be based on written contract; and provided, further, that a full explanation of the circumstances of such emergency shall be filed by the using agency with the Director.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 34, 2000; Ord. 118397 § 24, 1996; Ord. 116007 §§ 17, 27(part), 1991; Ord. 102151 § 8, 1973.)

20.60.116 Items purchased by published price list.

In the purchase of supplies, materials, equipment or services needed continuously or repeatedly, including catalog or standard production items, the price of which is determined by published price lists, the Director may enter into "open-end," "blanket-order," or "price-agreement" contracts.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 35, 2000; Ord. 118397 § 25, 1996; Ord. 116007 §§ 18, 27(part), 1991; Ord. 102151 § 9, 1973.)

20.60.118 Leasing or rental of equipment.

The leasing and renting of equipment by the using agencies shall be contracted for by the Director, subject, where practicable, to competitive bidding.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 36, 2000; Ord. 118397 § 26, 1996; Ord. 116007 §§ 19, 27(part), 1991; Ord. 102151 § 10, 1973.)

20.60.120 Repair or maintenance of equipment.

In the repairing or maintenance of City equipment where the City is not equipped or able to perform the work, and when it is impossible to estimate the repairs necessary until such equipment is dismantled, the Director may award a contract or contracts to those responsible firms that he or she is convinced can do satisfactory repairing.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 37, 2000; Ord. 118397 § 27, 1996; Ord. 116007 §§ 20, 27(part), 1991; Ord. 102151 § 11, 1973.)

20.60.122 Inspection of deliveries.

A. The Director shall be responsible for the inspection of all deliveries of supplies, materials, equipment, and services within the purview of this subchapter, and the acceptance thereof as to conformance with the specifications set forth in the order or contract.

B. To facilitate such inspection, personnel employed by the using agencies and having assigned responsibility for receiving supplies, materials, equipment, and services may be designated as representatives of the Director to make inspections and accept deliveries in accordance with rules and regulations prescribed by

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the Director.

C. All such supplies, materials, equipment or services shall be received for by an authorized Department receiving clerk or by such designated representative in the using agency, and a written report of such receipt shall be transmitted to the Director. No payment shall be made for any such supplies, materials, equipment, or services unless the same have been received and a written report thereof has been made as provided in this section.

D. The return or exchange of any merchandise received by a using agency shall be handled directly through a Department receiving clerk or such a designated representative in the using agency, who shall obtain a credit memorandum from the firm which originally supplied the merchandise.

E. Invoices issued against such supplies, materials, equipment, leases, rentals, repairs, or services shall be submitted to the Director, who shall approve the same as to price, delivery, or work performed before any voucher for payment shall be issued.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 38, 2000; Ord. 118397 § 29, 1996; Ord. 116007 §§ 21, 27(part), 1991; Ord. 102151 § 12, 1973.)

20.60.124 Reports of supplies on hand--Sale or transfer of surplus.

A. All using agencies shall submit to the Director, at such times and in such form as he or she shall prescribe, reports showing stocks of supplies, materials and equipment on hand awaiting use. When any stock is surplus or no longer of use to any using agency, the Director may transfer it to another or other agencies which have need for it, subject to adjustment between the agencies concerned. The Director may sell all supplies, materials, and equipment not needed for public use or that may have become unsuitable for public use; provided, that, except for computer equipment disposed of under subsection B, any such sale shall be based on competitive bids in the same manner required for purchases unless the Director shall determine competitive bidding to be impracticable.

B. Notwithstanding any other provision of this code, the Director, the Director of the Department of Human Services, and the Director of the Department of Neighborhoods may dispose of surplus computer equipment in accordance with Ordinance 119145 as it now exists or as it may hereafter be amended.
(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 39, 2000; Ord. 119145 § 6, 1998; Ord. 118397 § 29, 1996; Ord. 116007 §§ 22, 27(part), 1991; Ord. 102151 § 13, 1973.)

20.60.126 Testing of samples.

The Director may prescribe chemical and physical tests of samples submitted with bids and samples of deliveries to determine their quality and conformance with the City's specifications. These tests may include tests which evaluate a product's ability to meet recycled content standard product specifications established in SMC Section 20.60.208. In the performance of such tests, the Director may use private testing laboratories. The costs of such tests shall be charged to the appropriate budget allowance of the using agency on whose behalf such test is made.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 40, 2000; Ord. 118397 § 30, 1996; Ord. 116270 § 3, 1992; Ord. 116131 § 4, 1992; Ord. 116007 §§ 23, 27(part), 1991; Ord. 102151 § 14, 1973.)

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20.60.130 Examination of requisition--Brand and trade names.

A. It shall be the duty of the Director to examine each requisition and specification submitted by any using agency and determine whether the same is clear and may be readily understood by prospective bidders and provides a sound basis for competitive bidding. When, in the judgment of the Director, any requisition or specification is vague, ambiguous or unduly restricts competitive bidding, he or she shall return the same to the using agency for clarification or modification.

B. The Director shall avoid, to all practicable extent, the use of brand or trade names as criteria for procurement of supplies, materials, equipment and services when, in his or her judgment, such purchases can be accomplished to the greater advantage of the City through use of general specifications. (Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 41, 2000; Ord. 118397 § 31, 1996; Ord. 116007 §§ 25, 27(part), 1991; Ord. 102151 § 16, 1973.)

20.60.132 Contracting with sheltered workshops--Exemption.

Pursuant to and in accordance with RCW 39.23.005 and RCW 39.23.020, and notwithstanding the provisions of SMC Section 20.60.106, the Director is hereby authorized to directly negotiate, and without competitive bidding, to contract with qualified sheltered workshops for purchase of products manufactured or provided by sheltered workshops and programs and for the provision of janitorial services for City-owned facilities. Such purchases shall be at the fair market price of such product and services as determined by the City.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 42, 2000; Ord. 118397 § 32, 1996; Ord. 117146 § 1, 1994; Ord. 116007 §§ 26, 27(part), 1991; Ord. 114738 § 1, 1989.)

20.60.140 Escalation of dollar limits.

A. As of January 1, 1997, all monetary amounts specified in Sections 20.60.106 and 20.60.110 shall be annually adjusted hereafter by the Director, consistent with the formula described in SMC Section 20.50.120 for adjustment of the consultant selection threshold, so that the thresholds for competitive bidding for purchases and the consultant selection threshold are maintained at the same amount.

B. As of January 1, 1997, the monetary amounts specified in Section 20.60.112 shall be adjusted every five (5) years by the Director immediately following publication of the preceding year's annual Consumer Price Index for all urban consumers Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, to eliminate the effects of inflation or deflation on purchasing power and the authority granted by this subchapter. Such monetary amount, as adjusted, in Section 20.60.112 shall be rounded upwards to the nearest Thousand Dollars (\$1,000). (Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 43, 2000; Ord. 118397 § 33, 1996; Ord. 118338 § 4, 1996.)

Subchapter III

Recycled Content Product Procurement Program

20.60.200 Purpose.

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The purpose of this program is to:

- A. Substantially increase the procurement of reusable products, recycled content products and recyclable products by all departments, providing a model to encourage comparable commitment by Seattle citizens and businesses in their purchasing practices;
- B. Target procurement of products made from recycled materials for which there are significant market development needs or that may substantially contribute to the use of locally recycled materials;
- C. Adopt content standards for recycled content and recyclable products for use in procurement programs by all departments;
- D. Provide the Director with the necessary authority to adopt preferential purchasing policies for recycled content and recyclable products, including price preferences and set-asides.
(Ord. 121720 §§ 1, 2, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 44, 2000; Ord. 118397 § 34, 1996; Ord. 116270 § 4(part), 1992.)

20.60.202 Definitions.

1. "City solid waste stream" means any solid waste created or generated within City limits whether residential or nonresidential.
2. "Content standards" means standards adopted by the Director pursuant to SMC 20.60.208 for the purpose of specifying content requirements that must be satisfied before a product may be deemed a recycled content product or a recyclable product. The content standards may address categories of products or particular products.
3. "Contractor" means persons or companies contracting with the City for the purchase of any supplies, materials, equipment or service. This definition does not include contracts for services in connection with:
 - a. The acquisition of real property and property rights;
 - b. Processing of claims; and
 - c. All litigation of the City or in which the City or any of its departments may be interested.
4. "Local recycled content product" means such product or products that are derived from recycled materials recovered from City solid waste, provided the material used in the manufacture of such products can be reasonably traced back to its generation within City limits. Such products must contain a minimum of twenty-five (25) percent recycled materials except in those cases where the U.S. Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. Section 6901 et seq.) ("RCRA"). In those cases, the minimum content of recycled material shall not be less than specified in the most current adopted issue of those guidelines.

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5. "Paper and paper products" means all items manufactured from paper or paperboard.

6. "Post-consumer waste" means solid waste, including yard waste, that has passed through its end use as a consumer item and is suitable as feedstock in product manufacture.

7. "Purchase contract" means any contract or order which is duly authorized and awarded or entered into by the Director or a department for the purchase of tangible goods.

8. "Recyclable product" means a product or package made from a material for which curbside or drop-off collection systems are in place for a majority of City residents or businesses, to divert from City solid waste for use as a raw material in the manufacture of another product or the reuse of the same product.

9. "Recycled content product" means a product containing a minimum of twenty-five (25) percent recycled materials except in those cases where the U.S. Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. Section 6901 et seq.). In those cases, the minimum content of recycled material shall not be less than specified in the most current adopted issue of those guidelines.

10. "Recycled materials" means post-consumer waste or secondary waste that has been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product.

11. "Reusable product" means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ballpoint pen.

12. "Secondary paper waste" means paper waste generated after the completion of a paper or paper product making process, such as envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, bud rolls, mill wrappers, and obsolete inventories, rejected unused fibrous waste generated during the manufacturing process such as fibers recovered from waste or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

13. "Secondary waste" means waste resulting from a part of a manufacturing process that, unless incorporated as a feedstock in product manufacture, must be disposed of as solid or hazardous waste.

14. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-304-015, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. This includes all public, private, industrial, commercial, mining and agricultural operations. Unrecovered residue from recycling operations shall be considered solid waste.

15. "USEPA product standards" means the product standards of the United States Environmental Protection Agency published in the Code of Federal Regulations, Title 40, Chapters 248 through 253. (Ord. 121720 §§ 1, 3, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 45, 2000; Ord. 118397 § 35, 1996; Ord. 116270 § 4(part), 1992.)

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20.60.204 Policies.

A. All departments shall use, where practicable, reusable products, recycled content products and recyclable products. The term "practicable" shall mean that the product performs adequately for its intended use and is available at a fair and reasonable price.

B. The City shall require, whenever practicable, its vendors, contractors and consultants to use recycled content paper on all documents submitted to the City. In addition, the City shall require, whenever practicable, its vendors, contractors, and consultants to use reusable products, recycled-content products and recyclable products. Failure of a vendor, contractor, or consultant to specify how it will comply this requirement may cause the City to determine that a bid is non-responsive.

C. The City shall maintain minimum content standards for the purchase of designated products, as consistent with USEPA and Washington State products and standards.

D. The Director may use recycled material content as a factor in determining the lowest and best bid in its procurement of goods and materials.

E. The Director shall promote the use of recycled content products and recyclable products to potential vendors to the City by publicizing that the City emphasizes the use of environmentally preferable products by its contractors.

F. The Director, through the procedures set forth in SMC Chapter 3.02, is authorized to establish guidelines or rules to further the intent of this section and ordinance.

G. This section shall apply equally to the Director and any department when it acts to acquire any aspects of public works for the City.

H. These policies are intended to be compatible with the strategies and standards of the City's environmental management and sustainable purchasing programs.

I. Existing procurement policies and specifications shall be revised to include recycled content products or recyclable products unless the products do not meet an established performance standard of a department. In such situations, a department must provide the Director with satisfactory evidence that, for technical reasons, and for a particular end use, a product containing such materials will not meet reasonable performance standards.

(Ord. 121720 §§ 1, 4, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 46, 2000; Ord. 118397 § 36, 1996; Ord. 116726 § 1, 1993; Ord. 116270 § 4(part), 1992.)

20.60.206 Annual report.

The Director shall provide an annual report to the City Council each year on the status of buy recycled activities. This report shall include data on the City's purchases of recycled content products, recyclable products, and reusable products. The Director may require periodic reporting by other departments to the Department of Executive Administration for the purpose of developing this report.

(Ord. 121720 §§ 1, 5, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 47, 2000; Ord. 118397 § 37, 1996;

Ord. 116726 § 2, 1993; Ord. 116270 § 4(part), 1992.)

20.60.207 Reusable products.

A. City departments shall purchase reusable products including but not limited to office furniture and partitions, removable wall systems, laser printer toner cartridges and retreadable tires. (Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 48, 2000; Ord. 116726 § 3, 1993.)

20.60.208 Standards for recycled content.

A. The Director shall adopt standards that specify minimum recycled content, recyclability, reusability, or other aspects of environmental preferability, consistent with the U.S. Environmental Protection Agency ("USEPA"). Washington State standard, and any City environmental management plan. In no case shall these standards be less stringent than USEPA standards. In addition, the Department may adopt standards for products that have not been addressed by USEPA or Washington State. The standards shall place primary emphasis upon the percentage of post-consumer waste content and the recyclability of the product.

1. Recycled content product. The content standards shall address required amounts of recycled materials. The content standards may break down recycled materials into specified required amounts of post-consumer waste and secondary waste. The required amount of recycled materials shall be:
 - a. For all products for which the USEPA adopts procurement guidelines under RCRA, the required amount of recycled materials shall be at least that amount as specified in the guidelines and shall change as the guidelines are updated and adopted.
 - b. For all other products, the amount of recycled materials shall be at least twenty-five (25) percent of all materials contained in the product.

The content standards may address other items as deemed appropriate by the Director.

B. The recyclability of a material shall be determined by whether or not in-City collection systems are in place to divert the material from City solid waste for use as a raw material in the manufacture of another product or the reuse of the same product. The existence of regional markets and identifiable end uses for a material shall also be taken into consideration when determining the recyclability of a material.

C. The Director shall consult with the appropriate departments regarding technical and performance specifications for products in those situations where a department has specific expertise in the use of the product or the establishment of the product's performance specifications.

D. The standards and specifications established pursuant to this section shall guide product purchasing by the Director and all departments.

E. Standards established pursuant to this section shall be developed for any additional products for which either Washington State or USEPA recycled-content standards are developed in the future. In addition, the Director may, at his or her discretion, adopt content standards for products for which standards have not

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been established by Washington State or the USEPA.

(Ord. 121720 §§ 1, 6, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 49, 2000; Ord. 118397 § 38, 1996; Ord. 116726 § 4, 1993; Ord. 116270 § 4(part), 1992.)

20.60.210 Price preference.

A. The Director shall adopt rules for applying a price preference toward the purchase of recycled-content products. The rules shall be applicable to purchases by the Director and all departments for those products identified in this subchapter, as well as for other products for which content standards are developed according to SMC Section 20.60.208. The rules shall include a maximum price preference of ten (10) percent of the lowest and best bid or price quoted by suppliers offering products without recycled content for recycled content products (as defined in SMC Section 20.60.202), unless the Director determines that a different price preference is warranted based upon factors such as the prevailing market price, product availability, and product quality. The rules shall include a price preference of fifteen (15) percent of the lowest and best bid or price quoted by suppliers offering products without recycled content, for local recycled-content products (as defined in SMC Section 20.60.202) unless the Director determines that a different preference is warranted based upon factors such as the prevailing market price, availability and product quality.

B. A price preference shall be applied only to those bids where a nonrecycled content product is determined to have the lowest and best bid and similar products with recycled content have also responded to the bid. Where the Director determines that the purchase of a recycled-content, recyclable or reusable product is practicable as defined in SMC Section 20.60.204, a price preference shall not be applied. Upon determination that the purchase of such a product is practicable, the Director shall require that recycled content, recyclability or reusability be required as specifications in any invitations to bid for that product.

(Ord. 121720 §§ 1, 7, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 50, 2000; Ord. 118397 § 39, 1996; Ord. 116270 § 4(part), 1992.)

20.60.212 Requirements for purchase contracts.

A. The Director shall use the standards, procedures, and criteria specified in this chapter in conjunction with other factors as authorized by Charter¹ and ordinance. If a bidder, in response to any invitation to bid, offers to supply the City with one (1) or more recycled-content or recyclable products, the Director shall reduce the actual bid amount for each such product by the applicable price preference developed pursuant to SMC Section 20.60.210. The reduced bid amount for each such product shall be used only for purposes of determining the lowest and best bid. However, nothing in this subchapter shall preclude the Director from requiring local recycled content, recycled content or recyclable content as specifications in invitations to bid for any products. The Director may adopt specifications requiring that only local recycled-content products, recycled-content products or recyclable-content products be responsive even though the cost of such goods exceeds ten (10) percent of the price of equivalent products without recycled content.

(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 51, 2000; Ord. 118397 § 40, 1996; Ord. 116270 § 4(part), 1992.)

1. Editor's Note: The Charter is set out at the front of the Seattle Municipal Code.

20.60.214 Bid notification.

A statement regarding the Director's or a department's intent to procure recycled-content products or recyclable-content products must be prominently displayed in the procurement solicitation or invitation to bid

including:

A. A statement in each product specification describing the post-consumer waste content or recycled-content preferred; and

B. A statement describing the City's price preference policy for recycled-content products and the manner in which such price preference for recycled-content products shall be applied in evaluating the responses or bids; and

C. A statement that the Director or any department which procures a product shall have the right to verify the certification by review of the bidder or manufacturer's records as a condition of the bid award. (Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 52, 2000; Ord. 118397 § 41, 1996; Ord. 116270 § 4(part), 1992.)

20.60.216 Vendor certification of recycled material content.

A. After December 1, 1992, vendors shall certify the percentage of recycled content in products sold to the City, including the percentage of post-consumer waste that is in the product. The certification shall be in the form of a label on the product or a statement by the vendor attached to the bid documents.

B. The certification on multicomponent or multimaterial products shall verify the percentage and type of post-consumer waste and recycled content by volume contained in the major constituents in the product.

C. Products which meet certification rules and guidelines adopted by The State of Washington or USEPA shall be deemed to meet the requirements of this section. (Ord. 121720 §§ 1, 8, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 53, 2000; Ord. 116270 § 4(part), 1992.)

20.60.218 Rules and regulations for procurement of paper and paper products including the following provisions.

A. The Director and departments shall purchase and/or use only recycled-content paper for all imprinted letterhead, envelope and business card paper, file folders, writing and message tablets, photocopy paper, sanitary papers, packaging papers, and printing papers. In addition, the Director and departments shall purchase recycled-content photocopy paper that has not been bleached with a chlorine-based lighting process, including elemental chlorine gas, chlorine dioxide, or hypochlorite when nonchlorinated bleached photocopy paper is readily available and similarly priced.

B. Departments shall publicize the City's use of recycled paper by printing the words "Printed on Recycled Paper" or a recycled content logo on all letterhead, envelope and business card paper and on the title page of all reports printed on recycled paper, or by using recycled paper which is watermarked with the recycled content logo. (Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 54, 2000; Ord. 118397 § 42, 1996; Ord. 116726 § 5, 1993; Ord. 116270 § 4(part), 1992.)

20.60.220 Requirements and procedures for designation and procurement of other recycled-content

products and recyclable products.

Any department or vendor may petition the Director to qualify a product as a recycled content or recyclable product on a case-by-case and/or product-by-product basis. The department or vendor shall be responsible for providing sufficient evidence to the Director that the product qualifies for the purpose of procuring recycled content or recyclable products.
(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 §§ 55, 2000; Ord. 118397 § 43, 1996; Ord. 116270 § 4(part), 1992.)

20.60.222 Capital improvement projects and construction contracts.

- A. The City's preference for the purchase and use of recycled-content products shall be included as a factor in the design and development of City capital improvement projects.
- B. Where the Seattle Design Commission is required to review proposals for the design of a project, the Commission shall promote reasonable attempts to include recycled-content products.
- C. All City departments shall change their standard specifications to include recycled-content products and materials adopted pursuant to this subchapter.
(Ord. 121720 §§ 1, 9, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 56, 2000; Ord. 116726 § 6, 1993; Ord. 116270 § 4(part), 1992.)

20.60.224 Responsibilities of the Director.

The Director is responsible for:

- A. Collecting data on purchases by departments of recycled-content products, reusable products, and recyclable products on purchase orders;
- B. Maintaining a directory of recycled-content products and recyclable products and vendors who carry these products;
- C. Disseminating product information to departments;
- D. Developing and establishing rules, guidelines and specifications necessary to carry out these functions.
(Ord. 121720 §§ 1, 10, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 57, 2000; Ord. 118397 § 44, 1996; Ord. 116270 § 4(part), 1992.)

20.60.226 Exemptions.

Nothing in this Subchapter III shall be construed as requiring a City department or contractor to procure products that do not perform adequately for their intended end use as specified in Section 20.60.208.
(Ord. 121720 § 1, 2005; Ord. 120794 § 10(part), 2002; Ord. 120181 § 58, 2000; Ord. 116270 § 4(part), 1992.)

Chapter 20.70

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the Office of the City Clerk

DEBARMENT

Sections:

20.70.010 Purpose.

20.70.020 Definitions.

20.70.030 Authority to order Debarment and to Grant Exceptions.

20.70.040 Grounds for Debarment.

20.70.050 Procedures.

20.70.060 Delegation of authority to the Debarment Authority.

20.70.010 Purpose.

The Director of the Department of Executive Administration has the authority to debar contractors to prevent them from entering into certain contracts with the City of Seattle as described in this Chapter. (Ord. 121723 § 1, 2005.)

20.70.020 Definitions.

Terms used in this Chapter shall have the following definitions unless otherwise defined, or unless the context in which the term is used clearly indicates to the contrary.

A. "Contracting Authority" means the Department of Executive Administration or any City Agency to which the City Council or the Department of Executive Administration has delegated the authority to enter into contracts.

B. "Contract" means a contract for public work as that term is defined in RCW 39.040.010, a purchasing contract as provide for in SMC 20.60.100 et seq., or a consultant contract as provided for in SMC Ch. 20.50.

C. "Contractor" means a person, association, partnership, corporation or other legal entity that has performed services for the City under a Contract.

D. "Date of Service" means the day a Contractor receives actual service, or if served by certified mail, the date noted as the date of receipt by the U.S. Postal service.

E. "Debarment Authority" means a person to whom the Director of Executive Administration has delegated the authority to perform any of the duties set forth in this Chapter.

F. "Debar," "Debarred," or "Debarment" means to forbid a Contractor from entering into any Contract with the City or to act as a subcontractor on a Contract with the City.

G. "Director" means the Director of the Department of Executive Administration.

H. "Notice Protest" means a written response to or contest of the Notice of Debarment.

I. "Notice of Debarment" means the document reflecting the preliminary determination by the Director that a Contractor should be Debarred.

J. "Notice of Investigation" means a document reflecting the initiation of a Debarment investigation.

K. "Order of Debarment" means the document reflecting the decision by the Director to Debar a Contractor.

L. "Performance Evaluation" means an evaluation conducted by the City of performance under a Contract or as part of any City Contractor performance evaluation program for Contracts.

M. "Respondent" means a Contractor against which the City has initiated Debarment proceedings. (Ord. 121723 § 1, 2005.)

20.70.030 Authority to order Debarment and to Grant Exceptions.

A. If the Director determines that sufficient grounds exist as set forth in Section 20.70.040, the Director may issue an Order of Debarment that prevents a Contractor from submitting a contract bid or proposal to the City, or from acting as a subcontractor on any Contract with the City, for a period not to exceed five (5) years from the date of the Order of Debarment or from the date all appeals of that Order of Debarment are exhausted, whichever date is later. Without the prior approval of the Director, a Contracting Authority shall not accept a contract bid or proposal from a Contractor that has been Debarred, and shall not consent to a subcontract between a Contractor and a subcontractor that has been Debarred.

B. The Director may, but is not required to, enter into a voluntary agreement with a Contractor providing that the Contractor will not submit a bid or proposal for any Contract, and will not act as a subcontractor on any Contract, for a period not to exceed five (5) years. (Ord. 121723 § 1, 2005.)

20.70.040 Grounds for Debarment.

Pursuant to Section 20.70.030, the Director may issue an Order of Debarment that prevents a Contractor from entering into any Contract with the City or from acting as a subcontractor on any Contract with the City after determining that any of the following reasons exist:

A. The Contractor has received overall performance evaluations of deficient, inadequate, or substandard performance on three (3) or more City Contracts.

B. The Contractor has failed to comply with City ordinances or Contract terms, including but not limited to, ordinance or Contract terms relating to small business utilization, discrimination, prevailing wage requirements, equal benefits, or apprentice utilization.

C. The Contractor has abandoned, surrendered, or failed to complete or to perform work on or in connection with a City Contract.

D. The Contractor has failed to comply with Contract provisions, including but not limited to quality of workmanship, timeliness of performance, and safety standards.

E. The Contractor has submitted false or intentionally misleading documents, reports, invoices, or other statements to the City in connection with a Contract.

F. The Contractor has colluded with another contractor to restrain competition.

G. The Contractor has committed fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Contract for the City or any other government entity.

H. The Contractor has failed to cooperate in a City debarment investigation.

I. The Contractor has failed to comply with SMC Ch. 14.04, SMC Ch. 14.10, SMC Ch. 20.42, or SMC Ch. 20.45, or other local, state or federal non-discrimination laws. (Ord. 121723 § 1, 2005.)

20.70.050 Procedures.

A. Notice of Investigation. The Director or any Contracting Authority may initiate an investigation of a Contractor. The Director or Contracting Authority shall notify the Contractor in writing that an investigation has been initiated and the allegations that form the basis for the investigation. The Notice of Investigation shall be either personally served or sent by certified mail. The Contractor shall have twenty-one (21) days from the Date of Service of the notice of investigation and allegations on the Contractor to file an answer to the allegations.

B. Investigation Results. The results of the investigation shall be in writing and shall state, at a minimum, the allegation(s), the conclusion(s) reached regarding the allegation(s), the facts upon which the conclusion(s) are based, and the investigator's recommendation, including a recommended length of Debarment, if any. If the investigator is a Contracting Authority, it shall forward the results of the investigation to the Director. The Director shall personally serve or send by certified mail, the results of the investigation to the Contractor.

C. Findings and Notice of Debarment. The Director shall consider both the results of the investigation and the Contractor's answer, if any, to the allegation(s). The Director shall make a preliminary determination on whether the Contractor should be Debarred within six (6) months of the Date of Service of the Notice of Investigation and provide the Contractor with findings, or the matter will be dismissed, unless the Director provides notice to the Contractor that there is good cause to extend the period of investigation for an additional specific period of time. If, after reviewing the results of the investigation and the Contractor's answer to the allegations, the Director determines that a Contractor should be Debarred, the Director shall notify the Respondent of the City's intent to issue an Order of Debarment. The Notice of Debarment shall be in writing, and shall be either personally served or sent by certified mail. The Notice of Debarment shall include:

1. A statement that the City intends to issue an Order of Debarment prohibiting the Respondent from submitting a bid or proposal on a Contract with the City and from acting as a Contractor or subcontractor on a Contract with the City;
2. A statement of the reasons for Debarment, including the allegation(s), the conclusion(s) reached

regarding the allegation(s), and the facts upon which the conclusion(s) are based;

3. The proposed length of Debarment; and
4. Information on how the Respondent can contest the Notice.

If the Director determines that the Contractor should not be debarred, the Director shall issue a written determination to that effect.

D. Notice Protest.

1. A Respondent may contest the Notice of Debarment by filing a written Notice Protest with the Director no later than fourteen (14) calendar days after the Date of Service of the Notice of Debarment. Unless waived by the Director, filing a Notice Protest is an administrative remedy that the Respondent must exhaust before seeking judicial review.
2. If the Respondent does not timely contest the Notice of Debarment, the Director shall issue an Order of Debarment, which shall set forth:
 - a. The contracting activities from which the Respondent is barred from participating;
 - b. The length of the Debarment;
 - c. A brief statement of the facts upon which the Debarment is based; and,
 - d. A response to any written comments submitted by the Respondent.
3. The Notice Protest must state the reasons why the Respondent alleges the Notice of Debarment is erroneous, provide copies of any documents that support the Respondent's arguments, provide the names and/or sworn written statements of all witnesses that have knowledge of relevant information related to the proposed Debarment, identify any other specific information that supports the Respondent's arguments, and specify a desired remedy.
4. The Contractor may request a hearing to discuss the Notice Protest and, if such request is granted, may discuss only those issues raised in the Notice Protest unless the Director allows otherwise. If a hearing is held, the Department of Executive Administration shall have the burden of establishing by a preponderance of the evidence that the grounds exist for an Order of Debarment.
5. The Director shall consider the Notice of Debarment, the Respondent's Notice Protest, and, if a hearing is held, the evidence presented at the hearing. The Director shall issue a final written decision and Order regarding whether the Contractor should be Debarred. If the Director issues an Order of Debarment, that Order shall state:
 - a. The contracting activities from which the Respondent is barred from participating;

- b. The length of the Debarment; and
c. Findings and conclusions upon which the Debarment is based.

The Director's decision shall be the final administrative decision of the City.
(Ord. 121723 § 1, 2005.)

20.70.060 Delegation of authority to the Debarment Authority.

The Director shall have the authority to delegate any or all of his/her duties and/or responsibilities under this Chapter.
(Ord. 121723 § 1, 2005.)

Subtitle IV

Concessions(Reserved)

Subtitle V

Miscellaneous Provisions

Chapter 20.76

CONDEMNATION PROCEEDINGS

Sections:

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- 20.76.010 Method of procedure.
- 20.76.020 Acceptance of awards.
- 20.76.030 Modes of payment.
- 20.76.040 Mode of "payment by bonds."
- 20.76.050 Sale of bonds.
- 20.76.060 Payment in installments.
- 20.76.070 Certificates of purchase.
- 20.76.080 Special fund.
- 20.76.090 Issuance of bonds.
- 20.76.098 Forms of bonds.
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- 20.76.120 Warrants or checks--When issued.
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Subchapter II Miscellaneous Provisions

- 20.76.200 Payment of local improvement assessments against condemned property.
- 20.76.210 Appropriation for payment of local improvement assessments against condemned property.
- 20.76.220 Offsetting compensation against damages--Permitted.
- 20.76.230 Offsetting compensation against damages--Court certificate.
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- 20.76.250 Offsetting compensation against damages--Same proceeding.
- 20.76.260 Acceptance of condemnation fund warrants in payment of assessments.
- 20.76.270 Acceptance of certificates of purchase for delinquent condemnation award assessments.
- 20.76.280 Segregation of condemnation assessments.

Statutory Reference: For statutory provisions on eminent domain by cities, see RCW Ch. 8.12.

Subchapter I

Special Assessments for Condemnation of Land

20.76.010 Method of procedure.

Whenever the City Council shall provide for the payment of the whole or any portion of the cost and expense of the condemnation of land by the levy and collection of special assessments on property specially benefited, the proceedings therefor shall be in accordance with the laws of the state of Washington and the provisions of this subchapter.

(Ord. 75167 § 1, 1946; Ord. 54547 § 1, 1928.)

20.76.020 Acceptance of awards.

If the City Council shall accept the awards for any improvement, or if the time allowed by law for rejecting the same shall have expired, the Director of Executive Administration shall notify the Clerk of the Superior Court, the County Assessor and the City Attorney of such acceptance or such expiration of time for rejection.

(Ord. 120794 § 249, 2002; Ord. 116368 § 253, 1992; Ord. 54547 § 2, 1928.)

20.76.030 Modes of payment.

There shall be two (2) modes of payment for such portion of the cost and expense of any improvement payable by special assessment: "immediate payment" and "payment by bonds." The mode adopted shall be "immediate payment," except in cases where the City Council shall designate the mode of "payment by bonds." (Ord. 54547 § 3, 1928.)

20.76.040 Mode of "payment by bonds."

In case the City Council shall provide for the payment of special assessments in any such proceeding by the mode of "payment by bonds," it shall specify the term of such bonds, the maximum rate of interest thereon, and shall provide that bonds of such improvement district shall be issued in an amount equal to the sum of the assessments levied for such local improvement, less the amount of such assessments paid in cash into the special fund created for such local improvement during the thirty (30) day period following the date of the first publication of the notice of collection of the Director of Executive Administration, and the bonds may be sold and delivered, in such manner as the City Council may by ordinance or resolution direct.

(Ord. 120794 § 250, 2002; Ord. 116368 § 254, 1992; Ord. 54547 § 4, 1928.)

20.76.050 Sale of bonds.

A. When the mode of "payment by bonds" is adopted for any such improvement, such bonds may be sold and delivered either upon bids or at private sale, as provided in this section. When the sale of such bonds upon bids shall be authorized, the Finance Director shall advertise the same for sale in at least one (1) issue of the official newspaper of the City not less than ten (10) days prior to the date of sale. The advertisement shall state the approximate amount and date of the bonds, the number of years in which they shall mature and

Seattle Municipal Code
December 2025 code update file
Tax 100
See ordinances creating and amending sections for graphics, and tables and to confirm accuracy of
that bids shall be for bonds bearing no greater than eight percent (8%) interest on bonds issued to mature in twelve (12) years or less and bearing no greater than six percent (6%) interest on bonds issued to mature in twenty-two (22) years, and that no bid for less than par and accrued interest will be considered. The time and place when and where bids will be received shall also be stated in the advertisement. The Finance Director shall report all such bids to the City Council, who shall promptly act upon the same. The action of the City Council in accepting any such bids shall be by resolution. Bidders shall bid for such bonds upon forms prepared by the City with the approval of the City Attorney.

B. When the sale of such bonds at private sale shall be authorized, the City Council shall, in the ordinance or resolution authorizing such sale, specify the rate of interest which such bonds shall bear. (Ord. 116368 § 255, 1992; Ord. 54547 § 5, 1928.)

20.76.060 Payment in installments.

Whenever the City shall have sold bonds of any such local improvement district, either upon bids or at private sale, as in this subchapter, the assessments for such improvement shall be payable in installments, and notice thereof shall be given, and the collection and enforcement thereof had as provided by law and this subchapter. In the case of sale upon bids, the City Clerk shall transmit to the Director of Finance a certified copy of the resolution accepting any such bid, and in the case of sale at private sale the Director of Finance shall certify that such bonds have been sold, pursuant to the resolution of the City Council directing such sale, and in either case the Director of Executive Administration thereupon shall proceed with the collection and enforcement of such assessments under the mode of "payment by bonds." As to assessments payable in ten (10) or less annual installments, the Director of Executive Administration shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll, and as to assessments payable in twenty (20) annual installments, the Director of Executive Administration shall for the first ten (10) years annually extend the installments of interest upon such roll, and for the last ten (10) years the Director of Executive Administration shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll.

(Ord. 120794 § 251, 2002; Ord. 117242 § 21, 1994; Ord. 54547 § 6, 1928.)

20.76.070 Certificates of purchase.

A. Two (2) years after the date of delinquency of an assessment payable by the mode of "immediate payment," or of an installment of an assessment payable by the mode of "payment by bonds," it shall be the duty of the Director of Executive Administration to proceed to sell the property described in any such local assessment roll for the amount of such delinquent assessment, or installment, together with the penalty and interest accruing to date of sale, and for the costs of the sale; provided, it shall be the duty of the Director of Executive Administration in the case of the last installment of an assessment payable by the mode of "payment by bonds" to proceed with the sale provided for in this section at the expiration of twenty-one (21) months from the date of the delinquency of the last installment.

B. Certificates of purchase shall be executed and delivered by the Director of Executive Administration to the purchasers at such sale, and assessment deeds shall be executed and delivered by him to the persons thereunto entitled. All steps and proceedings required to be done in connection with such sale, certificates of purchase and assessment deeds shall be had and conducted according to law and this subchapter.

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C. When assessments, or installments of assessments, have been delinquent the full period provided by law and ordinances of the City, before which such assessments or installments of assessments are subject to sale, the Director of Executive Administration shall certify that there are delinquent and unpaid assessments or installments thereof, giving the district number and installment thereof, if it be an installment roll, ordinance number under which it was created, street name, nature of the improvement and the date of delinquency.

D. The Director of Executive Administration shall sell all the property described upon the roll upon which assessments are levied to satisfy all such delinquent and unpaid assessments or installments thereof, together with interest, penalties and costs as provided by law.

E. Such warrant, issued for the purpose of making sale of the delinquent property, shall be deemed and taken as an execution against the property for the amount of the assessments or installments thereof, with interest, penalties and costs.

(Ord. 120794 § 252, 2002: Ord. 116368 § 256, 1992: Ord. 54547 § 7, 1928.)

20.76.080 Special fund.

The City Council shall, by ordinance, create a special fund for each such improvement district to be called "Local Improvement Fund, Condemnation Award, District No. _____," into which shall be placed the proceeds of the sale of bonds for such improvement, all sums paid on account of assessments levied for such improvement including all interest and penalty thereon, and all sums received from rents, profits and income from the property condemned by such proceeding, and from which shall be paid all warrants issued upon transcripts of judgments on awards and all bonds issued for such improvement. Provided, that if the fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance may elect to make payment for the cost and expense of the improvement by check.

(Ord. 120794 § 253, 2002: Ord. 120114 § 39, 2000: Ord. 54547 § 8, 1928.)

20.76.090 Issuance of bonds.

At the expiration of thirty (30) days after the date of first publication of the Executive Administration Director's notice of any such assessments payable in installments, the Director of Executive Administration shall record the total amount of the assessment, the total amount paid to him or her to redeem any lots, tracts, or parcels of land, or other property, from the assessment levied thereon, and the total amount unpaid on such assessment; whereupon the Mayor and Director of Finance shall issue the bonds of such local improvement condemnation award district, in an amount equal to the amount remaining unpaid on the assessment roll as shown by such report. The bonds provided for in this section shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days abovementioned.

(Ord. 120794 § 254, 2002: Ord. 116368 § 257, 1992: Ord. 54547 § 9, 1928.)

20.76.098 Forms of bonds.

All bonds issued pursuant to this subchapter shall be on a form approved by the City Attorney. The bond prospectus shall state that the purchaser shall look only to the funds of the Condemnation Award District and the assessments levied thereby for payment of the principal of or interest on the bonds; and that the bonds are not a general obligation of The City of Seattle.

(Ord. 116368 § 258, 1992.)

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20.76.110 Bond registry.

The City Finance Director shall keep in his or her office a register of all such bonds issued. He or she shall enter therein the Local Improvement Fund District number for which the same are issued, and the date, amount and number of each bond and the term of payment.
(Ord. 116368 § 259, 1992: Ord. 54547 § 11, 1928.)

20.76.120 Warrants or checks--When issued.

The Director of Finance and the Director of Executive Administration shall issue no warrants or checks for any condemnation awards, interest or costs prior to the acceptance of such awards by the City Council as provided for in Section 20.76.020, but such warrants or checks may be issued at any time thereafter.
(Ord. 120794 § 255, 2002: Ord. 120114 § 40, 2000: Ord. 116368 § 260, 1992: Ord. 54547 § 12, 1928.)

20.76.130 Payment of awards, interest and costs.

The proceeds of the sale of bonds issued therefor, together with the proceeds of the collection of special assessments therefor, made during the thirty (30) day period following the date of the first publication of the Director of Executive Administration's notice of collection, shall be applied by the Director of Executive Administration in payment of awards, interest and costs of any judgment in any eminent domain proceedings, and the redemption of any warrants issued in payment of any portion of such judgment. No priority of payment shall exist as between any such warrants and any portion of such judgment, but warrants shall be paid in the order of their issuance; provided, that warrants payable to the General Fund may be held until warrants issued for the payment of awards have been paid. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance may elect to make payment by check.
(Ord. 120794 § 256, 2002: Ord. 120114 § 41, 2000: Ord. 116368 § 261, 1992: Ord. 54547 § 13, 1928.)

20.76.140 Items of cost.

In preparing the assessment roll to pay the cost and expense of any such condemnation improvement as provided in this subchapter, the Board of Eminent Domain Commissioners shall include the costs and expenses of the proceedings up to the time of the filing of the assessment roll, together with the probable further costs and expenses of the proceedings, including therein a charge against each description of property appearing upon any assessment roll in the following sum: In case of "immediate payment" of assessment, One Dollar (\$1) per description; in case of assessment payable in five (5) annual installments, the sum of Two Dollars (\$2) per description; in case of assessment payable in ten (10) annual installments, the sum of Three Dollars and Fifty Cents (\$3.50) per description; in case of assessment payable in fifteen (15) annual installments, Four Dollars and Thirty Cents (\$4.30) per description; in case of assessment payable in twenty (20) annual installments of either principal or interest, Five Dollars (\$5) per description, which is the charge for accounting, clerical labor, books and blanks used by the Director of Executive Administration; provided, however, that when any assessment payable in installments is paid in full within the thirty (30) day period fixed by law for the payment of assessments without interest, the Director of Executive Administration shall allow a rebate of the Director of Executive Administration's charge in this section provided in excess of One Dollar (\$1) per description.
(Ord. 120794 § 257, 2002: Ord. 116368 § 262, 1992: Ord. 82591 § 1, 1953: Ord. 54547 § 14, 1928.)

Subchapter II

Miscellaneous Provisions

20.76.200 Payment of local improvement assessments against condemned property.

For the purpose of making payment of all local improvement assessments that may exist against any lot, tract or parcel of land which has been condemned for street or other purposes, the Director of Executive Administration, previous to the issuance of any warrant in payment for property condemned in any condemnation proceeding, shall determine the amount of all unpaid local improvement assessments that may exist against the property, and thereupon two (2) warrants in favor of the respondents shall be issued on the condemnation fund, one (1) warrant in the amount of the unpaid assessments which shall be endorsed to the General Fund by the respondent, and one (1) warrant for the amount of the award less the unpaid assessments. The Director of Executive Administration shall draw a warrant on the General Fund in favor of the local improvement district or districts entitled thereto for the amount of the unpaid assessments, the General Fund to be reimbursed for the amounts so paid out when sufficient moneys have been paid into the Condemnation Fund to meet the warrant thereon drawn in favor of the General Fund in payment of the assessments as set forth in this section. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

(Ord. 120794 § 258, 2002; Ord. 120114 § 42, 2000; Ord. 116368 § 263, 1992; Ord. 32967 § 1, 1914.)

20.76.210 Appropriation for payment of local improvement assessments against condemned property.

The sum of Ten Thousand Dollars (\$10,000) is appropriated from the General Fund and set aside for the payment of local improvement assessments against property taken or damaged in condemnation proceedings as provided by Section 20.76.200.

(Ord. 32967 § 2, 1914.)

20.76.220 Offsetting compensation against damages--Permitted.

Whenever, in condemnation proceedings prosecuted by the City, compensation or damages, or both, are awarded to the owners of, and other parties interested in, any real property taken or damaged, and an assessment upon property benefited is made to pay the whole or any part of the compensation or damages, or both, awarded in such proceeding, and any person or persons to whom any such award of compensation or damages or both is made, also owns real property which is assessed in the same proceeding to pay the compensation and damages awarded in the proceeding, such person or persons may offset, pro tanto, the amount of the compensation or damages, or both, awarded to such person or persons, against the assessment levied upon real property owned by such person or persons, in the manner provided in Sections 20.76.230, 20.76.240 and 20.76.250.

(Ord. 10725 § 1, 1904.)

20.76.230 Offsetting compensation against damages--Court certificate.

Any person or persons wishing to offset an award of compensation or damages, or both, against any assessment, as provided in Section 20.76.220, shall receipt upon the execution docket of the court in which such award is made, and make satisfaction, on the execution docket, of the amount so sought to be made an offset;

and shall procure from the Clerk of the court and present to the Director of Executive Administration a certificate under the seal of the court specifying the amount of which satisfaction has been made on the execution docket, the date of such satisfaction, the number and a brief title of the proceeding, including the number of the ordinance under which the proceeding was prosecuted.

(Ord. 120794 § 259, 2002: Ord. 116368 § 264, 1992: Ord. 10725 § 2, 1904.)

Cases: The right of a property owner to offset compensation for lands taken in condemnation proceedings against an assessment for benefits to his other lands not taken is not waived by taking warrants for such assessments, even though such is not the procedure set out in Ordinance 10725, where no injury or expense results from taking out the warrants. **State ex rel. Guye v. Seattle**, 49 Wn. 41, 94 P. 656 (1908).

20.76.240 Offsetting compensation against damages--Cancellation of assessment roll.

The Director of Executive Administration, upon receipt of the certificate provided for in Section 20.76.230 is authorized and directed to cancel such assessment upon the assessment roll, to the amount specified in the certificate, making suitable notation thereof upon the assessment roll.

(Ord. 120794 § 260, 2002: Ord. 116368 § 265, 1992: Ord. 10725 § 3, 1904.)

20.76.250 Offsetting compensation against damages--Same proceeding.

Sections 20.76.220 through 20.76.240 shall not be construed as authorizing or permitting the offsetting of compensation or damages awarded in one condemnation proceeding against an assessment made or levied in another or different condemnation proceeding.

(Ord. 10725 § 4, 1904.)

20.76.260 Acceptance of condemnation fund warrants in payment of assessments.

Whenever an owner of property, assessed in a condemnation proceeding of the City, shall desire to make full payment of such assessment prior to date of sale of his or her property for the assessment, the Director of Executive Administration is authorized and directed to accept condemnation fund warrants, or parts thereof, in payment of such assessments levied to raise money for the benefit of the particular condemnation fund against or upon which said warrants were issued, and he or she shall treat all of such transactions as cash transactions making proper entry thereof upon City records.

(Ord. 120794 § 261, 2002: Ord. 116368 § 266, 1992: Ord. 23191 § 1, 1910.)

20.76.270 Acceptance of certificates of purchase for delinquent condemnation award assessments.

The Director of Executive Administration is authorized and directed to accept the redemption of certificates of purchase issued for delinquent condemnation award assessments and installments thereof, and held in trust by the City for the condemnation award districts, where the last installment of the assessment is two (2) or more years delinquent, upon the payment of the principal of the certificates of purchase and interest thereon at the rate of eight percent (8%) per year from date of issuance to date of redemption.

(Ord. 120794 § 262, 2002: Ord. 116368 § 267, 1992: Ord. 63654 § 1, 1933.)

20.76.280 Segregation of condemnation assessments.

A. The Director of Executive Administration is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land upon which a condemnation

assessment has been, or may hereafter, be made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of the condemnation improvement as the City Director of Transportation shall certify to be chargeable to such subdivision or subdivisions in accordance with state law. Upon receipt of a certified copy of a resolution of the legislative authority authorizing such segregation the Director of Executive Administration shall enter such segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records, and upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to such segregated portion, give a proper receipt; provided that this section shall not authorize the segregation of any assessment which has been delinquent for a period of two (2) years or more, or in any case where it appears that such property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such instances, upon a recommendation by the Director of Executive Administration, the City Council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished the City Director of Transportation by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the City Director of Transportation, the City Council shall determine such question of fact.

B. Whenever, on account of the filing of a plat or replat or on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed in such improvement district, it shall appear to be to the best interest of the City to segregate such assessments, the City Director of Transportation is authorized to make the proper certification as provided in this section, upon the written application of the owner, approved by the Director of Executive Administration, and confirmed by City Council resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the City Director of Transportation to submit the necessary resolution for segregation for City Council approval.

C. A fee of Ten Dollars (\$10.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Five Dollars (\$5.00) per description for each description added to the assessment roll, to defray the reasonable costs of the reasonable engineering and clerical work involved, by such certificate of the City Director of Transportation, as approved by City Council resolution. Such fees shall be paid to the Director of Executive Administration and shall be deposited in the General Fund.
(Ord. 120794 § 263, 2002: Ord. 118409 § 143, 1996: Ord. 116368 § 268, 1992: Ord. 99040 § 1, 1970: Ord. 82590 § 1, 1953: Ord. 63678 § 1, 1933.)

Chapter 20.80

DISPOSITION OF FORECLOSED PROPERTY

Sections:

20.80.010 Contract for sale of foreclosed property.

20.80.020 Deposit on purchase of foreclosed property.

20.80.030 Authority to contract with professional realtors.

20.80.040 Payment for services of local real estate broker.

20.80.050 Sale of foreclosed property--Purchase by City.

20.80.060 Sale of foreclosed property--Authority of Corporation Counsel.

Statutory Reference: For statutory provisions on foreclosure of assessments and the disposition of property acquired, see RCW Chs.

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35.50 and 35.53.

20.80.010 Contract for sale of foreclosed property.

The Director of Executive Administration is authorized to enter into contracts from time to time for and on behalf of the City for the sale, at not less than the appraised value thereof, determined as provided in Section 20.80.030, or at a price not less than enough to pay all taxes and assessments in full of any real property acquired by the City upon foreclosure of local improvement assessments and of any real property which the City may acquire from King County to protect the lien of any such assessments outstanding against such property, or any part thereof. Any such property shall be sold for cash, or on terms providing for the payment of one-fifth (1/5) of the purchase price in cash at the time of execution by the purchaser of the contract of sale and the remainder of such price to be paid in installments over a period not exceeding five (5) years, with interest on deferred payments at the rate of not less than five percent (5%) per year, or on such terms as may be approved by the City Council. No contract for the sale of any such property shall be valid or binding upon the City unless the same has first been authorized by the City Council by ordinance.

(Ord. 120794 § 264, 2002: Ord. 116368 § 269, 1992: Ord. 72834 § 1, 1943.)

20.80.020 Deposit on purchase of foreclosed property.

The Director of Executive Administration is authorized for and on behalf of the City to accept deposits of money amounting to not less than five percent (5%) of the purchase price of any property proposed to be sold as earnest money and to issue his or her receipt therefor. Any such deposit shall be placed in the Guaranty Deposit Fund, and if the depositor fails, through no fault of the City, to enter into a contract for the purchase of the property involved within ten (10) days after the Director of Executive Administration notifies him or her that a duly authorized or approved contract, executed on behalf of the City, is ready for execution on his or her part, such deposit shall be deemed forfeited and become the property of the City, and the amount thereof shall be transferred to the Local Improvement Guaranty Fund. If the depositor enters into such contract within the time mentioned in this section, the amount of the deposit shall be credited upon the purchase price agreed to be paid and shall be transferred to the Fund of the Local Improvement District levying the assessments, and if the district has been closed to the Local Improvement Guaranty Fund. If the City fails, by reason of any fault on its part, to make available for execution by the depositor such contract of sale within sixty (60) days after the receipt of the deposit, the depositor may, at his option, demand the return of his deposit.

(Ord. 120794 § 265, 2002: Ord. 116368 § 270, 1992: Ord. 72834 § 2, 1943.)

20.80.030 Authority to contract with professional realtors.

The Director of Executive Administration is authorized on behalf of the City to contract from time to time with professional realtors or real estate appraisers to ascertain for purposes of sale the value of City property acquired in the enforcement and for the protection of local improvement assessment liens, and in such connection the Director of Executive Administration is authorized to negotiate the terms of such employment, including the fees therefor, payment of which fees shall be charged to the appropriate item in the annual City budget.

(Ord. 120794 § 266, 2002: Ord. 116368 § 271, 1992: Ord. 94302 § 1, 1965: Ord. 72834 § 3, 1943.)

20.80.040 Payment for services of local real estate broker.

Whenever the City Council shall, by resolution, find that any real estate broker, duly licensed as

required by the laws of the state, and whose principal place of business is located in Seattle, shall have negotiated the sale of any such property, such real estate broker shall be paid for such services a commission equal to five percent (5%) of the sale price of the property sold; but no payment shall be made on account of any such sale until at least one-fifth (1/5) of the total purchase price of the property shall have been paid to the City.

(Ord. 72834 § 4, 1943.)

20.80.050 Sale of foreclosed property--Purchase by City.

Whenever real property shall be offered for sale to satisfy an execution, judgment or decree of foreclosure in any action wherein the City is a party, in the absence of bidders or purchasers, or if the highest bid made by any person for such property be less than the amount of the judgment and costs recovered by the City in such action, then the properly authorized officer of the City may bid in and purchase such real property in the name of the City, for the use and benefit of the City, for a sum of money not to exceed the amount required to satisfy such execution, judgment or decree and the costs therein; and the amount so bid shall be applied to the satisfaction of the judgment in such action.

(Ord. 16300 § 1, 1907.)

20.80.060 Sale of foreclosed property--Authority of Corporation Counsel.

The City Attorney is authorized to bid in and to purchase in the name of the City, and for its use and benefit, all such real property as may be sold, as provided in Section 20.80.050, and to enter satisfaction of such judgments.

(Ord. 116368 § 272, 1992; Ord. 16300 § 2, 1907.)

Chapter 20.84

RELOCATION ASSISTANCE

Sections:

- 20.84.010 Implementation of relocation assistance laws.
- 20.84.020 Applicability.
- 20.84.030 Definitions.
- 20.84.040 City Department Head--Authority.
- 20.84.050 Written notice of initiation of negotiations.
- 20.84.060 Written notice to vacate.
- 20.84.070 Retention of proof of delivery of notices.
- 20.84.080 Payment of benefits upon proper application.
- 20.84.090 Authorization of payments by City Department Head.
- 20.84.100 Time limits for applications for relocation benefits.
- 20.84.110 Administrative review.
- 20.84.120 Right of review.
- 20.84.130 Initiation of appeal--Notice and statement.
- 20.84.140 Form of statement.
- 20.84.150 Applicability of State Administrative Procedure Act.
- 20.84.160 Appeal referred to Hearing Examiner and hearings.
- 20.84.170 Correction or amendment of notice of appeal.
- 20.84.180 Submission of proposed decision and orders.
- 20.84.190 Exceptions--Time for filing.
- 20.84.200 Reply to exceptions.
- 20.84.210 Submission of record and issuance of final decision.
- 20.84.220 Judicial review.

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20.84.230 Official custodian of regulations.

Statutory Reference: For statutory provisions on relocation assistance, see RCW Ch. 8.26.

20.84.010 Implementation of relocation assistance laws.

The purpose of this chapter is to implement the provisions of RCW Chapter 8.26, state regulations implementing said chapter including WAC Chapter 365-24 and any federal law, rules, regulations or orders pertaining to relocation assistance which may be applicable to any program or project for the acquisition of real property, or any interest therein, which may create a "displaced person" as that term is defined by federal or state law, rules, regulations or orders applicable to such program or project.
(Ord. 104542 § 1, 1975.)

20.84.020 Applicability.

Whenever the City or any department thereof undertakes the acquisition of real property in connection with a program or project that may create a "displaced person" as that term is defined by federal or state law, rules, regulations or orders applicable to such program or project after the effective date of the ordinance codified in this chapter,¹ the provisions of this chapter shall apply.
(Ord. 104542 § 2, 1975.)

1. Editor's Note: Ord. 104542 became effective June 25, 1975.

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 Transportation, Superintendent of Parks and Recreation, Director of Executive Administration, 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. 120794 § 267, 2002; Ord. 120181 § 139, 2000; Ord. 118409 § 144, 1996; Ord. 118397 § 120, 1996; Ord. 115958 § 19, 1991; Ord. 109157 § 1, 1980; Ord. 104542 § 3, 1975.)

20.84.040 City Department Head--Authority.

The City Department Head having authority over and responsibility for a program or project of real property acquisition or for a program or project which may create a "displaced person" as that term may now or hereafter be defined by any applicable federal, state or City statute, law, ordinance, rule, regulation or order, shall with respect to such program or project have authority and responsibility for:

A. Implementing this chapter and any federal, state, or local relocation assistance statute, law, ordinance, rule, regulation, or order applicable to each such program or project which is subject to his authority;

B. Ascertaining the eligibility for and amount of benefits to be paid each applicant;

C. Giving notices of initiation of negotiations, notices and authorizations to vacate, and maintaining records (including records of delivery and service of such notices) of the activities by or for his department pertaining to acquisition, relocation assistance and claims for each program or project under his authority. Such authority and responsibility (except issuance of a final decision pursuant to Section 20.84.210) may be delegated to such persons as each City Department Head may authorize.
(Ord. 104542 § 4, 1975.)

20.84.050 Written notice of initiation of negotiations.

Whenever the City or any department thereof undertakes acquisition of real property for a program or project that may create a "displaced person" as that term is defined by federal or state law, rules, regulations or orders applicable to such program or project, the City Department Head with authority over and responsibility for such program or project shall upon initiation of negotiations with the owner of the property to be acquired give written notice thereof to such owner and to tenants and other persons occupying such property, which notice shall set forth the following:

A. "Eligibility for relocation assistance and benefits which could become available after acquisition of the property by the City can be lost if the owner or any tenant or occupant moves or makes any financial commitments for replacement housing or facilities prior to receiving a written notice to vacate signed by

(...Title of Appropriate City Department Head...)or his duly authorized agent for the

(...Name of Program or Project...),or if the owner or any tenant or occupant otherwise fails to meet the legal requirements for such assistance or benefits";

B. "The City's land purchase intentions and plans are subject to change and even cancellation until the acquisition is closed";

C. "Neither the owner nor any tenant or occupant should move or make any financial commitment for replacement housing or facilities until he has received in writing:

- (i) a final determination of his eligibility, or ineligibility as the case may be, for relocation payments;
- (ii) a statement of the requirements which must be satisfied before such payments or benefits, if any, can be provided by the City if it purchases the property; and
- (iii) a notice or authorization to vacate for the program or project; signed by

(...Title of appropriate City Department Head...)or his duly authorized agent";

D. Where, and from whom he can obtain full information concerning relocation assistance, eligibility for relocation payments and the requirements which must be satisfied before such payment can be

made;

E. The applicable time limits for filing a claim for relocation payments; and

F. The procedure specified in Sections 20.84.110 through 20.84.210 for obtaining review of any determination concerning his eligibility for, the method of determination or amount of relocation payments. (Ord. 104542 § 5, 1975.)

20.84.060 Written notice to vacate.

A written notice to vacate for the program or project must be given to each individual, family, business, or farm operation to be displaced; and all such notices shall be served personally or delivered by certified or registered first-class mail. (Ord. 104542 § 6, 1975.)

20.84.070 Retention of proof of delivery of notices.

Written proof of personal service or delivery by certified or registered first-class mail, of all notices of initiation of negotiations and all notices to vacate shall be retained by the responsible City Department Head authorizing or giving such notice for not less than seven (7) years after: (A) negotiations for acquisition are terminated, (B) the property is acquired, or (C) the time limit for applications for relocation benefits has expired, whichever is later. (Ord. 104542 § 7, 1975.)

20.84.080 Payment of benefits upon proper application.

A displaced person who makes proper application for a payment authorized for such person by RCW Chapter 8.26, state relocation regulations or other applicable law, rules, regulations or orders shall be paid promptly after a move, or, in hardship cases, be paid in advance. (Ord. 104542 § 8, 1975.)

20.84.090 Authorization of payments by City Department Head.

No payment shall be made and no claimant or applicant shall be informed that any claim or payment is or will be approved, authorized or paid prior to specific written authorization from the City Department Head having authority over and responsibility for the program or project which creates the claim or application. (Ord. 104542 § 9, 1975.)

20.84.100 Time limits for applications for relocation benefits.

A. If City Acquires Real Property. Applications for benefits under RCW Chapter 8.26 and state relocation regulations are to be made within eighteen (18) months of the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which the City makes final payment of all costs of that real property, whichever is the later date.

B. If City does not Acquire Real Property. Applications for benefits under RCW Chapter 8.26 and

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state relocation regulations, or any other applicable federal, state or local relocation assistance statute, law, ordinance, rule, regulation, order or program, are to be made:

1. Within twenty-four (24) months of the date of receipt of a notice of initiation of negotiations with the owner; or
 2. Within eighteen (18) months of the date specified for vacating the property in a notice to vacate, or an authorization to vacate, issued by the City Department Head, whichever is earlier.
- C. The City Department Head having authority over and administering the program or project which creates the claim may extend the time limit period upon a proper showing of good cause. (Ord. 104542 § 10, 1975.)

20.84.110 Administrative review.

For the purposes of this chapter and any state or federal relocation assistance statute, rule, regulation or order, including RCW 8.26.030(1), RCW 8.26.130 and WAC 365-24-030(1)(a)(v), review by the City Department Head having authority over the applicable program or project, shall be in accordance with Section 20.84.110 through Section 20.84.200. (Ord. 104542 § 11, 1975.)

20.84.120 Right of review.

Any person aggrieved by a determination as to eligibility for, method of determination, or the amount of, a payment authorized by RCW Chapter 8.26, state relocation regulations (WAC Chapter 365-24), or applicable law, rules, regulations or orders may have such determination reviewed and reconsidered by the City Department Head having authority over the applicable program or project. (Ord. 104542 § 12, 1975.)

20.84.130 Initiation of appeal--Notice and statement.

Any person aggrieved by determination as to his eligibility for, method of determination, or the amount of, a payment authorized by RCW 8.26, state regulations (WAC Chapter 365-24) or other applicable law, rules, regulations or orders, and desiring to invoke the appeal procedures, within thirty (30) days following receipt of notification of the determination of such claim by the City Department Head, shall submit to such City Department Head, a notice of appeal which shall include a written statement of the facts pertinent to the case. (Ord. 104542 § 13, 1975.)

20.84.140 Form of statement.

No specified form or format is prescribed, but the statement or letter should state all of the facts and the reasons why the aggrieved person believes the claim should be paid or why he believes he is otherwise aggrieved. For identification, the letter or statement should show the project name and parcel number of the real property involved, and should bear the signature and address of the aggrieved person or his attorney. (Ord. 104542 § 14, 1975.)

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20.84.150 Applicability of State Administrative Procedure Act.

A. In accordance with RCW 8.26.030(1), the provisions of the State Administrative Procedure Act (RCW 34.04) regarding the resolution of contested cases shall be utilized by the City Department Head in resolving any appeal filed pursuant to Section 20.84.130.

B. References to "agency" in the State Administrative Procedure Act shall be understood to mean City Department Head for the purposes of this chapter.
(Ord. 104542 § 15, 1975.)

20.84.160 Appeal referred to Hearing Examiner and hearings.

Upon receipt of a notice of appeal, the City Department Head shall refer the matter to the Hearing Examiner. The Hearing Examiner or any Deputy Hearing Examiner or Hearing Examiner pro tempore shall hold hearings in accordance with the procedures established for hearing contested cases by the State Administration Procedure Act (RCW 34.04) and provisions of this chapter not in conflict therewith, within forty-five (45) days following receipt by the City Department Head of the notice of appeal, and upon not less than twenty (20) days' notice to the aggrieved person. Failure to hold such hearing within the time specified in this section, however, shall not affect the authority of the Hearing Examiner, the necessity of the hearing or the rights of the parties involved.
(Ord. 104542 § 16, 1975.)

20.84.170 Correction or amendment of notice of appeal.

If any notice of appeal is found by the City Department Head to be defective or insufficient, such City Department Head may so advise the Hearing Examiner and the aggrieved person or his attorney in writing. Upon receipt of such notice, the Hearing Examiner may issue an order requiring the persons filing the notice of appeal to correct, clarify or amend the same to conform with the requirements of RCW 8.26, state regulations (WAC Chapter 365-24) or other applicable law, rules, regulations or orders and may refuse to schedule any hearing thereon until such requirements have been complied with, or may issue an order providing for dismissal of such appeal upon failure to comply within a specified reasonable time.
(Ord. 104542 § 17, 1975.)

20.84.180 Submission of proposed decision and orders.

The Hearing Examiner shall within thirty (30) days after completion of the hearing and record prepare in writing a proposed decision and order containing findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The Hearing Examiner shall file the original, signed by him, with the City Department Head and mail by certified or registered first-class mail a copy to each aggrieved person who is a party to the appeal and to his attorney or representative of record.
(Ord. 104542 § 18, 1975.)

20.84.190 Exceptions--Time for filing.

Within twenty (20) days, or such further period as the Hearing Examiner may allow, any party to the appeal may file with the Hearing Examiner a written statement of exceptions.

(Ord. 104542 § 19, 1975.)

20.84.200 Reply to exceptions.

Any party may, within fifteen (15) days after the filing of an exception by an adverse party, submit a reply to exceptions, a written brief, or a statement of position regarding the matters on which exceptions were taken.

(Ord. 104542 § 20, 1975.)

20.84.210 Submission or record and issuance of final decision.

The entire record, including all exhibits, and proposed findings of fact and conclusions of law, together with all exceptions and replies to exceptions, shall be submitted to the City Department Head having authority over the applicable program or project. Upon receipt of the entire record, the City Department Head, in a manner consistent with RCW 34.04.110, shall consider the same and may either adopt, modify, or reject the proposed findings of fact and conclusions of law and proposed order, and shall issue the final decision of the City Department Head. Such decision shall be made within a reasonable time after receipt of the entire record. The original of such decision shall be signed by the City Department Head and filed with the Hearing Examiner. Copies shall be sent to each aggrieved person who is a party to the appeal and to his attorney or representative of record, by personal service or certified or regular first-class mail.

(Ord. 104542 § 21, 1975.)

20.84.220 Judicial review.

A. Pursuant to RCW 8.26.030(1), any determination by any City Department Head administering a program or project as to payments under RCW 8.26 shall be subject to judicial review as provided in RCW 34.04 and not otherwise.

B. Whenever any person aggrieved by a final order or decision in a contested case seeks judicial review of such final order or decision, the City Department Head involved shall at the request of any party and upon payment of the reasonable costs thereof, prepare and transmit to the reviewing court a certified copy of the entire record of the proceedings or such shortened record as may be agreed to by the parties or ordered by the court. At the request or direction of the court, the City Department Head and the Hearing Examiner may take additional evidence and modify their findings or order or decision in accordance therewith. Such additional evidence and any modification shall become a part of the record and where appropriate shall be prepared and transmitted to the reviewing court as provided in this section.

(Ord. 104542 § 22, 1975.)

20.84.230 Official custodian of regulations.

The City Clerk is designated as the official custodian of all rules, regulations, and orders adopted or used (including such federal and state rules, regulations, guidelines, orders, policies and procedures as may apply) by the City or any City Department Head pertaining to relocation assistance; and any City Department Head having authority over and responsibility for any program or project of real property acquisition which may create a displaced person shall cause true copies of all such rules, regulations and orders to be filed with the City Clerk, which shall be made available for inspection and copying by the public upon the same terms and

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conditions as other official records of the City in the custody of the Clerk.
(Ord. 104542 § 23, 1975.)

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