

221
ORDINANCE No. 113797

Law Department

221
COUNCIL BILL No. 106526

The City of

AN ORDINANCE relating to certified consultants' rosters; coordinating such rosters with City programs to assist small business concerns, increasing the amount of eligible contracts, increasing the maximum allowable participation, expanding the specialties covered, and deleting the sunset clause; amending Seattle Municipal Code Section 3.114.150 (Ordinance 112334); and adding a new section 3.114.145 therefor.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced: <u>DEC 14 1987</u>	By: <u>BENSON</u>
Referred: <u>DEC 14 1987</u>	To: <u>FULL COUNCIL</u>
Referred:	To:
Referred:	To:
Reported: <u>DEC 21 1987</u>	Second Reading: <u>DEC 21 1987</u>
Third Reading: <u>DEC 21 1987</u>	Signed: <u>DEC 21 1987</u>
Presented to Mayor: <u>DEC 22 1987</u>	Approved:
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <u>OK</u>

The City of Seattle - Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

has referred the within Council Bill No.

we have considered the same and respectfully recommend that the same:

VOTE NO

Committee Chair

#1
C.B.106526

JGB:bjw
12/11/87

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ORDINANCE 113797

AN ORDINANCE relating to certified consultants' rosters; coordinating such rosters with City programs to assist small business concerns, increasing the amount of eligible contracts, increasing the maximum allowable participation, expanding the specialties covered, and deleting the sunset clause; amending Seattle Municipal Code Section 3.114.150 (Ordinance 112334); and adding a new section 3.114.145 therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code Chapter 3.114, a new section 3.114.145, as follows:

Section 3.114.145 Findings and Declaration of Policy.

The City Council finds that:

(a) National Policy encourages the establishment and growth of small business in order to strengthen free competition, expand economic opportunity and further economic development, improve managerial skills, and encourage individual investment, among other goals; and the United States has established many governmental programs to foster and assist small business;

(b) The State of Washington has established an office of small business (RCW 43.31.925), provided programs to assist small business such as the small business innovators opportunity program (RCW Chapter 43.170), authorized participation in federal small business programs (RCW Chapter 31.20), and declared that small businesses are essential to the well-being of Washington's economy, represent a majority of the businesses in the state and provide nearly one-half of Washington's jobs, insure essential economic competition, and

1 broaden the industrial base of Washington industries (RCW
2 43.31.915);

3 (c) Small businesses are very important to the City's
4 economy. Consulting contracts within the limits of Sections
5 3.114.150-.160 provide small businesses a needed opportunity
6 to develop their skills and reputations; the City's experience
7 with its certified rosters during the last two years has shown
8 that services provided by small business on such assignments
9 are equal to those secured from larger enterprises. Awarding
10 such consultant contracts to small business through the roster
11 system provides added indirect benefits to the City and its
12 economy through the stimulation of small business, allowing a
13 greater development of individual skills, generating increased
14 competition in the Seattle area, and providing more employment
15 and economic opportunity.

16 (d) Placing qualified women's and minority business
17 enterprise on such rosters, and awarding them contracts that
18 they may participate fully as prime contractors in City
19 projects and programs furthers the City's goals and policies
20 declared in SMC 20.40.020, the Women's and Minority Business
21 Utilization Ordinance.

22 Section 2. Seattle Municipal Code Section 3.114.150
23 (Section 1 of Ordinance 112334) is amended as follows:

24 3.114.150 Certified Consultants' Roster

25 ((A-)) Through the competitive process contemplated by
26 Section 3.114.020 through 3.114.070, a department may
27 establish certified rosters of qualified consultants for
28 skills or services in specialized areas of knowledge or
experience including among others, specialties within
architectural and engineering services (~~(specialties)~~); and

1 without soliciting proposals on such assignments or projects
2 individually, the department may contract with a consultant on
3 the appropriate roster as the City's needs arise for
4 assignments or projects within the described specialty as long
5 as each contract is estimated to cost no more than (~~Forty~~
6 ~~Thousand Dollars (\$40,000))~~ Eighty Thousand Dollars
7 (\$80,000), or an adjusted amount established pursuant to
8 Section 3.114.140.

9 ~~((B. The provisions of this ordinance relating to
10 establishment of certified rosters of qualified consultants
11 within architectural and engineering specialties added to SMC
12 Chapter 20.46 in new Sections 20.46.095, 20.46.150 and
13 20.46.160 and the amendments to SMC Chapter 3.114 in Sections
14 3.114.020, 3.114.030, 3.114.040 and 3.114.050, 3.114.060,
15 3.114.070, 3.114.110 and 3.114.140 shall take effect and be in
16 force from the effective date of said ordinance and shall
17 expire and be of no further force and effect on January 1,
18 1988.))~~

19 Section 3. Seattle Municipal Code Section 3.114.160
20 (Section 1 of Ordinance 112334) is amended as follows:

21 3.114.160 Establishment and operation of rosters.

22 These terms apply to maintenance and use of certified
23 rosters.

24 A. Solicitation. A solicitation for consultants for a
25 certified roster shall describe the particular
26 (~~architectural and/or engineering~~) specialty sought, the
27 contract dollar limits, the type of assignments or projects to
28 be made, and the duration of the roster. The terms in a
solicitation may be more restrictive than this chapter, and if
so, shall control.

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B. Consideration

1. Except for the circumstances described in Section 3.114.110, a department which maintains a certified roster, may contract only with the consultants on the roster for assignments or projects within the specialty and for services described in the roster on assignments or projects estimated to cost no more than (~~Forty Thousand Dollars (\$40,000.00)~~) Eighty Thousand Dollars (\$80,000.00) or an adjusted amount established pursuant to Section 3.114.140. The foregoing sentence does not limit a department's ability to:

a. Execute change orders to contracts, which were made originally without using the roster, for work or services related to the original contracts regardless of the amount of the change order;

b. Select consultants through the consultant selection process as defined in Seattle Municipal Code Chapter 3.114, for projects which fall generally within a specialty for which there is a roster, but which require a level of expertise that is not available within the firms on the certified roster;

c. Disregard a roster in order to carry out an applicable procurement regulation mandated by the grant agreement on a project with federal or state assistance.

d. Execute a change order or contract amendment with the consultant for additional work, which is related to the original contract and was not foreseen when the contract was originally executed, as long as the total contract consideration, including all change orders and amendments, does not exceed Ninety

1 Six Thousand Dollars (\$96,000.00) or one hundred
2 twenty percent (120%) of an adjusted amount
3 established pursuant to Section 3.114.140, whichever
4 is greater.

5 2. In applying for, and accepting placement on a
6 certified roster, a consultant agrees to maintain a readiness
7 to contract with the City to provide the services for
8 particular assignments or projects contemplated by the
9 solicitation, when and if offered; and, if awarded a
10 contract, the consultant agrees to complete the assignment or
11 project in a timely and professional manner in accordance with
12 the contract's standard contract and/or special terms and
13 conditions.

14 C. Opportunities for small business. Whenever four or
15 more such consultants qualify for certification, the roster
16 shall consist only of those consultants who are eligible to be
17 classified as a "small business concern" under the Small
18 Business Act of the United States, 15 USC § 632, and its
19 implementing regulations, 13 CFR Part 121. If three or fewer
20 such consultants are certifiable, the roster shall be selected
21 without regard to the eligibility of consultants under the
22 small business criteria. A consultant may evidence its
23 qualification as a "small business concern" by showing its
24 acceptance by the Small Business Administration or its
25 certification by, the Washington Office of Minority and
26 Women's Business Enterprises.

27 D. ((C+)) Standard Contracts

28 1. A department may require that all consultants
placed on a certified roster agree to contract on a standard
form of contract which contains terms and conditions generally

1 controlling the work or services to be performed; if so, the
2 department's contracts with a consultant for a particular
3 assignment or project may adopt the standard form and supply
4 the scope of work; the time for performance; the hours of work
5 and consideration to be paid; and other special terms and
6 conditions specific to the particular assignment or project.

7 2. A standard contract may quote an hourly or piece
8 rate for the consultant, which shall remain a firm offer for a
9 stated period.

10 E. (~~(D)~~) Duration

11 1. A certified roster shall expire at the earliest
12 of the following:

13 a. (~~(Two-(2))~~) Three (3) years after its
14 establishment;

15 b. A shorter duration stated in the department's
16 solicitation; or

17 c. Reduction of the number of consultants on the
18 roster to one-third (1/3) of its original membership
19 or one (1) consultant, whichever is greater.

20 2. After notice to the consultants on a roster and
21 allowing them a hearing, a roster may be dissolved sooner
22 than its expiration when it is deemed in the best interests
23 of the City for causes stated in the notice.

24 F. (~~(E)~~) Number. A department shall determine the
25 number of consultants contained on a roster. The number shall
26 not exceed eight (8) consultants.

27 G. (~~(F)~~) Deletion From a Roster.

28 1. A consultant shall be deleted from a certified
roster under any of the following circumstances:

1 a. The consultant requests deletion. (The
2 deletion shall take effect ten (10) business days
3 after notice to the department);

4 b. The consultant and/or a firm with an
5 affiliation in ownership with the consultant receives
6 contracts from the department through the certified
7 roster which exceed Two Hundred Forty Thousand
8 Dollars (\$240,000) (~~One Hundred Twenty Thousand~~
9 ~~Dollars (\$120,000.00))~~) or ((~~an~~)) three times the
10 adjusted amount established pursuant to SMC Section
11 3.114.150, whichever is greater;

12 c. The consultant is found to be in default in
13 the performance of a City contract or is
14 disqualified from City contracting, or the consultant
15 has failed to file applicable ((~~pay~~)) business and
16 occupation tax(~~es~~) report. (~~applicable to~~
17 ~~contracting with the City or doing business with the~~
18 ~~City~~)); or

19 d. The consultant has made a material
20 misrepresentation in its response to a solicitation.
21 (A misrepresentation is material if the consultant's
22 rating in the evaluation scores would probably have
23 been reduced if the facts were fully known.)

24 2. After allowing the consultant an opportunity to
25 be heard, a department may delete a consultant from a certified
26 roster, if:

27 a. The consultant fails to execute a contract for
28 service within the specialty for an assignment or
project when offered to it;

b. The consultant discontinues business within
the Puget Sound area of Western Washington;

1 c. The consultant changes its organization or
2 operations so that its response to the department's
3 solicitation, although correct when made, is no
4 longer descriptive of its current status, and the
5 changes place the department at a disadvantage; or

6 d. The circumstances presented provide good cause
7 under rules established by the Board of Public Works.

8 3. Replacements. A department may replace a consultant
9 deleted from a roster by adding the next highest ranked
10 consultant in the selection process, provided, a replacement
11 for women's business enterprise or a minority business
12 enterprise, as defined in SMC Section 20.46.050, shall be the
13 next highest ranked women's business enterprise or a minority
14 business enterprise respectively.

15 H. Human Rights Review. A department's solicitation and
16 selection process and a standard contract shall be subject to
17 review by the Director of Human Rights for compliance with the
18 Women's and Minority Business Utilization Ordinance, SMC
19 Chapter 20.46.

20 I. Disclaimer. Placement on a certified roster makes a
21 consultant eligible for consideration for contracting with the
22 soliciting department to provide services within the specialty
23 for assignments or projects estimated to cost no more than
24 ~~((Forty Thousand Dollars (\$40,000.00), as adjusted under~~
25 ~~Section 3.114.140))~~ the roster program limitations, all as
26 more fully described or limited in the department's
27 solicitation, and subject to the terms of this chapter and the
28 need of the department for the service and its availability of
funds. Placement on a roster does not guarantee anyone any
contract for any amount. In addition, the City reserves the

1 power to amend or appeal this chapter and to change or
2 discontinue the roster system at any time.

3 J. (~~Selection~~) Evaluation Criteria. Consultants shall
4 be evaluated (~~selected~~) for placement on a roster on the
5 basis, among other factors, of their record of utilization of
6 women and minority owned business on subcontracts.

7 K. Professional Liability Insurance. When professional
8 liability insurance is required, the department shall, in
9 consultation with the City's risk manager, set the amount to
10 reflect its evaluation of the risk of liability and the City's
11 liability exposure. In lieu of a special policy, a department
12 may require that the City be named as an additional insured
13 on the consultant's general liability policy.

14 Section 4. Rosters in effect on December 31, 1987 may
15 continue in effect and be used through February 29, 1988.

16 Section 5. Any act consistent with the authority and
17 prior to the effective date of this ordinance is hereby
18 ratified and confirmed.
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(To be used for all Ordinances except Emergency.)

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 21st day of December, 1987, and signed by me in open session in authentication of its passage this 21st day of December, 1987.

James D. [Signature]

President Pro Tem of the City Council.

Approved by me this 23rd day of December, 1987.

Charles [Signature]

Mayor.

Filed by me this 23rd day of December, 1987.

Howard J. Brooks

Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *Theresa [Signature]* Deputy Clerk.

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 684-8200

DOUGLAS N. JEWETT, CITY ATTORNEY

December 11, 1987

Hon. Sam Smith
President, Seattle City Council
The City of Seattle

Re: Amendatory ordinance for certified rosters

Dear Council President Smith:

We are forwarding herewith an amendatory ordinance to extend the certified roster program for consultants. It contains the recommendations made by the Finance Committee and proposals by the Engineering Department for implementing the Finance Committee's recommendations, viz:

- (1) The Finance Committee had approved extending the roster program to include expertise with hazardous materials, which might be classified as "science" rather than engineering or architecture. Mention had been made of computer programming. The proposed ordinance therefore covers specialized skills and knowledge generally.
- (2) The Engineering Department had expressed concern about a hiatus on January 2, 1987 because its current rosters would expire and its new rosters would not yet be in place. It was apprehensive that the State Office of Minority and Women's Business Enterprise might not make certifications before January 1, 1988. The proposed ordinance therefore authorizes holding over current rosters for sixty days through February 29, 1988.
- (3) The Engineering Department expressed concern about establishing a roster when there are three or fewer qualified consultants who are eligible as small businesses. Its representative cited the field of soils consultants. The Finance Committee had acknowledged that it may be of concern. The ordinance adopts the Engineering Department's proposed resolution in Section 3.114.160 C. Its proposal has an open roster when there are three or fewer small businesses certified, and, an exclusively small business roster when there are four or more small businesses certified.

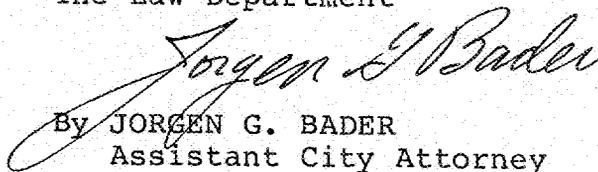
Hon. Sam Smith
December 11, 1987
Page 2

The ordinance contains a ratification clause so that the Engineering Department may advertise and interview for the new rosters as soon as the ordinance is passed.

Our office added the findings and declarations associating the certified roster program with the City's programs for assisting small business. We had discussed the need for these findings during the Committee's discussions. We caution, however, that no statute or Washington case expressly authorizes such a program and that, if challenged, this ordinance will present a case of first impression. We feel that a good argument can be made for this approach and that the findings and declarations in putting the program in the perspective of state and federal policy fostering small business and individual economic opportunity.

Very truly yours,

The Law Department


By JORGEN G. BADER
Assistant City Attorney

JGB:bjw
encl.

cc: Gary Zarker
Ron Neiforth

City of Seattle

ORDINANCE 11731

AN ORDINANCE relating to certified consultants' rosters; coordinating such rosters with City programs to assist small business concerns; increasing the amount of eligible contracts; increasing the maximum allowable participation; expanding the specialties covered; and deleting the sunset clause, amending Seattle Municipal Code Section 3.114.150 (Ordinance 11734), and adding a new section 3.114.145 hereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code Chapter 3.114, a new section 3.114.145, as follows:

Section 3.114.145 FINDINGS AND DECLARATION OF POLICY.

The City Council finds that:

(a) National Policy encourages the establishment and growth of small business in order to strengthen free competition, expand economic opportunity and further economic development, improve managerial skills, and encourage individual investment, among other goals, and the United States has established many governmental programs to foster and assist small business.

(b) The State of Washington has established an office of small business (RCW 43.31.025), provided programs to assist small business such as the small business innovators' opportunity program (RCW Chapter 43.170), authorized participation in federal small business programs (RCW Chapter 31.30), and declared that small businesses are essential to the well-being of Washington's economy, represent a majority of the businesses in the state and provide nearly one-half of Washington's jobs, insure essential economic competition, and broaden the industrial base of Washington industries (RCW 43.31.015).

(c) Small businesses are very important to the City's economy. Consulting contracts within the limits of Sections 3.114.150, 159 provide small businesses a needed opportunity to develop their skills and reputations. The City's experience with its certified rosters during the last two years has shown that services provided by small business on such assignments are equal to those secured from larger enterprises. Awarding such consultant contracts to small business through the roster system provides added indirect benefits to the City and its economy through the stimulation of small business, allowing a greater development of individual skills, generating increased competition in the Seattle area, and providing more employment and economic opportunity.

(d) Placing qualified women's and minority business enterprise on such rosters, and awarding them contracts that they may participate fully as prime contractors in City projects and programs furthers the City's goals and policies declared in SMC 20.46.030, the Women's and Minority Business Utilization Ordinance.

Section 2. Seattle Municipal Code Section 3.114.150 (Section 1 of Ordinance 11734) is amended as follows:

3.114.150 Certified Consultants' Roster

(A.) Through the competitive process contemplated by Section 3.114.020 through 3.114.070, a department may establish certified rosters of qualified consultants FOR SKILLS OR SERVICES IN SPECIALIZED AREAS OF KNOWLEDGE OR EXPERIENCE, INCLUDING AMONG OTHERS, SPECIALTIES within architectural and engineering SERVICES (specialties), and without soliciting proposals on such assignments or projects individually, the department may contract with a consultant on the appropriate roster as the CITY'S needs arise for assignments or projects within the described specialty as long as such contract is estimated to cost no more than (Forty Thousand Dollars (\$40,000)), EIGHTY THOUSAND DOLLARS (\$80,000), or an adjusted amount established pursuant to Section 3.114.149.

(B.) The provisions of this ordinance relating to establishment of certified rosters of qualified consultants within architectural and engineering specialties added to SMC Chapter 20.46 in New Sections 20.46.085, 20.46.120 and 20.46.160 and the amendments to SMC Chapter 3.114 in Sections 3.114.029, 3.114.030, 3.114.040 and 3.114.050, 3.114.060, 3.114.070, 3.114.110 and 3.114.140 shall take effect and be in force from the effective date of said ordinance and shall expire and be of no further force and effect on January 1, 1988.)

Section 3. Seattle Municipal Code Section 3.114.150 (Section 1 of Ordinance 11734) is amended as follows:

3.114.150 Establishment and operation of rosters.

These terms apply to maintenance and use of certified rosters.

A. Solicitation. A solicitation for consultants for a certified roster shall describe the particular (architectural and/or engineering) specialty, SCOPE of the contract dollar limits, the type of assignments or projects to be made, and the duration of the roster. The terms in a solicitation may be more restrictive than this chapter, and if so, shall control.

B. Consideration.

1. Except for the circumstances described in Section 3.114.139, a department which maintains a certified roster may contract only with the consultants on the roster for assignments or projects within the specialty and for services described in the roster or assignments or projects estimated to cost no more than (Sixty Thousand Dollars (\$60,000)), EIGHTY THOUSAND DOLLARS (\$80,000), or an adjusted amount established pursuant to Section 3.114.149. The foregoing restriction does not limit a department's ability to:

a. Execute change orders to contracts which were made originally without using the roster, for work or services related to the original contracts, except in the amount of the change order.

b. Select consultants through the usual selection process as defined in Seattle Municipal Code Chapter 3.114 for projects which fall generally within a specialty for which there is a roster but which require a level of expertise that is not available within the firms on the certified roster.

c. Disregard a roster in order to carry out an applicable procurement regulation mandated by the grant agreement on a project with federal or state assistance.

4. EXECUTE A CHANGE ORDER OR CONTRACT AMENDMENT WITH THE CONSULTANT FOR ADDITIONAL WORK WHICH IS RELATED TO THE ORIGINAL CONTRACT AND WAS NOT FORESEEN WHEN THE CONTRACT WAS ORIGINALLY EXECUTED, AS LONG AS THE TOTAL CONTRACT CONSIDERATION (INCLUDING ALL CHANGE ORDERS AND AMENDMENTS, DOES NOT EXCEED NINETY SIX THOUSAND DOLLARS (\$96,000.00) OR ONE HUNDRED TWENTY PERCENT (120%) OF AN ADJUSTED AMOUNT ESTABLISHED PURSUANT TO SECTION 3.114.149, WHICHEVER IS GREATER.

1. In applying for, and accepting placement on a certified roster, a consultant agrees to maintain a readiness to contract with the City to provide the services for particular assignments or projects contemplated by the solicitation, when and if offered; and, if awarded a contract, the consultant agrees to complete the assignment or project in a timely and professional manner in accordance with the contract's standard contract and/or special terms and conditions.

C. OPPORTUNITIES FOR SMALL BUSINESS. WHENEVER FOUR OR MORE SUCH CONSULTANTS QUALIFY FOR CERTIFICATION, THE ROSTER SHALL CONSIST ONLY OF THOSE CONSULTANTS WHO ARE ELIGIBLE TO BE CLASSIFIED AS A "SMALL BUSINESS CONCERN" UNDER THE SMALL BUSINESS ACT OF THE UNITED STATES, 15 USC 432, AND ITS IMPLEMENTING REGULATIONS, 13 CFR PART 121. IF THREE OR FEWER SUCH CONSULTANTS ARE CERTIFIABLE, THE ROSTER SHALL BE SELECTED WITHOUT REGARD TO THE ELIGIBILITY OF CONSULTANTS UNDER THE SMALL BUSINESS CRITERIA. A CONSULTANT MAY EVIDENCE ITS QUALIFICATION AS A "SMALL BUSINESS CONCERN" BY SHOWING ITS ACCEPTANCE BY THE SMALL BUSINESS ADMINISTRATION ON ITS CERTIFICATION BY THE WASHINGTON OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.

D. (C.) Standard Contracts

1. A department may require that all consultants placed on a certified roster agree to contract on a standard form of contract which contains terms and conditions generally controlling the work or services to be performed. If so, the department's contracts with a consultant for a particular assignment or project may

adopt the standard form and modify the scope of work, the time for performance, the terms of work and payment, the fee, and other special terms and conditions essential to the assignment or project.

2. A standard contract may specify an hourly or piece rate for the consultant, which shall remain a firm offer for a stated period.

E. (D.) Duration

1. A certified roster shall expire at the earliest of the following:

a. (Ten (10) THREE (3) years after its establishment;

b. A shorter duration stated in the department's solicitation; or

c. Reduction of the number of consultants on the roster to one-third (1/3) of its original membership or one (1) consultant, whichever is greater.

2. After notice to the consultants on a roster and allowing them a hearing, a roster may be dissolved sooner than its expiration when it is deemed in the best interests of the City for causes stated in the notice.

F. (E.) Number. A department shall determine the number of consultants contained on a roster. The number shall not exceed eight (8) consultants.

G. (F.) Deletion From a Roster

1. A consultant shall be deleted from a certified roster under any of the following circumstances:

a. The consultant requests deletion. (The deletion shall take effect ten (10) business days after notice to the department.)

b. The consultant and/or a firm, with an affiliation in ownership with the consultant, receives contracts from the department through the certified roster which exceed TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00) (One Hundred Twenty Thousand Dollars (\$120,000.00) or (Two) THREE TIMES THE ADJUSTED AMOUNT ESTABLISHED PURSUANT TO SMC SECTION 3.114.149, WHICHEVER IS GREATER.

c. The consultant is found to be in default in the performance of a City contract or is disqualified from City contracting or the consultant has failed to FILE APPLICABLE 1997 BUSINESS AND OCCUPATION TAX (SAL) REPORT (as applicable to contracting with the City or doing business with the City); or

d. The consultant has made a material misrepresentation in its response to a solicitation. (A misrepresentation is material if the consultant's rating in the evaluation scores would probably have been reduced if the facts were fully known.)

2. After allowing the consultant an opportunity to be heard, a department may delete a consultant from a certified roster, if:

a. The consultant fails to execute a contract for service within the specialty for an assignment or project when offered to it;

b. The consultant discontinues business within the Puget Sound area of Western Washington;

c. The consultant changes its organization or operations so that its response to the department's solicitation, although correct when made, is no longer descriptive of its current status, and the changes place the department at a disadvantage; or

d. The circumstances presented provide good cause under rules established by the Board of Public Works.

3. Replacements. A department may replace a consultant deleted from a roster by adding the next highest ranked consultant in the selection process, provided, a replacement for women's business enterprise or a minority business enterprise, as defined in SMC Section 20.46.030, shall be the next highest ranked women's business enterprise or a minority business enterprise, respectively.

H. Human Rights Review. A department's solicitation and selection process and a standard contract shall be subject to review by the Director of Human Rights for compliance with the Women's and Minority Business Utilization Ordinance, SMC Chapter 20.46.

I. Disclaimer. Placement on a certified roster makes a consultant eligible for consideration for contracting with the soliciting department to provide services within the specialty for assignments or projects estimated to cost no more than (Forty Thousand Dollars (\$40,000.00)), as adjusted under Section 3.114.149. THE ROSTER PROGRAM LIMITATIONS, all as more fully described or limited in the department's solicitation, and subject to the terms of this chapter and the need of the department for the service and its availability of funds. Placement on a roster does not guarantee anyone any contract or any amount. In addition, the City reserves the power to amend or repeal this charter and to change or discontinue the roster system at any time.

(Selection) EVALUATION Criteria. Consultants shall be EVALUATED (rated) for placement on a roster on the basis, among other factors, of their record utilization of women and minority business enterprise contracts.

6. PROFESSIONAL LIABILITY INSURANCE. WHEN PROFESSIONAL LIABILITY INSURANCE IS REQUIRED, THE DEPARTMENT SHALL, IN CONSULTATION WITH THE CITY'S RISK MANAGER, SET THE AMOUNT TO REFLECT ITS EVALUATION OF THE RISK OF LIABILITY AND THE CITY'S LIABILITY EXPOSURE IN LIEU OF A SPECIAL POLICY. A DEPARTMENT MAY REQUIRE THAT THE CITY BE NAMED AS AN ADDITIONAL INSURED ON THE CONSULTANT'S GENERAL LIABILITY POLICY.

Section 4. Rosters in effect on December 31, 1987, may continue in effect and be used through February 28, 1988.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise, it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 1st day of December, 1987, and signed by me in open session in authentication of its passage this 1st day of December, 1987.

JANE KOLAND,
President Pro Tem of the City Council.
Approved by me this 23rd day of December, 1987.
CHARLES ROYER,
Mayor.

Filed by me this 23rd day of December, 1987.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk
(Seal By) THERESA DUNBAR,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
(Bold face denotes election.)

Date of official publication in Daily Journal of Commerce, Seattle, January 3, 1988. (C 212 3)

C-312-X

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a
Ordinance No. 113797

was published on
January 8, 1988

B. Slav

Subscribed and sworn to before me on

January 8, 1988

Norme Summers

Notary Public for the State of Washington,
residing in Seattle.