

ORDINANCE No. 118066

COUNCIL BILL No. 111152

AN ORDINANCE related to the city-wide
consultation water program; amend
to bill to receive of the
on the part of the board of
departments.

mc

INDEXED

Law Department

The City of Seattle--Le

REPORT OF CO

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully

Finance & Budget Committee

3/20/96 PASS 3-0

Full Council

COMPTROLLER FILE No. _____

Introduced: <i>3-4-96</i>	By: <i>Choe</i>
Referred: <i>3-4-96</i>	To: <i>Finance & Budget</i>
Referred:	To:
Referred:	To:
Reported: <i>MAR 2 5 1996</i>	Second Reading: <i>MAR 2 5 1996</i>
Third Reading: <i>MAR 2 5 1996</i>	Signed: <i>MAR 2 5 1996</i>
Presented to Mayor: <i>MAR 2 6 1996</i>	Approved: <i>APR - 3 1996</i>
Returned to City Clerk: <i>APR - 3 1996</i>	Published: <i>Full</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Committee C

ORDINANCE 118066

1
2 AN ORDINANCE related to the City-wide Consultant Roster Program amending SMC 3.114.160 to
3 remove restrictions on the use of the Roster Program by City departments.

4 WHEREAS, the City-wide Consultant Roster Program was established to improve the efficiency of the
5 consultant selection process; and

6 WHEREAS, the Department of Administrative Services has advertised for and selected consultants for
7 the City-wide Consultant Roster Program; and

8 WHEREAS, it is in the best interests of the City to provide flexibility for departments to select the most
9 qualified consultants from the Roster Program or through other approved methods; and

10 WHEREAS, the City desires to provide contracting opportunities for a wide variety of consultants;

11 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

12 Section 1. Seattle Municipal Code 3.114.160, subsection B is amended to read as follows:

13 B. Consideration.

14 1. ~~Except for the circumstances described in SMC Section 3.114.140, a~~ participating
15 department may ~~shall~~ contract ~~only~~ with the consultants on the roster for assignments or projects within
16 the specialty and for services described in the roster on assignments or projects estimated to cost no more
17 than an adjusted amount established pursuant to SMC Section 3.114.140. ~~This foregoing sentence does~~
18 ~~not limit a participating department's ability to:~~

19 a. ~~Execute amendments to contracts made originally without using the roster for work or~~
20 ~~services related to the original contracts regardless of the amount of the amendment;~~

21 b. ~~Select consultants through the consultant selection process as defined in this chapter,~~
22 ~~for projects falling generally within a specialty for which there is a roster, but requiring a level of~~
23 ~~expertise that is not available from the consultants on the certified roster, for which no consultant on the~~
24 ~~roster is available, or, as determined by the head of the participating department contracting for such~~
25 ~~services that there is a need for broadening the search for consultant to perform the services;~~
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28

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

3 d. Execute a contract amendment with the consultant for additional work related to the
4 original roster contract and not foreseen when the roster contract was originally executed, as long as the
5 total contract consideration, including all amendments do not exceed one hundred twenty percent (120%)
6 of the dollar limitation established pursuant to SMC Section 3.114.140, when the original contract was
7 executed.

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

13 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its
14 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
15 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

16 Passed by the City Council the 25 day of March, 1996, and signed by me in
17 open session in authentication of its passage this 25 day of March, 1996.

18
19
20
21 Jan Diego
President _____ of the City Council

22 Approved by me this 3 day of April, 1996
23
24 Norman Blue
Mayor

25 Filed by me this 3 day of April, 1996.
26
27 Janith Edappin
City Clerk

28 ref: Contract Svcs Legal Disk No. 1 (CCRP)

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City of Seattle
Department of Administrative Services

Kenneth J. Nakatsu, Director
Norman B. Rice, Mayor



RECEIVED OMP
JAN 31 1996

January 23, 1996

The City Council
City of Seattle
1100 Municipal Building
Seattle, Washington 98104

Via: Mayor Norman B. Rice

Attention: Tom Tierney, Director, Office of Management and Planning

Honorable Members:

SUBJECT: An ordinance amending SMC 3.114.160 related to the City-wide Consultant Roster Program and removing restrictions on the use of the Roster Program by City departments

We request the adoption of the attached legislation that would amend SMC 3.114.160 by removing certain restrictions placed on City departments interested in participating in the recently adopted City-wide Consultant Roster Program. The changes will provide additional:

- Flexibility for departments in selecting consultants
- Contracting opportunities for consultants who did not apply for the Consultant Roster Program or who were not selected.

BACKGROUND OF THE ROSTER PROGRAM

The City-wide Consultant Roster Program was adopted by the City Council on April 3, 1995 as a mechanism to increase the efficiency of the consultant selection process, ensure an open process for consultants to compete for City contracts, and meet the City's WMBE utilization targets. The City-wide Consultant Roster Program was modeled after earlier legislation that permitted an individual department to establish a roster under similar terms, and which had been used successfully by the Engineering Department for the last ten years.

The City-wide Consultant Roster Program, under the direction of DAS, utilizes a comprehensive advertising and selection process applicable for all City departments. DAS' Consultant Contracting Advisory Group, composed of representatives of the major contracting departments, OMP, and Law, has worked together to implement the City-wide Consultant Roster Program.

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DAS advertised in August 1995 for consultant qualifications in 52 categories of services and received over 750 applications for placement on the Roster. After utilizing raters from many different departments who evaluated the qualifications of the consultants based on established and published criteria, DAS selected consultants for placement on the Roster and notified departments of those selections. The three year Rosters became effective as of October 17, 1995. DAS has also adopted rules implementing the administration of the Roster Program, consistent with the ordinance.

EXISTING ORDINANCE PROVISIONS

SMC 3.114.160 currently provides, among other features, that once a City department contracts with a consultant using the City-wide Consultant Roster Program, it must continue to use the Roster for all future selections of consultants in that particular category of service under the established threshold of \$109,000. The existing ordinance permits a department to select a consultant not on the Roster only if certain exemptions have been met. The exemptions include a determination that no consultant on the Roster has the necessary expertise, that no consultant on the Roster is available within the time required, or that the department head has determined that the search for the most qualified consultant should be broadened to include consultants not on the Roster.

REASONS FOR PROPOSED CHANGES

As with any new program, implementation of the City-wide Consultant Roster Program has highlighted areas that require adjustment in order for the program to accomplish its objectives. There are a number of factors that have led to this proposal to remove the above-noted restrictions on a department's use of the Roster Program:

- 1) Many departments have expressed a reluctance to utilize the City-wide Consultant Roster Program because of their concern that it will limit their ability to obtain the services of the most qualified consultant for particular projects. While departments could in many cases justify an exemption to using the Roster Program, going through such a process is viewed as an unnecessary burden, particularly for a program designed to increase the efficiency of the consultant selection process.
- 2) The existing restrictions have the effect of restricting competition in the selection of consultants, thus limiting the City's ability to ensure that consultant services are obtained at the best price from the most qualified firms.
- 3) Many consultants who were not selected for the Roster Program or did not meet the deadline for applying for the program are concerned about not being able to compete for City consultant services until the three year Roster Program is re-advertised in 1998. The added flexibility in the program will provide additional opportunities for consultants to compete for City contracts.

CONCLUSION

Removing the current restrictions on the use of the City-wide Consultant Roster Program has been encouraged by DAS' Consultant Contracting Advisory Group and has widespread support from the consultant community. It will help make the City's consultant selection process more efficient by enabling

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City-wide Consultant Roster Program
January 23, 1996
Page 3

more departments to take advantage of the Roster Program as one option to utilize in the selection of consultants. The change will also open City consultant opportunities to a wider pool of consultants.

If you have any questions about the proposed legislation, please contact Rod Brandon, Director of Contracting Services, at 684-0324 or Mike Purdy, DAS Public Works Contracting Manager, at 684-0388.

Sincerely,



Kenneth J. Nakatsu
Director

KN:mp:bat

Attachments

cc: Rod Brandon, Director of Contracting Services
Mike Purdy, Public Works Contracting Manager

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SOP 100-014 -- Additional Information on Legislative Requests

1) Statement of Program/Proposal Objectives:

SMC 3.114.160 currently provides, among other features, that once a City department contracts with a consultant using the City-wide Consultant Roster Program, it must continue to use the Roster for all future selections of consultants in that particular category of service under the established threshold of \$109,000. The existing ordinance permits a department to select a consultant not on the Roster only if certain exemptions have been met.

The proposed legislation removes this restriction and will help make the City's consultant selection process more efficient by enabling more departments to take advantage of the Roster Program as one option to utilize in the selection of consultants. The change will also open City consultant opportunities to a wider pool of consultants.

2) Dollar Amount Estimated/Fund Source:

None

3) Length of Program Commitment:

The City-wide Consultant Roster Program became effective with the selection of consultants on October 17, 1995 and will expire three years later, on October 17, 1998.

4) List of New Positions:

None

5) Facilities or Equipment:

None

ref: Contracting Disk 'B' (MP.BAT)

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From: Mike Purdy
To: Sea-Leg.Council & Central Staff.ATAKEKA
Date: 2/28/96 4:50pm
Subject: Consultant Roster Categories

Anne,

Monica Power said you would like a copy of the consultant roster categories for which DAS made selections last fall. I have listed them below for your review. If you have any questions about the proposed change or the roster program, please feel free to contact me at 4-0388. If Martha's schedule does not permit a briefing prior to the Finance Committee meeting, I'd be more than happy to provide you with a briefing.

==Mike

1. Architectural Services
2. Audits
3. Bicycle and Pedestrian Plan., Des. & Anal.
4. Bioengineering and Wetland Horticulture
5. Composting Design, Operation and Testing
6. Computer Systems Analysis and Program.
7. Constructability Rev. and Const. Cost Est.
8. Construction Management
9. Corrosion Engineering
10. Court Reporting Services
11. Diving - Engineers
12. Diving - General
13. Economic Analysis
14. Economic Impact Analysis
15. Electrical Engineering and Lighting Design
16. Energy Conservation Planning
17. Environmental Assessment
18. Environmental Site Assess., Ph. 1, 2, and 3
19. Field Sampl. & Testing of Air, Water & Soil
20. Fisheries and Wildlife Evaluation
21. Forest Engineering
22. Hazardous Material / Waste - O and M
23. Hazardous Materials Training Services
24. ICBO - Certified Building Inspections
25. Land Surveying
26. Landscape Architecture
27. Management Services
28. Management Training and Counseling Ser.
29. Market Surveys
30. Occupational Safety and Health

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31. Partnering and Disp. Prev./Res. Services
32. Pavement Testing / Evaluation
33. Planning, Permitting and Plan Review
34. Post Disaster Engineering
35. Project Management
36. Public Info., Promotion and Public Invol.
37. R. E. Fee Appr. (WA St. Lic./Cer.)
38. R. E. Fee Appr. (Working Toward Lic.)
39. Recycling Planning
40. Right-of-Way Acquisition / Relocation
41. Roadway Design
42. Sewer / Drainage Design
43. Soils Engineering and Shoring Design
44. Structural Engineering
45. Technical Writers / Editors / Graphic Artist
46. Toxicological Anal./Pub. Health Risk Ass.
47. Transp. Planning and Traffic Engineering
48. Underground Storage Tank (UST) Ass.
49. Vocational Study Services
50. Waste Handling Facility Design
51. Water Conservation Anal., Mark. & Audits
52. Water Quality Protection

CC: COSCCML.exec.Monica Power

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

February 22, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT Administrative Services

SUBJECT: AN ORDINANCE related to the City-wide Consultant Roster Program;
amending SMC 3.114.160 to remove restrictions on the use of the
Roster Program by City departments.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Monica Power at 684-8076.

Sincerely,

Norman B. Rice
Mayor

by



Tom Tierney, Director

legis:power53

Enclosure

96-035 *mkh*


COPY RECEIVED
96 FEB 22 AM 8:35
CITY ATTORNEY

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

_____ *Walter Chen* _____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

66682 City of Seattle, City Clerk

-SS-

No. ORDINANCE IN

City of Seattle ORDINANCE 118086

oath of Publication

AN ORDINANCE related to the City-wide Consultant Roster Program; amending SMC 3.114.160 to remove restrictions on the use of the Roster Program by City departments.

WHEREAS, the City-wide Consultant Roster Program was established to improve the efficiency of the consultant selection process; and

WHEREAS, the Department of Administrative Services has advertised for and selected consultants for the City-wide Consultant Roster Program; and

WHEREAS, it is in the best interests of the City to provide flexibility for departments to select the most qualified consultants from the Roster Program or through other approved methods; and

WHEREAS, the City desires to provide contracting opportunities for a wide variety of consultants;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code 3.114.160, subsection B is amended to read as follows:

B. Consideration.

1. Except for the circumstances described in SMC Section 3.114.110, a participating department may shall 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 in cost no more than an adjusted amount established pursuant to SMC Section 3.114.140. The foregoing sentence does not limit a participating department's ability to:

a. Execute amendments to contracts made originally without using the roster for work or services related to the original contract regardless of the amount of the amendment;

b. Select consultants through the consultant selection process as defined in this chapter for projects falling generally within a specialty for which there is a roster, but requiring a level of expertise that is not available from the consultants on the certified roster, for which no consultant on the roster is available, i.e., as determined by the head of the participating department contracting for such services that there is a need for widening the search for consultant to perform the services;

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

d. Execute a contract amendment with the consultant for additional work related to the original roster contract and not foreseen when the roster contract was originally executed, as long as the total contract consideration, including all amendments do not exceed one hundred twenty percent (120%) of the dollar limitation established pursuant to SMC Section 3.114.140, when the original contract was executed.

2. In applying for and accepting placement on a certified roster, a consultant shall agree 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 shall agree to complete the assignment or project in a timely and professional manner in accordance with the contract's standard and/or special terms and conditions.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 25th day of March, 1996, and signed by me in open session in authentication of its passage this 25th day of March, 1996.

JAN DRAGO, President of the City Council. Approved by me this 3rd day of April, 1996. NORMAN B. RICE, Mayor. Filed by me this 3rd day of April, 1996. (Seal) JUDITH E. PIPPIN, City Clerk. Publication ordered by JUDITH PIPPIN, City Clerk. Date of official publication in Daily Journal of Commerce, Seattle, April 11, 1996.

undersigned, on oath states that he is an active of The Daily Journal of Commerce, a daily newspaper is a legal newspaper of general circulation now and has been for more than six months continuously as a daily newspaper in Seattle, Washington, and it is now and during all of said time published continuously at the aforesaid place of office maintained at the aforesaid place of newspaper. The Daily Journal of Commerce of June, 1941, approved as a legal newspaper of King County.

The exact form annexed, was published in regular issue of the Daily Journal of Commerce, which was regularly read by subscribers during the below stated period. The

the fee charged for the foregoing publication is \$306.00, which amount has been paid in full.

Subscribed and sworn to before me on 11/11/96 Notary Public for the State of Washington, residing in Seattle

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STATE OF WASHINGTON - KING COUNTY

66682 City of Seattle, City Clerk

-SS-

No. ORDINANCE IN

Affidavit of Publication

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 11th day of June, 1996, 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

CT: ORD 118066

was published on

04/11/96

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

04/11/96

Notary Public for the State of Washington, residing in Seattle

The DJC Fax N

entitled action in the... complaint of the plaintiff... Ogle & Co., a Domestic C... tion, and serve a copy... answer upon the unde... attorney for plaintiff at... fice below stated; and in... your failure so to do, jo... will be rendered against... cording to the demand... Complaint, which has be... with the clerk of said cou... action against defendant... named is for employ... honesty... Dated this 25th day of... 1996... WILLIAM R. RESE... WSBA #05794, Attori... Plaintiff, Seattle Towe... Third Avenue, Suite... Seattle, Washington... Phone: (206) 628-5433... 5/11/96... SHRONTZ FAMILY... FOUNDATION... NOTICE OF AVAILAI... OF ANNUAL REP... The annual report... Shrontz Family Found... he available, at the addre... Z, below, for inspection dur... he vlar business hours... n, citizen who so request... N, 180 days after public... this notice... Shrontz Family Fou... c/o Perkins Coie, 120... Avenue, 40th Floor... Washington 98101-3099... The principal man... Frank Shrontz, Trustee... Date of publication... Seattle Daily Journal... merce, April 11, 1996... 4/11... Passed by the Cl... session in authentic... JAN DRAGO, President of the... Approved by the Cl... of Notice: NORMAN B. JO... Mayor... Filed by me this 3... (Seal) JUDITH E... City Clerk... Publication order... Date of official pu... MES LLP/... P. S., At... 292 P/A. Noti...

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