

ORDINANCE No. 118087

unc
Law Department

COUNCIL BILL No. 111177

The City of Seattle--I

WHEREAS, the City of Seattle has the honor to receive from the State of Washington, by and through the Public Works Department of the State of Washington, a certain amount of money to be used for the purpose of the Public Works Department of the City of Seattle, and

OK

REPORT OF

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 Cmte 4/3/96

PASS as amended 3-0

Full Council vote

Comm t

COMPTROLLER FILE No. _____

introduced: MAR 2 5 1996	By: CHOE
Referred: MAR 2 5 1996	To: Finance & Budget Committee
Referred:	To:
Referred:	To:
Reported: APR - 8 1996	Second Reading: APR - 8 1996
Third Reading: APR - 8 1996	Signed: APR - 8 1996
Presented to Mayor: APR - 9 1996	Approved: APR 11 1996
Returned to City Clerk: APR 12 1996	Published: <i>Title</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

125

ORDINANCE 118087

1 AN ORDINANCE relating to uses of alternative Public Works Contracting procedures, as provided
2 for in Chapter 39.10 of the Revised Code of Washington, and amending the Public Works
portions of the Seattle Municipal Code to accommodate use of those alternative Public Works
Contracting Procedures.

3 WHEREAS, recent creation of RCW 39.10 enables the City to utilize several different alternative
4 Public Works Contracting procedures, under certain specific conditions, and with the specific
determination of the City Council;

5 WHEREAS, those alternative Public Works Contracting procedures in part involve awarding of public
works construction contracts as a point substantially before actual construction starts;

6 WHEREAS, the Public Works provisions of the Seattle Municipal Code did not envision such
7 procedures and contain specific requirements regarding the existence of full project
8 appropriation that would prevent utilization of such alternative Public Works Contracting
procedures;

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

10 Section 1. The Seattle Municipal Code, section 20.48.030 Funds to be Available Before

11 Entering Into Contract, is amended to add additional sentences as follows:

12 For contracts executed pursuant to Chapter 39.10 RCW, the Director or department head is
13 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
14 cost and expense of completing that phase.

15 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its
16 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.

17 Passed by the City Council the 8 day of April, 1996, and
18 signed by me in open session in authentication of its passage this 8 day of
19 April, 1996.

Jan Drago
President of the City Council

22 Approved by me this 11 day of April, 1996.

Norman Blue
Mayor

25 Filed by me this 12 day of April, 1996.

Justine E. Papp
City Clerk

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

RECEIVED OMP
MAR 11 1996



City of Seattle
Department of Administrative Services

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

March 6, 1996

Honorable Councilmember Jan Drago, President
City Council
City of Seattle

VIA: Tom Tierney, OMP Director

SUBJECT: Proposed amendment to SMC 20.48, Public Works, Improvements and Purchasing, to accommodate use of Alternative Public Works Contracting Procedures

Attached is legislation amending the Municipal Code section on Public Works. The legislation would allow the Director of Administrative Services to award construction contracts pursuant to RCW 39.10, without otherwise required certification of sufficient appropriation to complete the entire construction contract. This is necessary to accommodate use of alternative Public Works contracting Procedures as authorized and specified in RCW 39.10.

As you are aware the State recently passed legislation (codified as RCW 39.10) that authorized the City to utilize several alternative Public Works contracting procedures under certain specified conditions. DAS, with the specific determination and concurrence of the Council, is utilizing the General Contractor/Construction Manager (GCCM) method for the construction of the Police West Precinct Station and Communications Center project.

The GCCM method awards a public works construction contract to a firm that will act as the General Contractor of the project at a point far earlier than usual practice. While the traditional process awards this contract at the end of design, and at a point where construction is about to begin, the GCCM process brings that firm on board early in design, and potentially long before construction starts.

The Municipal Code's present provisions, requiring full appropriation be in place to award a construction contract, create some minor difficulty. In the traditional public works process, award of the construction contract is done with a clear design in place, an exact cost known, and with construction imminent. In processes under 39.10 RCW, construction contracts are being awarded at the beginning, or early into design activities, long before construction would start. It may not be in the City's interest to have fully appropriated the total construction cost potentially years before those funds are actually to be expended.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

An equal employment opportunity - affirmative action employer

City of Seattle - Department of Administrative Services, 12th Floor Alaska Building, 618 Second Avenue, Seattle, Washington 98104-2214 (206) 386-1234

Printed on Recycled Paper

Councilmember Jan Drago, President
March 6, 1996
Page 2

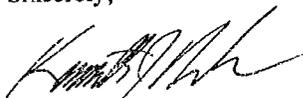
These contracts under 39.10 RCW will define specific phases of activity with associated costs. This allows the City to insure sufficient appropriation be in place prior to beginning those phases, and protects the City's interest in proper fiscal control.

The attached legislation proposes a short and simple amendment of the SMC Public Works provisions whereby the requirement for certification of full appropriation of the construction contract, is waived in cases where alternative Public Works contracting procedures are used. It further requires that appropriation of sufficient funds to complete each phase of work under such a contract, be appropriated prior to the beginning of the phase.

This amendment would remove the impediment to using the alternative GCCM process without substantively changing the policy and intent of City requirements for insuring sufficient funds are available to complete construction contracts.

If you have any questions, please do not hesitate to call me, or Paul Berry or Mike Purdy of my staff.

Sincerely,



Kenneth J. Nakatsu
Director

KJN:pb:bck

Attachments

cc: Mike Purdy, DAS
Rodney Eng, Law
Martha Choe

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AN ORDINANCE relating to uses of alternative Public Works Contracting procedures, as provided for in Chapter 39.10 of the Revised Code of Washington, and amending the Public Works portions of the Seattle Municipal Code to accommodate use of those alternative Public Works Contracting Procedures.

WHEREAS, recent creation of RCW 39.10 enables the City to utilize several different alternative Public Works Contracting procedures, under certain specific conditions, and with the specific determination of the City Council;

WHEREAS, those alternative Public Works Contracting procedures in part involve awarding of public works construction contracts as a point substantially before actual construction starts;

WHEREAS, the Public Works provisions of the Seattle Municipal Code did not envision such procedures and contain specific requirements regarding the existence of full project appropriation that would prevent utilization of such alternative Public Works Contracting procedures;

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

Section 1. The Seattle Municipal Code, section 20.48.030 Funds to be Available Before Entering Into Contract, is amended to add additional sentences as follows:

Provided, however, that for contracts executed pursuant to Chapter 39.10 RCW, the Director is authorized to enter into contracts without the certification from the administering department head indicating the full cost and expense of completing the public work has been appropriated.

Approved

Provided further, that no department head may authorize the start of any phase of any public work executed pursuant to Chapter 39.10 RCW without sufficient funds having been appropriated to cover the full cost and expense of completing that phase.

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 _____ day of _____, 199____, and signed by me in open session in authentication of its passage this _____ day of _____, 199____.

President of the City Council

Approved by me this _____ day of _____, 199____.

Mayor

Filed by me this _____ day of _____, 199____.

City Clerk

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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:

Martin Chase

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

City of Seattle

Executive Department—Office of Management and Planning

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

March 11, 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 relating to uses of alternative Public Works Contracting procedures, as provided for in Chapter 39.10 of the Revised Code of Washington, and amending the Public Works portions of the Seattle Municipal Code to accommodate use of those alternative Public Works Contracting Procedures.

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 684-8070.

Sincerely,

Norman B. Rice
Mayor

by

Tom Tierney
Tom Tierney, Director

legis:power59

Enclosure

COPY RECEIVED

MAR 12 AM 9:44

SEATTLE CITY ATTORNEY

96-052



*3/12/96
Approved
Bob S*

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ROUTING SLIP FOR REQUEST FOR LEGISLATIVE ACTION

Originating Department: Department of Administrative Services

Council Sponsor: _____

Date: March 6, 1996

Subject: An Ordinance relating to uses of alternative Public Works Contracting procedures, as provided for in Chapter 39.10 of the Revised Code of Washington, and amending the Public Works portions of the Seattle Municipal Code to accommodate use of those alternative Public Works Contracting Procedures.

Date
Received

Date
Forwarded

OMB: _____

Law: _____

Legislation should be routed in the order listed.

ORD.RT
E Disk

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOT:
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON - KING COUNTY

67112 City of Seattle, City Clerk

--SS.

No. ORDINANCE 11

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on April 6, 1996, and published here by title only, will be mailed, at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 694-8344.

ORDINANCE NO. 118083

AN ORDINANCE authorizing the Department of Administrative Services to enter into an assessment agreement for mutual use of a vacated alley by and between The City of Seattle (City) and Lawrence M. Norton, Jr. and Eileen V. Norton (Nortons), owners of property, adjacent to the site specified by the City for construction of the new Police Department West Precinct facility and for ongoing operation of Washington Talking Book and Braille Library.

ORDINANCE NO. 118084

AN ORDINANCE relating to the Engineering Department authorizing the Director of Engineering to execute agreements with the Washington State Department of Transportation for Intermodal Surface Transportation Efficiency Act (ISTEA) funding for the Central Park Trail Project; authorizing the acceptance and deposit of grant funds to be received; increasing the expenditure allowance in the 1996 Budget of the Engineering Department; and making a reimbursable appropriation from the Transportation Fund; all by a three-fourths vote of the City Council.

ORDINANCE NO. 118085

AN ORDINANCE relating to the Engineering Department; reprogramming unexpended and unnumbered General Fund appropriation authority within the Transportation Capital Improvement Program; appropriating Neighborhood Improvement Fund moneys for Transportation Capital Improvement Program expenditures; and increasing expenditure allowances in the Budget of the Engineering Department.

ORDINANCE NO. 118086

AN ORDINANCE relating to the Engineering Department; authorizing the Director of Engineering to execute agreements with Burlington Northern Railroad, the Washington State Utilities and Transportation Commission and the Washington State Department of Transportation for Intermodal Surface Transportation Efficiency Act funding; authorizing the acceptance and deposit of funds to be received.

ORDINANCE NO. 118087

AN ORDINANCE relating to uses of alternative Public Works Contracting procedures, as provided for in Chapter 39.10 of the Revised Code of Washington, and amending the Public Works portions of the Seattle Municipal Code to accommodate use of those alternative Public Works Contracting Procedures.

ORDINANCE NO. 118088

AN ORDINANCE relating to uses of alternative Public Works Contracting procedures, as provided for in Chapter 39.10 of the Revised Code of Washington, and amending the Women and Minority Business Enterprise portions of the Seattle Municipal Code to accommodate use of those alternative Public Works Contracting Procedures.

ORDINANCE NO. 118089

AN ORDINANCE relating to the Seattle Center Department; authorizing the execution of a lease agreement with Consolidated Restaurants, Inc. d/b/a "Quincy's" and "Steamers" for the sale of food in Center House.

ORDINANCE NO. 118090

AN ORDINANCE establishing titles, retiring, reclassifying, and setting compensation for certain employee positions in various City departments; creating new titles and salaries; changing existing titles; and providing payment therefor.

ORDINANCE NO. 118091

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by JUDITH PIPER, City Clerk.

Date of official publication in the Daily Journal of Commerce, April 24, 1996 424-67112

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 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

CTOT:118083-118091

was published on

04/24/96

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 04/24/96 [Signature]

Notary Public for the State of Washington, residing in Seattle

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.