

ORDINANCE

118088

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

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

9 WHEREAS, those alternative Public Works Contracting procedures in part involve the
10 bidding and selection of subcontractors at a point substantially later than the award of the
11 general contract;

12 WHEREAS, the Women and Minority Business Enterprise Utilization provisions of the
13 Seattle Municipal Code did not envision such procedures and contain specific submission
14 and analysis requirements that would prevent utilization of such alternative Public Works
Contracting procedures;

15 NOW THEREFORE BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:
16

17 Section 1. The Seattle Municipal Code, section 20.46A.130, Evaluation of Bids and
18 Proposals, is amended to add a new section F:
19

20 **For Public Works contracts executed pursuant to Chapter 39.10 RCW, the**
21 **Director is authorized to modify the submission and responsibility analysis**
22 **deadlines of this subsection.**
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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 8 day of April, 1996, and signed by me in open session in authentication of its passage this 8 day of April, 1996.

John Drago
President _____ of the City Council

Approved by me this 11 day of April, 1996
Mouman B. H.
Mayor

Filed by me this 12 day of April, 1996.
Judith E. Pappas
City Clerk

ref: FacSvcs Ord/Agrmt No. 5 (WMBEORD.M)

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RECEIVED OMP

MAR 1 1 1996



City of Seattle
Department of Administrative Services

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

February 2, 1996

Honorable Councilmember Jan Drago, President
City Council
City of Seattle

VIA: Tom Tierney, OMP Director

Dear Councilmember Drago:

SUBJECT: Proposed amendment to SMC 20.46A, Women and Minority Business
Enterprise Utilization, to accommodate use of Alternative Public Works
Contracting Procedures

Attached is legislation amending the Municipal Code section on Utilization and Women and Minority Business Enterprises in City Contracting. The legislation would allow the Director of Administrative Services to modify certain submission and analysis deadlines and requirements specified in the Code, 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 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 detailed requirements of construction are known, the GCCM process brings that firm on board early in design.

The Municipal Code's present provisions for utilization of Women and Minority Business Enterprises (WMBEs) create some minor difficulty. In the traditional process, the potential for subcontracting is clear (as details of the design are known) prior to the submission of a bid by the contractor. As a result, the City requires submission at the time of the bid of detailed commitments about the Women and Minority Business Enterprise subcontractors and the specific dollars involved to be utilized in that contract. The City then carefully reviews and verifies these commitments before awarding the bid.

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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

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Honorable Jan Drago
Proposed Ordinance - Alternative Contracting Procedures
February 2, 1996
Page 2

However, the structure of subcontracting cannot be known at the time of selection of the GCCM. The GCCM will publicly bid these subcontracts at a point just before the start of actual construction which, on this project, is expected to be a year after award of the contract to the GCCM. Thus, it is not possible for the GCCM bidder to specify and commit specific dollar participation by specific subcontractors. Nor is it possible for the City to review such specific commitments prior to award of the GCCM contract.

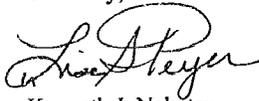
Unfortunately, current wording to the WMBE provisions of the SMC specifically call for such a commitment and review prior to award of a public works contract.

The attached legislation proposes a short and simple amendment of the SMC WMBE provisions whereby the implementation of the City's WMBE Goals and Policies would be delegated to the Director to govern by Rule, in cases where alternative Public Works contracting procedures are used.

This amendment would remove the impediment to using the alternative GCCM process without substantively changing the policy and intent of City requirements for contractor utilization of WMBEs.

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:tat

Attachment'

cc: Rod Brandon, DAS Contracting
Mike Purdy, DAS PWCCS
Rodney Eng, Law
Martha Choe

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ROUTING SLIP FOR REQUEST FOR LEGISLATIVE ACTION

Originating Department: Department of Administrative Services

Council Sponsor: _____

Date: February 2, 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 Women and Minority Business Enterprise 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
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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:

Maxine Chen

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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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 Women and Minority Business Enterprise 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 684-8076.

Sincerely,

Norman B. Rice
Mayor

by



Tom Tierney, Director

legis:power58

Enclosure

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55 MAR 12 AM 9:44

SEATTLE CITY ATTORNEY



96-022

3/12/96
Approved
RTS

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STATE OF WASHINGTON - KING COUNTY

67112
City of Seattle, City Clerk

No. ORDINANCE 11

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinance, passed by the City Council on April 2, 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 684-8344.

ORDINANCE NO. 118083

AN ORDINANCE authorizing the Department of Administrative Services to enter into an easement agreement for mutual use of a vested alley by and between The City of Seattle ("City") and Lawrence M. Norton, Jr. and Ellen V. Norton ("Nortons"), owners of property adjacent to the site purchased 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 unencumbered General Fund appropriation authority within the Transportation Capital Improvement Program; appropriating Neighborhood Improvement Fund money for Transportation Capital Improvement Program expenditures; and increasing expenditure allowance 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, retitling, 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 FIP-PIN, City Clerk.

Date of official publication in the Daily Journal of Commerce, April 24, 1996.
674671121

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.

[Signature]
Subscribed and sworn to before me on
04/24/96
[Signature]
Notary Public for the State of Washington,
residing in Seattle

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