

ORDINANCE No. 117583

COUNCIL BILL No. 110645

179
Law Department

The City of

AN ORDINANCE relating to the City's Consultant Selection Ordinance; amending Seattle Municipal Code Sections 3.114.150 and 3.114.160 to allow an expanded City-wide selection process for the Certified Consultant Roster Program; and clarifying the process to be used therefor.

Honorable President:

Your Committee on _____

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

COMPTROLLER FILE No. _____

Introduced: <i>MAR 27 1995</i>	By: NOLAND
Referred: <i>MAR 27 1995</i>	To: WRITERS & ENVIRONMENTAL MANAGEMENT
Referred:	To:
Referred:	To:
Reported: <i>APR 3 1995</i>	Second Reading: <i>APR 3 1995</i>
Third Reading: <i>APR 3 1995</i>	Signed: <i>APR 3 1995</i>
Presented to Mayor: <i>APR 4 1995</i>	Approved: <i>APR 10 1995</i>
Returned to City Clerk: <i>APR 10 1995</i>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Passed 3-0

Full

OK

Department

The City of Seattle-- Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on _____

was referred the within Council Bill No. _____

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

passed 3-0 3/28/95

Full council vote 8-0

Committee Chair

ORDINANCE 117583

1
2
3 AN ORDINANCE relating to the City's Consultant Selection
4 Ordinance; amending Seattle Municipal Code Sections
5 3.114.150 and 3.114.160 to allow an expanded City-wide
6 selection process for the Certified Consultant Roster
7 Program; and clarifying the process to be used therefor.

8 WHEREAS, Seattle Municipal Code (SMC) Chapter 3.114 deals with
9 the procurement of consultant services and includes under
10 Sections 3.114.150 and 3.114.160, the authorization for
11 City departments to establish certified rosters of
12 qualified consultants for skills or services in specialized
13 areas of knowledge or experience; and

14 WHEREAS, departments that have used the consultant roster
15 program have found it to be very useful in saving time and
16 City funds, and other departments are contemplating
17 creating rosters as well; and

18 WHEREAS, the intent of this amending ordinance is to allow a
19 single consultant selection process for consultants to be
20 selected for a Certified Consultant Roster Program that can
21 be used by all City departments, which will save each
22 department requiring a consultant roster, the cost of
23 separate selection processes. Now, Therefore,

24 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

25 Section 1. SMC Section 3.114.150 (Ordinance 112334 §
26 1(part) as last amended by Ordinance 116000 § 1(part)) is hereby
27 further amended to read as follows:

28 **3.114.150 Certified consultants' roster.**

Through the competitive process contemplated by SMC
Sections 3.114.020 through 3.114.070, the Department of
Administrative Services, in conjunction with participating
departments ((each department or Executive Department office))
may establish certified rosters of qualified consultants for the
use by any City department or Executive Department office,
hereinafter referred to as "participating department", for
skills or services in specialized areas of knowledge or
experience including, among other specialties, architectural and
engineering services; and without soliciting proposals on such
assignments or projects individually, each such participating
department ((or Executive Department office)) may contract with

1 a consultant on the appropriate roster as the City's needs arise
2 for assignments or projects within the described specialty as
3 long as each contract is estimated to cost no more than (~~Eighty~~
4 ~~Thousand Dollars (\$80,000.00), or~~) an adjusted amount
5 established pursuant to SMC Section 3.114.140 by using Eighty
6 Thousand Dollars (\$80,000) as a base amount, as established by
7 Ordinance No. 113797 § 2, 1987.

8 Section 2. SMC Section 3.114.160 (Ordinance 112334 §
9 1(part) as last amended by Ordinance 116000 § 14) is hereby
10 further amended to read as follows:

11 **3.114.160 Establishment and operation of rosters.**

12 These terms apply to the establishment, maintenance and use
13 of certified rosters by City departments:

14 **A. Solicitation.** A solicitation for consultants for a
15 certified roster shall describe the particular specialty sought,
16 the contract dollar limits, the type of assignments or projects
17 to be made, and the duration of the roster. The terms in a
18 solicitation may be more restrictive than this chapter, and if
19 so, shall control.

20 **B. Consideration.**

21 1. Except for the circumstances described in SMC Section
22 3.114.110, a participating department (~~(or Executive Department~~
23 ~~office which maintains a certified roster may)~~) shall contract
24 only with the consultants on the roster for assignments or
25 projects within the specialty and for services described in the
26 roster on assignments or projects estimated to cost no more than
27 (~~Eighty Thousand Dollars (\$80,000.00) or~~) an adjusted amount
28 established pursuant to SMC Section 3.114.140. The foregoing
sentence does not limit a participating department's (~~(or~~
~~Executive Department office's)~~) ability to:

a. Execute (~~(change orders)~~) amendments to contracts
made originally without using the roster for work or services

1 related to the original contracts regardless of the amount of
2 the ((change order)) amendment;

3 b. Select consultants through the consultant
4 selection process as defined in this Chapter, for projects
5 falling generally within a specialty for which there is a
6 roster, but requiring a level of expertise that is not available
7 from the consultants on the certified roster, for which no
8 consultant on the roster is available, or, as determined by the
9 head of the participating department contracting for such
10 services that there is a need for broadening the search for
11 consultants to perform the services;

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

15 d. Execute a ((change order or)) contract amendment
16 with the consultant for additional work related to the original
17 roster contract and not foreseen when the roster contract was
18 originally executed, as long as the total contract
19 consideration, including all ((change orders and)) amendments
20 ((, does)) do not exceed ((the greater of Ninety six Thousand
21 Dollars (\$96,000.00) or)) one hundred twenty percent (120%) of
22 the dollar limitation established pursuant to SMC Section
23 3.114.140, when the original contract was executed.

24 2. In applying for and accepting placement on a certified
25 roster, a consultant shall agree to maintain a readiness to
26 contract with the City to provide the services for particular
27 assignments or projects contemplated by the solicitation, when
28 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
((contract)) and/or special terms and conditions.

1 C. **Opportunities for Small Business.** Whenever ((~~four~~
2 ~~(4)~~)) eight (8) or more such consultants qualify for
3 certification, the roster shall consist only of those
4 consultants who are eligible to be classified as a "small
5 business concern" under the Small Business Act of the United
6 States, 15 USC § 632, and its implementing regulations, 13 CFR
7 Part 121. If ((~~three (3)~~)) seven (7) or fewer such consultants
8 are certifiable, the roster shall be selected without regard to
9 the eligibility of consultants under the small business
10 criteria. A consultant may evidence its qualification as a
11 "small business concern" by showing its acceptance by the Small
12 Business Administration or its certification by the Washington
13 Office of Minority and Women's Business Enterprises, or by
14 signing a notarized Affidavit swearing under oath that the
15 consultant is a "Small Business Concern" based on the United
16 States Small Business Administration - Small Business Size
17 Standards according to the Federal Standard Industrial
18 Classification Codes.

17 D. **Standard Contracts.**

18 1. A participating department ((~~or Executive Department~~
19 ~~office~~)) may require that all consultants placed on a certified
20 roster agree to contract on a standard form of contract having
21 terms and conditions generally controlling the work or services
22 to be performed; if so, the participating department's ((~~or Exe-~~
23 ~~cutive Department office/s~~)) contracts with a consultant for a
24 particular assignment or project may adopt the standard form and
25 supply the scope of work; the time for performance; the hours of
26 work and consideration to be paid; and other special terms and
27 conditions specific to the particular assignment or project.

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

1 **E. Duration.**

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

4 a. Three (3) years after its establishment;

5 b. A shorter duration stated in the ((~~department's~~
6 ~~or Executive Department office's~~) City's solicitation; or

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

10 2. After notice to the consultants on a roster and
11 allowing them a hearing, a roster may be dissolved sooner than
12 its expiration when it is deemed in the best interests of the
13 City ((~~or Executive Department office~~)) for one (1) or more
14 causes stated in the notice.

15 **F. Number.** The Department of Administrative Services in
16 conjunction with participating departments ((~~A department or~~
17 ~~Executive Department office~~)) shall determine the number of
18 consultants ((~~listed on a~~)) selected for each roster category.
19 The number shall not exceed ((~~eight (8)~~)) fifteen (15)
20 consultants.

21 **G. Deletion From a Roster.**

22 1. After allowing the consultant an opportunity to be
23 heard, if the Department of Administrative Services in conjunc-
24 tion with participating departments find a consultant falls
25 under any of the following circumstances, the ((A)) consultant
26 shall be deleted from ((a)) the City's certified Roster Program
27 ((~~roster under any of the following circumstances~~)):

28 a. The consultant requests deletion. (The deletion
shall take effect ten (10) business days after notice to the
((~~department or Executive Department office~~)) Department of
Administrative Services);

1 (~~b.~~ The consultant and/or a firm with an affiliation
2 in ownership with the consultant receives one or more contracts
3 from the department or Executive Department office through the
4 certified roster which exceed, in the aggregate, the greater of
5 Two Hundred Forty Thousand Dollars (\$240,000.00) or three (3)
6 times the dollar limitation established pursuant to SMC Section
7 3.114.150 when such respective contracts were executed;))

8 (~~e.~~) b. The consultant is found to be in default in
9 the performance of a City contract or is disqualified from City
10 contracting, or the consultant has failed to file applicable
11 business and occupation tax reports; or

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

17 2. After allowing the consultant an opportunity to be
18 heard, a participating department (~~or Executive Department~~
19 ~~office~~) may delete a consultant from (~~a~~) its certified
20 roster, if:

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

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

26 c. The consultant changes its organization or opera-
27 tions so that its response to the (~~department's or Executive~~
28 ~~Department offices's~~) City's solicitation, although correct
when made, is no longer descriptive of its current status, and
the changes place the department (~~or Executive Department~~
~~office~~) at a disadvantage; (~~e~~)

1 d. The circumstances presented provide good cause
2 under rules established by the Director of Administrative
3 Services(~~(-)~~) ; or

4 e. The consultant and/or a firm with an affiliation
5 in ownership with the consultant receives contracts from the
6 participating department through a certified roster category
7 which exceeds, in the aggregate, three (3) times the dollar
8 limitation established pursuant to SMC Section 3.114.150 when
9 the consultant was selected for this roster category;

10 **3. Replacements.** (~~(A department or Executive Department~~
11 ~~office)) The Department of Administrative Services in~~
12 ~~conjunction with participating departments~~ may replace a
13 consultant deleted from a roster by adding the next highest
14 ranked consultant in the selection process; provided, that a
15 replacement for women's business enterprise or a minority
16 business enterprise, as defined in SMC Section 20.46A.050, shall
17 be the next highest ranked women's business enterprise or
18 minority business enterprise, respectively, except for
19 consultant services governed by RCW 39.80.

20 **H. (~~(Human Rights)) Department of Administrative Services~~**
21 **Review.** (~~(A department's or Executive Department~~
22 ~~office's)) The City's solicitation and selection process and a
23 standard contract shall be subject to review by the Director of
24 (~~(Human Rights)) the Department of Administrative Services for
25 compliance with the Women's and Minority Business Utilization
26 Ordinance, SMC Chapter 20.46A.~~~~

27 **I. Disclaimer.** Placement on a certified roster makes
28 a consultant eligible for consideration and possible selection
as the contractor (~~(of the soliciting)) by a participating
department (~~(or Executive Department office)) for the providing
of services within the specialty for assignments or projects
estimated to cost no more than the roster program limitations,~~~~

1 all as more fully described or limited in the ((~~department's or~~
2 ~~Executive Department office's~~)) City's solicitation, and subject
3 to the terms of this chapter and the need of the participating
4 department ((~~or Executive Department office~~)) for the service
5 and the availability of funds. Placement on a roster does not
6 guarantee any consultant any contract for any amount. In addi-
7 tion, the City reserves the power to amend or repeal this chap-
8 ter and to change or discontinue the roster system at any time.

9 **J. Evaluation Criteria.** Consultants shall be
10 evaluated for placement on a roster on the basis, among other
11 factors, of their record of utilization of women and minority-
12 owned business on subcontracts, except for consultant services
13 governed by RCW 39.80.

14 **K. ((~~Professional Liability~~)) Insurance.** ((~~When profes-~~
15 ~~sional liability insurance is required, the~~)) A participating
16 department, ((~~or Executive Department office~~)) after consulta-
17 tion with the City's risk manager, shall determine ((~~set~~)) the
18 ((~~amount~~)) appropriate contract insurance requirements to
19 reflect its evaluation of the risk of liability and the City's
20 liability exposure. ((~~In lieu of a special policy, a department~~
21 ~~or Executive Department office may require that~~)) If commercial
22 general liability insurance is required, the City must be named
23 as an additional insured on the consultant's commercial general
24 liability policy.

25 Section 3. This ordinance shall take effect and be in
26 force thirty (30) days from and after its approval by the Mayor,
27 but if not approved and returned by the Mayor within ten (10)
28 days after presentation, it shall take effect as provided by
Municipal Code Section 1.04.020.

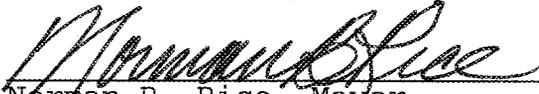
Passed by the City Council the 3rd day of April,
1995, and signed by me in open session in authentication of its
passage this 3rd day of April, 1995.

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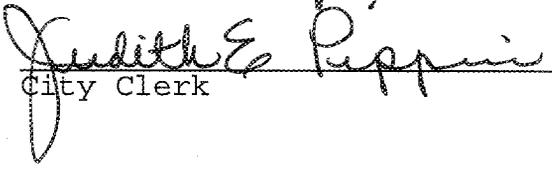
President _____ of the City Council

Approved by me this 10 day of April, 1995.



Norman B. Rice, Mayor

Filed by me this 10 day of April, 1995.

(SEAL)


City Clerk

City of Seattle

Executive Department—Office of Management and Planning

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



March 20, 1995

City Council
City of Seattle

Via Mayor Norman B. Rice

Honorable Members:

Attached for your consideration is an Ordinance relating to the City's Consultant Selection Ordinance, amending the Seattle Municipal Code to allow for an expanded Citywide selection process for the Certified Consultant Roster Program and clarifying the process to be used therefor.

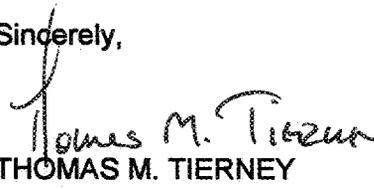
As directed by 1995-1996 Council Statement of Legislative Intent, the Office of Management and Planning has worked with DAS, the City's utilities, the Parks and Recreation Department, Seattle Center, the Law Department, and Council central staff to recommend changes to the consultant contracting process. This ordinance addresses the area of standardizing departmental contracting procedures.

Currently, the Seattle Municipal Code authorizes City departments to establish rosters of qualified consultants for skills or services in specialized areas. Departments that use the roster program find that it saves time and City funds. Other departments are contemplating creating rosters as well.

The purpose of this ordinance is to allow for a single consultant selection process for consultants to be selected for a Certified Consultant Roster Program that can be used by all City departments. This will save each department requiring a consultant roster the cost of separate selection processes.

We recommend your favorable action on this proposal.

Sincerely,


THOMAS M. TIERNEY
Director, Office of Management and Planning

Attachment

- cost
- profit
- hrs
- baby rate
- materials...

City of Seattle

Executive Department—Office of Management and Planning

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



MEMORANDUM

TO: Honorable Jane Noland, Chair
Utilities and Environmental Management Committee

FROM: Paul Reiter, Monica Power, OMP *PR MP*
Mike Purdy, DAS *[Signature]*

SUBJECT: Briefing Materials

DATE: March 21, 1995

In preparation for the briefing on the changes to the City's consultant contracting procedures, scheduled for Thursday, March 23, the following materials are enclosed for your review:

1. An Executive Summary.
2. A flow chart of the revisions to the consultant contracting process.
3. A final draft of proposed amendments to DAS's General Rules for Consultant Contracting, including the Contract Notification Form and Amendment Notification Form.
4. A sample reporting format for departments' use in reporting to OMP.
5. A sample reporting format for OMP's use in reporting to Council.
6. A resolution directing DAS to adopt the changes to the General Rules for Consultant Contracting.
7. An ordinance modifying the Consultant Roster program.

If, prior to the briefing, you have questions or the need for additional information, please do not hesitate to contact us. Thank you.

Attachments

6.50.020 Solicitation Strategies Advertisement for Consultant Services

It is in the City's best interests to ensure that adequate competition exists on consultant contracts to help ensure that the City is obtaining the best services available for the least money. To meet this objective, departments must develop solicitation strategies for consultant contracts consistent with the requirements below.

The requirements for solicitation strategies for consultant services vary depending on the dollar value of the consultant contract.

■ A. For Consultant Contracts of \$28,000 or more Departments must develop a solicitation strategy that indicates, at a minimum, that the following requirements and issues have been addressed:

1. Advertising. An advertisement shall be placed in the City's official newspaper by the concerned department for at least a minimum of two days (not necessarily consecutive). The advertisement shall include at least the following minimum information:

A. A general description of the services sought for the specific project.

B. The name of the concerned department.

C. The name and telephone number of a representative of the department from whom additional information may be obtained.

D. An indication that the selection of the consultant is subject to applicable laws and ordinances regarding equal employment opportunity and affirmative action.

E. If established or known, the range of fees the department will consider paying the consultant for the services to be provided; the time within which such services are to be provided; and the anticipated beginning and completion dates of the work.

F. The date by which the consultant must submit a formal written response to the concerned department in order to be eligible for consideration.

An advertisement for a contract which may include future phases must state that further work may be awarded as an amendment or supplement to the original contract.

2. Solicitation Process. Departments must evaluate the advantages and disadvantages for each specific contract of whether to utilize a Request for

Proposals (RFP) process or a combination of a Request for Qualifications (RFQ) and RFP process.

3. Other Notifications. In an effort to ensure that an adequate number of qualified consultants respond to the City's request for services, departments must include the following additional notifications as part of the overall solicitation strategy.

a. Send a copy of either the advertisement or RFQ/RFP to all consultants known to the department who appear to be qualified for the work.

b. Send a copy of the advertisement to all applicable consultants listed in DAS' Consultant Reference File, and as required by Chapter 6.50.030 of these rules.

c. Send a copy of the advertisement or RFQ/RFP to applicable WMBE consultants identified by the department who appear to be qualified for the work. The State's *Directory of Certified Minority, Women and Disadvantaged Business Enterprises* shall be used to identify such consultants.

■ B. For Consultant Contracts of \$250,000 or more At a minimum, departments must comply with the solicitation requirements identified in section A above and shall indicate compliance with these requirements on the Contract Notification Form. (See Chapter 6.55.010 for information on the Contract Notification Form).

In addition, for consultant contracts estimated to cost \$250,000 or more, departments must evaluate whether additional solicitation strategies, as discussed below, are appropriate. Any additional solicitation strategies to be used by the department shall be listed on the Contract Notification Form. A copy of the form is included in Chapter 6.55.040 of these rules.

The evaluation of whether additional solicitation strategies are appropriate must include an analysis of the market to determine the most effective means to ensure that an adequate number of qualified and competitive firms respond to the City's solicitation for consultant services. Specifically, departments must evaluate, at a minimum, the following issues:

1. How many firms are available, qualified, and likely to respond to the solicitation for services based on the solicitation strategies required by Section A above?

2. If an inadequate number of firms are likely to respond, thus limiting the competition to an unacceptable level, the department must develop additional solicitation strategies to ensure adequate competition. These additional strategies may include, but are not limited to, advertising in the City's official newspaper for more than the required two days, and advertising in appropriate

regional and national publications or trade journals. The most effective and appropriate solicitation strategies to employ will most likely vary significantly on a contract by contract basis.

It is the responsibility of each department to ensure that the solicitation strategies developed for each contract help further the City's objective of ensuring adequate competition on consultant contracts.

Chapter 6.55

EXECUTIVE AND LEGISLATIVE OVERSIGHT FOR CONSULTANT CONTRACTS

6.55.010 For Consultant Contracts less than \$250,000

For consultant contracts estimated to cost less than \$250,000, these rules contain no formal requirements for notifying OMP or briefing OMP and the City Council. However, department heads are strongly encouraged to consider:

- Notifying OMP of consultant contracts less than \$250,000 (Chapter 6.55.020 of these rules), and
- Briefing OMP and the City Council for consultant contracts less than \$750,000 (Chapter 6.55.030 of these rules)

whenever a consultant contract deals with a highly visible project, is politically sensitive, or when the department is intending to declare an exemption from the normal consultant selection process based on sole source, emergency, or adverse effect.

6.55.020 For Consultant Contracts of \$250,000 or more

The Office of Management and Planning (OMP) has an interest in being notified and kept informed of the progress of large consultant contracts, specifically those estimated to cost \$250,000 or more.

A. Notification. In order to facilitate notification to OMP of large consultant contracts, departments are required to submit to OMP a completed Contract Notification Form for all consultant contracts estimated to cost \$250,000 or more. A copy of the form is included in Chapter 6.55.040 of these rules.

1. When to submit form. The form should be completed by departments early in the planning stages of the contract, at approximately the same time that the department requests the Contract Compliance Section of DAS to establish WBE and MBE set-aside percentages, and before any formal solicitation or advertising for the services has occurred.

2. Where to submit form. The form should be sent to the department's budget analyst in OMP.

3. How to submit form. Departments may submit the information required on the form by completing the form or including the required information in a letter or memorandum to OMP.

Note: Department heads are strongly encouraged to consider:

- Notifying OMP of consultant contracts less than \$250,000 (Chapter 6.55.020 of these rules), and

- Briefing OMP and the City Council for consultant contracts less than \$750,000 (Chapter 6.55.030 of these rules)

whenever a consultant contract deals with a highly visible project, is politically sensitive, or when the department is intending to declare an exemption from the normal consultant selection process based on sole source, emergency, or adverse effect.

B. Amendments. The Amendment Notification Form shall be submitted by departments for consultant contract amendments or supplements estimated to cost \$250,000 or more. A copy of this form is included in Chapter 6.55.050 of these rules. The Amendment Notification Form should be submitted to OMP as soon as the need for the amendment becomes apparent.

6.55.030 For Consultant Contracts of \$750,000 or more

Both OMP and the City Council have a special interest in consultant contracts estimated to cost \$750,000 or more, since these contracts commit the City to significant expenditures of public funds. Therefore, in addition to the notification requirements outlined in Chapter 6.55.010 of these rules, the department head is required to brief OMP and offer a briefing to the appropriate Council committee chair for all consultant contracts estimated to cost \$750,000 or more, as described below.

Briefing. Upon submittal of a Contract Notification Form, the department must contact OMP in order to schedule a briefing on the proposed consultant contract. The briefing must include a discussion of the issues addressed in the Contract Notification Form including a description of the solicitation strategies that the department has developed to ensure that there is adequate competition for the contract. Department heads are encouraged to schedule the briefings early in the development of the consultant contracting process. It is expected that the department and OMP will work together collaboratively in determining the best approach for proceeding with the consultant contract. The department head shall evaluate and consider modifying the proposed contracting process based on the review and analysis by OMP.

After the briefing and review by OMP, the department head is encouraged to forward to the appropriate Council committee chair a copy of the Contract Notification Form or other information about the contract, and shall offer to brief the appropriate Council committee chair.

The briefing requirements of this section also apply to:

A. Any consultant contract amendment or supplement estimated to cost \$750,000 or more.

B. Any consultant contract amendment or supplement that causes the total dollar value of the contract (original contract plus all amendments and supplements) to equal or exceed \$750,000.

Note: Department heads are strongly encouraged to consider:

- Notifying OMP of consultant contracts less than \$250,000 (Chapter 6.55.020 of these rules), and

- Briefing OMP and the City Council for consultant contracts less than \$750,000 (Chapter 6.55.030 of these rules)

whenever a consultant contract deals with a highly visible project, is politically sensitive, or when the department is intending to declare an exemption from the normal consultant selection process based on sole source, emergency, or adverse effect.

6.10.030 Compliance with Applicable Laws

Departments are responsible for complying with all ordinances that apply to the selection of City consultants, as well as regulations of local, state, or federal agencies that may apply to particular contracts.

Departments should make it a practice to regularly consult with those City departments and other agencies that promulgate, interpret, enforce, or administer laws or rules regarding consultant contracting. In particular, departments should be aware that the ~~Seattle Human Rights~~ Department of Administrative Services (Contract Compliance Section) is responsible for administering the provisions of SMC 20.44 (Affirmative Action) and SMC 20.46A (Women and Minority Business Enterprises). While Chapter 6.90 of these rules provides basic information on these subjects, departments should contact the Department of Administrative Services (Contract Compliance Section) ~~Human Rights Department~~ directly for further information.

~~Note: The Director of the Office of Management and Budget intends to:~~

~~A. Report annually to the City Council a summary of consultant contracting activity and exemptions to the consultant selection process.~~

~~B. Review annually the justifications for exemptions to the consultant selection process to ensure that the justification is consistent with the guidelines as set forth in Chapter 6.50.140 of these rules.~~

CHAPTER 6.30

FILING AND REPORTING REQUIREMENTS

6.30.005 Reporting

A. Departments shall submit on a monthly basis to OMP information on the status of all consultant contracts, on a form to be determined by OMP.

B. OMP shall consolidate reports received from departments and provide to the Council, on at least a quarterly basis, a summary of consultant contracting activity.

6.50.140 Exemptions from Consultant Selection Procedures

Add at end of 6.50.140

OMP Review of Sole Source Exemptions

The Director of the Office of Management and Planning shall review annually the justifications for exemptions to the consultant selection process to ensure that the justification is consistent with the guidelines as set forth in this section of the rules.

CONTRACT NOTIFICATION FORM
Consultant Contracts of \$250,000 or More

PROJECT NAME:			
ESTIMATED ORIGINAL CONTRACT AMOUNT:			
(If > or = to \$750,000 (including anticipated amendments) a briefing with OMP and offer to brief relevant Council Committee Chair must be set up.)			
FINANCING:			
<input type="checkbox"/> Contract was anticipated in the 19__	<input type="checkbox"/> CIP	<input type="checkbox"/> Operating Budget	Amount Budgeted _____
<input type="checkbox"/> Contract was not anticipated in the budget, but will be financed as follows:			
ESTIMATED TIMING: Solicitation: _____ Begin Work: _____ Completion: _____			
RATIONALE FOR DOING THIS PROJECT (Consequences of not doing it):			
BRIEF DESCRIPTION OF SCOPE OF WORK: <i>+ product expected</i>			

REASON FOR OUTSIDE CONTRACTING:			
<input type="checkbox"/> Lack of in-house expertise	<input type="checkbox"/> TES/Overtime not appropriate	<input type="checkbox"/> Expertise in other City Depts. not available	
<input type="checkbox"/> Need 3rd party objectivity	<input type="checkbox"/> Value engineering needed	<input type="checkbox"/> Other (describe):	
ANTICIPATED CONTRACT AMENDMENTS: <input type="checkbox"/> None <input type="checkbox"/> See the following:			
No. of amendments anticipated: _____		Estimated total amount of amendments: \$ _____	
Amendments will be financed by the:		<input type="checkbox"/> CIP <input type="checkbox"/> Operating budget.	
Amendments will relate to the advertised intent of the original contract as follows:			
SOLICITATION PROCESS TO BE FOLLOWED:			
A. <input type="checkbox"/> The department will comply with the <u>solicitation strategies</u> required by Chapter 6.50.020 A of the DAS General Rules for Consultant Contracting.			
B. List the additional solicitation strategies the department intends to utilize. If none, explain why the department believes adequate competition will be generated through the normal solicitation requirements. (See Chapter 6.50.020 B of the DAS General Rules for Consultant Contracting.):			
<input type="checkbox"/> An exemption from the normal selection process as provided in Section 6.50.140 of the DAS General Rules for Consultant Contracts is anticipated. (Please attach exemption checklist.)			
LAW DEPARTMENT REVIEW: Please describe the level and type of review that will be sought from the Law Department:			
INSURANCE REVIEW: Describe the steps taken to identify the type and extent of insurance necessary for this contract:			
FUTURE NOTIFICATION: If the following things occur, the Department will notify OMP and the Council and submit additional relevant information:			
<ul style="list-style-type: none"> • If, after Law Department review or negotiations with the consultant, the scope of work is significantly changed and/or if the cost estimate increases more than 10% over what was originally listed above on this form. • If a contract amendment is proposed that is greater than \$250,000. • If the solicitation process does not elicit adequate competition. 			
ATTACHMENTS:			
<input type="checkbox"/> Draft Scope of Work.			
<input type="checkbox"/> Other _____			
AUTHORIZATION:			
Name (Print) _____	Signature _____	Title _____	Date _____

AMENDMENT NOTIFICATION FORM
Consultant Amendments/Supplements of \$250,000 or More

PROJECT NAME:	Amendment/Supplement #:		
CONSULTANT'S NAME:			
ESTIMATED AMENDMENT/SUPPLEMENT AMOUNT: \$ _____			
TOTAL CONTRACT AMOUNT: \$ _____			
<small>(If > or = to \$750,000 (including anticipated amend./suppl.) a briefing with OMP and offer to brief relevant Council Committee Chair must be set up)</small>			
FINANCING:			
<input type="checkbox"/> Amend./Suppl. was anticipated in the 19__ <input type="checkbox"/> CIP <input type="checkbox"/> Operating Budget Amount Budgeted _____			
<input type="checkbox"/> Amend./Suppl. was not anticipated in the budget, but will be financed as follows:			
ESTIMATED TIMING: Begin Work on Amendment/Supplement: _____ Completion: _____			
ANTICIPATION OF THIS AMENDMENT/SUPPLEMENT:			
<input type="checkbox"/> Amendment/Supplement is for a body of work anticipated at the time of the original contract.			
<input type="checkbox"/> Amendment/Supplement is for work not anticipated in the original contract, but is directly related to the scope of work of the project as follows:			
BRIEF DESCRIPTION OF SCOPE OF WORK:			
FEASIBILITY OF ADVERTISING THE WORK OF THIS AMENDMENT/SUPPLEMENT AS A NEW CONTRACT:			
ANTICIPATION OF FUTURE AMENDMENTS: <input type="checkbox"/> None <input type="checkbox"/> See the following:			
LAW DEPARTMENT REVIEW: Please describe the level and type of review that will be sought from the Law Department:			
INSURANCE REVIEW: Describe the steps taken to identify the type and extent of insurance necessary for this amendment/supplement:			
FUTURE NOTIFICATION: If the following things occur, the Department will notify OMP and the Council and submit additional relevant information:			
<ul style="list-style-type: none">• If, after Law Department review or negotiations with the consultant, the scope of work is significantly changed and/or if the cost estimate increases more than 10% over what was originally listed above on this form.• If another contract amendment/supplement is proposed that is greater than \$250,000.			
ATTACHMENTS:			
<input type="checkbox"/> Copies of any previous Council Notification Forms submitted for this project.			
<input type="checkbox"/> Other _____			
AUTHORIZATION:			
Name (Print) _____	Signature _____	Title _____	Date _____

CONSULTANT CONTRACTING MONTHLY REPORT

Department: _____

Reporting Period Through: _____

Contract Number	Contractor	Brief Description of Work	Contract Amount	Status (See Key)	Award Date	End Date	Exemption (See Key)	Type (See Key)	WBE Dollar Amt.	WBE %	MBE Dollar Amt.	MBE %
E235-1	XYZ Auditing	Special Audit on Cash Handling	250,000	C	1/31/95	2/28/95	A	O		0.0%		0.0%
E334-1	High Appraisal Inc.	Appraisal Services on open space	250,500	A	1/1/95	6/30/95		O	27,500	11.0%		0.0%
E441-2	Breakdown Corp.	Seismic Retrofit Analysis	435,000	A	12/15/94	4/30/95		A		0.0%	75,000	17.2%
E124-1	Odor B Gone	Water Front Landfill Cleanup	1,200,000	F	6/30/94	1/2/95		O		0.0%	80,000	6.7%
E124-2	Odor B Gone	Water Front Landfill Cleanup	255,000	S	1/31/95	3/31/95		S	25,500	10.0%		0.0%
E155-1	Odor B Gone	North Side Landfill Cleanup	400,000	A	9/30/94	5/31/95	E	O	23,500	5.9%	20,000	5.0%
E125	Geosystems	Geographic mapping	250,000	A	1/1/94	6/30/95		O		0.0%		0.0%
E167-1	Microirrm	Systems Consulting	255,000	F	3/3/94	1/31/94	S	O	25,000	9.8%		0.0%
E167-2	Microirrm	Systems Consulting	250,000	A	1/5/95	5/8/95	S	S	17,500	7.0%	22,500	9.0%
Total Cumulative Activity			3,545,500						119,000	3.4%	197,500	5.6%

Status Key: C = Conceptual Stage (Notification Form Filed With OMP)
 S = Solicitation in Process (Advertising to Contract Negotiations)
 A = Active (Consultant Currently Working on Project)
 F = Finished (Contract Completed)

Exemption Key:
 S = Sole Source
 E = Emergency
 A = Adverse Affect

Type Key:
 O = Original
 A = Amendment
 S = Supplement

STATISTICAL SUMMARY FOR:

Period Beginning: 1/1/95
 Period Ending: 12/31/95

NUMBER OF CONTRACTS

Number of Original Contracts:	2
Number of Amendments to Contracts:	0
Number of Supplementals to Contracts:	2
Total Number of Contracts:	4

VALUE OF CONTRACTS

Value of Original Contracts:	\$500,500
Value of Amendments to Contracts:	\$0
Value of Supplementals to Contracts:	\$505,000
Total Value of Contracts:	\$1,005,500

WBE/MBE STATISTICS

WBE Value of Contracts	\$70,500
WBE % of Total Contract Value	7.01%
MBE Value of Contracts	\$22,500
MBE % of Total Contract Value	2.24%

EXEMPTION STATISTICS

Sole Source	\$250,000
Emergency	\$0
Adverse Affect	\$250,000
Total Exemptions	\$500,000
% of Total Contract Value	49.73%

CONSULTANT CONTRACTING NOTIFICATION AND REPORTING

Proposal for Revised Departmental Procedures

Is contract >\$28,000?

Advertise a minimum of 2 days
Evaluate if RFP/RFQ needed
Send ad/RFP/RFQ to all known qualified consultants

- use DAS's Consultant Reference File
- use state WMBE directory

**Is contract highly visible,
sensitive, sole source,
emergency, or adverse
effect?**

Encourage notifying OMP and Council if even if contract \$ amount does not require notification

Is contract >\$250,000?*

INCLUDING AMDTs

- Follow all steps for contracts > \$28,000
- Evaluate if additional solicitation strategies needed
- Submit completed Contract Notification Form to OMP
(or amendment notification form if amendment/supplement)

Is contract >\$750,000?*

- Follow all steps for contracts > \$28,000 and >\$250,000
- Requires OMP briefing
- Requires offer to brief Council Committee Chair

Departments submit to OMP monthly status reports on consultant contracts

OMP consolidates summaries quarterly for transmittal to Council Committee Chair

OMP Director reviews annually exemption justifications

* Includes original contract and any amendments or supplements.

EXECUTIVE SUMMARY
Proposed Changes to
the City's Consultant Contracting Oversight Practices

Background

In November 1994, the City Council approved a Statement of Legislative Intent directing OMP to work with City departments and Council staff in developing recommended changes to the City's consultant contracting rules.

An interdepartmental task force was formed. Weekly meetings focused on improving four major areas in direct response to the SLI. These were:

- ***Communication between departments, the Executive, and the Council***
- ***Reporting Procedures from departments to the Executive and the Council***
- ***Competition for consultant services required by the City***
- ***Contract Language that is standardized and based on the contract's amount.***

Proposal

Changes the task force developed provide a larger contract oversight role for both the Executive and Council, and articulate expectations for departments.

1. All consultant contracts estimated to cost ***\$250,000 or more*** require ***notification to OMP***. Notification will include information on whether or not the contract was budgeted, rationale for the project, solicitation plans, the scope of work, and anticipated amendments.
2. All consultant contracts estimated to cost ***\$750,000 or more*** require a ***briefing to be offered to the appropriate Council Committee Chair***.
3. Solicitation strategies are strengthened to ensure adequate competition, and include:
 - Expansion of basic strategies for all consultant contracts over \$28,000.
 - Additional strategies to mitigate inadequate competition for consultant contracts over \$250,000.
4. ***Departments will report to OMP on a monthly basis all consultant contracting activity. OMP will provide a summarized report quarterly to the appropriate Council Committee Chair.***
5. The advertising and consultant selection process for the existing ***consultant roster program*** will be consolidated. The number of consultants on the roster will be expanded from 8 to 15.
6. ***Consultant contract language*** will be standardized for basic contractual provisions, and be reviewed regularly by the Law Department.

The proposed changes also strongly encourage departments to communicate with the Executive and Council about ***sole source, emergency, and adverse effect consultant contracts***. These changes, ***coupled with DAS's recently adopted procedures for sole source, emergency, and adverse effect consultant contracts***, will ensure that exemptions to the normal selection process receive careful review and analysis by departments, the Executive, and the Council.

Future Directions

Training. Once the new regulations are adopted by DAS, DAS will provide training to departments, emphasizing both the new rules as well as reinforcing existing requirements.

Consultant Contracting Advisory Group. DAS has established a permanent Consultant Contracting Advisory Group that will continue to meet to address further improvements and share information about the City's consultant contracting process.

1994 Consultant Contracts and Amendments Filed with

DAS Public Works and Consultant Contracting Section

	> = \$100,000	> = \$250,000	> = \$500,000	> = \$750,000
Amendments	26	14	9	4
City Light	5	3	0	0
DAS	3	1	0	0
Engineering	4	2	2	0
Parks	1	0	0	0
Water	13	8	7	4
Contracts	22	14	7	2
City Light	11	8	4	1
DAS	2	1	0	0
Engineering	1	0	0	0
Parks	5	3	2	0
Water	3	2	1	1
Totals	48	28	16	6

City of Seattle

Executive Department—Office of Management and Planning

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

COPY RECEIVED
95 MAR 15 11 08 AM '95
SEATTLE CITY ATTORNEY



LAW DEPT.
MHP
3/15/95

March 15, 1995

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 Water

SUBJECT: AN ORDINANCE relating to the City's Consultant Selection Ordinance; amending Seattle Municipal Code Sections 3.114.150 and 3.114.160 to allow an expanded City-wide selection process for the Certified Consultant Roster Program; and clarifying the process to be used therefor.

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:power33

Enclosure

cc: Superintendent, Water

STATE OF WASHINGTON - KING COUNTY

54669
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 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

CT/ORD 117583

was published on

04/20/95

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

04/20/95

Notary Public for the State of Washington,
residing in Seattle

City of Seattle
ORDINANCE 117683

AN ORDINANCE relating to the City's Consultant Selection Ordinance; amending Seattle Municipal Code Sections 3.114.150 and 3.114.160 to allow an expanded City-wide selection process for the Certified Consultant Roster Program; and clarifying the process to be used therefor.

WHEREAS, Seattle Municipal Code (SMC) Chapter 3.114 deals with the procurement of consultant services and includes under Sections 3.114.150 and 3.114.160, the authorization for City departments to establish certified rosters of qualified consultants for skills or services in specialized areas of knowledge or experience; and

WHEREAS, departments that have used the consultant roster program have found it to be very useful in saving time and City funds, and other departments are contemplating creating rosters as well; and

WHEREAS, the intent of this amending ordinance is to allow a single consultant selection process for consultants to be selected for a Certified Consultant Roster Program that can be used by all City departments, which will save each department requiring a consultant roster, the cost of separate selection processes. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SMC Section 3.114.150 (Ordinance 112334 § 1(part) as last amended by Ordinance 116000 § 1(part)) is hereby further amended to read as follows:

3.114.150 Certified consultants' roster.

Through the competitive process contemplated by SMC Sections 3.114.020 through 3.114.070, the Department of Administrative Services, in conjunction with participating departments ((each department or Executive Department office)) may establish certified rosters of qualified consultants for the use by any City department or Executive Department office, hereinafter referred to as "participating department", for skills or services in specialized areas of knowledge or experience including, among other specialties, architectural and engineering services; and without soliciting proposals on such assignments or projects individually, each such participating Department ((or Executive Department office)) 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 each contract is estimated to cost no more than ~~((Eighty Thousand Dollars (\$80,000.00) or))~~ an adjusted amount established pursuant to SMC Section 3.114.140 by using Eighty Thousand Dollars (\$80,000) as a base amount, as established by Ordinance No. 113797 § 2, 1987.

Section 2. SMC Section 3.114.160 (Ordinance 112334 § 1(part) as last amended by Ordinance 116000 § 14) is hereby further amended to read as follows:

3.114.160 Establishment and operation of rosters.

These terms apply to the establishment, maintenance and use of certified rosters by City departments:

A. Solicitation. A solicitation for consultants for a certified roster shall describe the particular specialty sought, 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 SMC Section 3.114.110, a participating department ((or Executive Department office which maintains a certified roster may)) shall contract

consultant is a "Small Business concern" based on the United States Small Business Administration Small Business Size Standards according to the Federal Standard Industrial Classification Codes.

D. Standard Contracts.

1. A participating department ((or Executive Department office)) may require that all consultants placed on a certified roster agree to contract on a standard form of contract having terms and conditions generally controlling the work or services to be performed; if so, the participating department's ((or Executive Department office's)) contracts with a consultant for a particular assignment or project may adopt the standard form and supply the scope of work; the time for performance; the hours of work and consideration to be paid; and other special terms and conditions specific to the particular assignment or project.

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

E. Duration.

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

- Three (3) years after its establishment;
- A shorter duration stated in the ((department or Executive Department office's)) City's solicitation; or
- 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 ((or Executive Department office)) for one (1) or more causes stated in the notice.

F. Number. The Department of Administrative Services in conjunction with participating departments ((a department or Executive Department office)) shall determine the number of consultants ~~((stated on a))~~ selected for each roster category. The number shall not exceed ~~((eight (8))~~ fifteen (15) consultants.

G. Deletion From a Roster.

1. After allowing the consultant an opportunity to be heard, if the Department of Administrative Services in conjunction with participating departments find a consultant falls under any of the following circumstances, the ((a)) consultant shall be deleted from ((a)) the City's certified Roster Program ((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 or Executive Department office)) Department of Administrative Services;

((b) The consultant and/or a firm with an affiliation in ownership with the consultant receives one or more contracts from the Department or Executive Department office through the certified roster which exceed, in the aggregate, the greater of Two Hundred Forty Thousand Dollars (\$240,000.00) or three (3)