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**Sponsoring Agency:** Finance and Business Operations Division,  
Department of Executive Services



**King County**

## **PRO-EQUITY CONTRACTING**

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**WHEREAS**, since the adoption of Washington State Initiative 200 in 1998, King County's Contracting and Opportunities Program ("Program") has been designed as a race and gender-neutral program intended to support the participation of small businesses in county contracting;

**WHEREAS**, while the Program has been designed as race and gender neutral, this has not prevented the Program from taking affirmative actions and initiatives to increase participation in public contracting by underrepresented groups;

**WHEREAS**, the actions taken to date have helped expand opportunities for minority and women owned business enterprises (MWBEs), yet these firms continue to face barriers and challenges in accessing contracting opportunities with King County;

**WHEREAS**, King County's Equity and Social Justice Strategic Plan emphasizes the importance of taking action through public contracting to address barriers and challenges for MWBE firms;

**WHEREAS**, King County must have a bias for action and a sense of urgency to achieve its True North vision of making King County a welcoming community where every person can thrive;

**WHEREAS**, persistent racial inequities compel the county to transform its current Program into one that emphasizes pro-equity contracting and amplifies the participation of MWBE firms;

**WHEREAS**, the transformation to a pro-equity contracting program is aligned with King County's Equity and Social Justice Strategic Plan and True North vision statement;

**WHEREAS**, the county will implement pro-equity contracting by continuing existing actions and initiatives, while also launching new actions aimed at increasing MWBE participation in contracting;

**WHEREAS**, the success of pro-equity contracting depends on departments taking ownership collectively and aligning with the value of "we are one team" to strengthen equity targets and actions.

**NOW, THEREFORE**, I Dow Constantine, King County Executive, do hereby order and direct the following:

1. Process Leader: The Finance and Business Operations Division (FBOD), as supported by the Business Development and Contract Compliance (BDCC) unit and the Procurement and Payables (P&P) section, is the designated process leader for departments for enhancing MWBE participation in contracting.

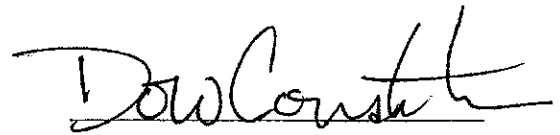
2. Steering Committee and Implementation Teams: FBOD will form an interdepartmental steering committee that will have a broad focus of discussing and guiding the implementation of best practices in procurement and contracting. The scope of the steering committee will include but not be limited to best practices in enhancing small business and MWBE participation in contracting.
  - 2.1. The steering committee will appoint subcommittees or ad hoc teams that are responsible for developing and executing the direction established by the steering committee.
  - 2.2. FBOD will develop a charter explaining the roles and responsibilities of the steering committee and the various subcommittees and ad hoc teams.
  - 2.3. The steering committee will provide input to BDCC and P&P in setting equity goals, monitoring performance, reporting results, implementing best practices, and conducting training regarding pro-equity contracting practices.
3. Reporting: BDCC will continue to provide periodic reports (currently monthly) that assist departments in tracking the participation of small contractors and supplier (SCS) firms, disadvantaged business enterprises (DBEs), and MWBEs. Additional reports will be recommended and developed by BDCC and P&P, with input from the steering committee.
  - 3.1. BDCC will work with departments to identify specific and measurable equity goals that can be tracked and reported at least annually.
  - 3.2. BDCC will identify and communicate departmental roles and responsibilities in the data collection and reporting efforts.
4. Reciprocal Certification Program: FBOD will propose an ordinance amendment to King County Code that will change the criteria for SCS eligibility so that any firm that is designated by the State of Washington as a certified MWBE will automatically qualify as an SCS business under the county's existing Contracting Opportunities Program.
5. Disparity Study: A disparity study will help the county obtain an independent and objective review to determine the extent to which inequities exist in county contracting that adversely affect MWBE firms. FBOD/BDCC will take the lead in exploring the feasibility of implementing a regional disparity study with the participation of other nearby jurisdictions. Based on this review, FBOD/BDCC will make recommendations to the county's senior leaders regarding the scope and costs of a disparity study.
6. Innovative Contracting Methods: BDCC and P&P, with the collaboration and commitment of departments, will continue and enhance existing methods and identify new methods that will promote the use of MWBE contractors.

- 6.1. BDCC will continue to apply the small business accelerator program for certain goods and technical services contracts. This program allows like-sized small firms to compete with one another as a prime contractor for the county.
- 6.2. P&P will continue to use the consultant roster for small-scale architecture/engineering services contracts, with an emphasis on encouraging the use of MWBE firms.
- 6.3. P&P will continue to use the small public works roster and job order contracting for small-scale construction projects. These methods should emphasize the use of MWBE firms.
- 6.4. BDCC will establish goals for small and MWBE subcontractors on large work order construction contracts that are used by departments for meeting emergent and on-call construction needs.
- 6.5. P&P will help to ensure that for any informal bidding process under \$50,000, that at least one of three quotes is from an SCS and/or MWBE firm whenever possible.
- 6.6. P&P will continue to ensure there is an ESJ Innovation Plan requirement for architectural/engineering and technical services contracts whenever possible. The focus of the ESJ Innovation Plan is the inclusion of MWBEs. Contractors responding to a request for proposal (RFP) from the county must submit a plan that describes their goals, approaches and actions that will maximize work and growth opportunities for MWBE firms.
- 6.7. BDCC and P&P, in collaboration with departments, will continuously seek out and implement best contracting methods from other jurisdictions that promote the sustained participation of MWBE firms.
7. Improved Access to Contracting Opportunities: P&P, with the support of BDCC, will make a concerted effort to ensure that all SCS firms are registered in the county's new supplier registration system so that they can be electronically notified of any contracting opportunities.
  - 7.1. P&P will reach out and solicit the feedback of small and MWBE firms, at least annually, regarding the supplier registration process and use this feedback to continually improve the process. The term "supplier" in this context refers to any contractor interested in submitting a bid or proposal for a contract that falls into one of three categories: consulting (includes architecture, engineering, professional and technical services); construction; and all other goods and services.
  - 7.2. BDCC will keep the SCS directory of firms up to date and will remove any firms that have not met the renewal requirements.
  - 7.3. BDCC will recommend and implement options for the timely administrative processing of new SCS applications.

8. Reducing Challenges and Barriers: P&P, with the support of BDCC, will make changes in county procurement and contracting requirements to make it easier for small and MWBE firms to do business with King County.
  - 8.1. P&P will continue to simplify and streamline standard contract boilerplates to make it easier for small and MWBE firms to submit bids or proposals.
  - 8.2. P&P will continue to adjust evaluation criteria in RFPs so that the criteria are not overly restrictive or stringent for small and MWBE firms, especially new start-up firms.
  - 8.3. P&P will encourage departments to unbundle the size and scope of contracts to provide more opportunities for small and MWBE firms when feasible.
  - 8.4. P&P will review the extent to which solicitation times of some contracts may be creating barriers for small and MWBE participation and, if so, then consider extending those solicitations when feasible.
  - 8.5. BDCC, in collaboration with P&P and departments, will continue to analyze concerns about small and MWBE firms not receiving prompt payments from prime contractors and propose actions to ensure prompt payments. Departments will monitor, report, and provide input to BDCC and P&P on proposed actions taken to improve prompt payment to county contractors and between county contractors and their subcontractors.
  - 8.6. The Office of Risk Management Services, in collaboration with BDCC and P&P, will continue to review the county's boilerplate insurance and indemnification provisions to identify barriers for small and MWBE firms and make appropriate revisions while balancing the county's goals and risk appetite. The Office of Risk Management Services will also develop equity-focused guidance for departments regarding insurance requirements and seek out feedback from departments regarding the effectiveness of the current approach and recent revisions.
  - 8.7. P&P will review spending associated with procurement waivers and p-cards and recommend changes to policies or practices to increase opportunities for small and MWBE firms.
9. Outreach and Community Partnerships: BDCC will continue existing contract outreach efforts and continue to partner with community-based organizations, such as Tabor 100, to provide financial and technical assistance to small and MWBE firms. BDCC will also leverage outreach to MWBEs by partnering with new organizations, such as the regional office of the federal Small Business Administration
10. Training: Training efforts focused on MWBE participation in contracting will include internal training for county staff and external training for prospective suppliers.

- 10.1. BDCC, in collaboration with P&P, will coordinate and lead equity-focused training efforts for P&P staff and other department staff involved in procurements and contracting processes.
- 10.2. BDCC will continue to offer quarterly training and assistance to small and MWBE firms as part the Contracting Opportunities Program.
11. Implementation Schedule: Given the sense of urgency of making the transition to a pro-equity contracting program, most of the new actions will be completed or initiated by the end of 2021. FBOD will be responsible for communicating the schedule and expectations to departments. FBOD will also be responsible for monitoring and managing the overall work program and schedule associated with pro-equity contracting.

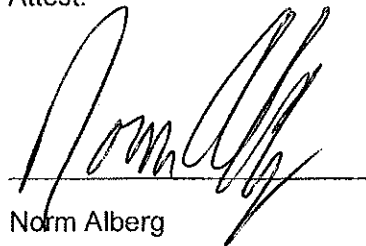
Dated and effective this 27 day of APRIL, 2021



Dow Constantine

King County Executive

Attest:



Norm Alberg

Director, Records and Licensing Services Division, Department of Executive Services