

June 24, 2010

Capital Projects Advisory Review Board
P.O. Box 45848
Olympia, WA 98504

Attn: Danelle Bessett

Dear Board Members:

King County has for several years and is currently advertising ITBs and RFPs for 'Work Order Contracts' in violation of Chapter 39.10 RCW - Alternative Public Works Contracting Procedures.

The RCW lists the requirements and describes the procurement procedures authorized for use by public agencies, including King County. The authorized procedures are: Design Build, General Contractor/ Construction Manager, and Job Order.

Instead of using the Job Order Procedure authorized by State statute, King County justifies its increasing use of work order contracts under the guise that the statute does not specifically prohibit their use and that using departments really like the procedure. The general understanding is that since the Legislature has specifically authorized certain types of alternative public works contracting procedures, authority does not exist for other procedures such as work order contracts.

Work Order contracts which require that the prime contractor perform at least 75% of the total work, have eliminated virtually thousands of potential prime and subcontracting opportunities that small, minority-owned and women-owned businesses may have participated on. Job Order contracts, on the other hand, require the prime contractor to subcontract at least 90% of the total work. This is but one of many distinctions between the two procedures. In short, the solicitation and implementation of the Work Order procedure used by King County is in direct conflict with what the Legislature deemed to be in the public interest.

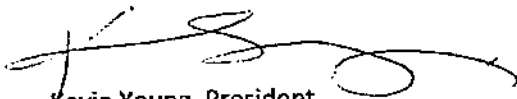
We have attempted unsuccessfully to convince King County to terminate the use of Work Order Contracts. Discussions have been had with County Executives and/or their representatives, a complaint has been filed with the County Ombudsman, and the matter has been brought to the attention of County Councilmen. However, rather than cease using the procedure, the County has increased its use. Over sixty-five such contracts were awarded in 2007 and we estimate that the number has steadily increased during subsequent years, including 2010.

We request that King County be required to: terminate this practice immediately; remove all such solicitations currently being advertised; terminate all existing Work Order contracts, and be penalized to the greatest extent of the law as it is a knowing participant in this unauthorized procedure. It should not be permitted to operate with disdain for the rules with impunity and without consequences. King County has stifled the growth of many striving businesses and we believe it has violated the terms and conditions of federal agencies that provided funding for many of these projects.

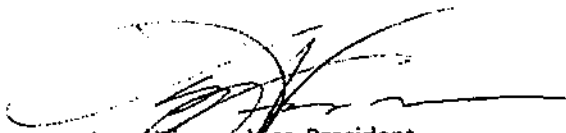
Sincerely,



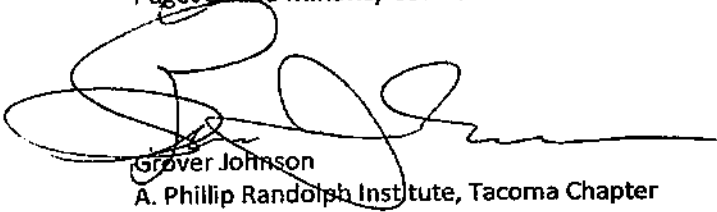
Fred Anderson, National Board Member
National Association Minority Contractors (NAMC)



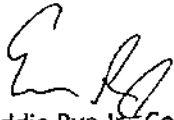
Kevin Young, President
Puget Sound Minority Contractors



Larry Vinson, Vice-President
Puget Sound Minority Contractors



Grover Johnson
A. Phillip Randolph Institute, Tacoma Chapter



Eddie Rye Jr., Co-convener
Community Coalition for Contracts and Jobs (CCCJ)

cc: Washington State Auditor