

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to contracting by the Human Services Department; adding a new Section 3.20.050 to the Seattle Municipal Code to provide that the Seattle Human Services Department utilize a results-based framework for designing human service investments; amending Section 3.20.030 of the Seattle Municipal Code to clarify the duties of the Director of the Human Services Department with respect to contracting for human services to carry out department programs; and adding a new Section 20.50.020 to the Seattle Municipal Code to exempt contracts for human services executed by the Director from provisions of Chapter 20.50.

..body

WHEREAS, the Human Services Department (HSD) implements a Results Based Accountability™ (RBA) framework to design grant programs, establishing six desired results for the City’s investments in human services; and

WHEREAS, the six desired results serve as a basis for identifying specific strategies and activities deployed to achieve the desired results; and

WHEREAS, the providers who are selected by the City to implement these strategies and activities have specific outcomes that measure the quantity, quality, and most importantly, the impact of strategies and activities in achieving the desired results; and

WHEREAS, racial and gender equity is ~~((a key element of))~~ the lens by which HSD~~((s))~~ uses the RBA framework ~~((, given the disparities that exist for people of color as they relate to poverty, homelessness, unemployment, and health))~~ to support just and thriving communities that improve disparate outcomes in economic success and security, housing, employment, and health; and

~~((WHEREAS, according to the 2015 American Community Survey 1-Year Estimate, in Seattle there are 155,519 households with incomes at or below 50 percent of AMI, and a~~

1 ~~disproportionate number of these individuals are people of color who face barriers of~~
2 ~~institutional and structural racism as they seek stability in their lives; and))~~

3 WHEREAS, to address ~~((these inequities))~~ racial and gender equity, the City’s investments in
4 human services must focus on having a measurable impact on identified ~~racial~~ disparities,
5 including evaluating and addressing institutional policies and practices that ~~((perpetuate~~
6 ~~such overrepresentation))~~ undermine the achievement of racial and gender equity goals;
7 and

8 WHEREAS, since 2014, HSD has been implementing RBA in designing its programs and has
9 incorporated RBA into 77 percent, or \$50.5 million, of its current investments ~~((, and will~~
10 ~~continue to incorporate RBA into all human services investments))~~; and

11 WHEREAS, the Mayor and the City Council affirm HSD’s commitment to RBA to ensure the
12 City’s investments in human services achieve the desired results; and

13 WHEREAS, the Mayor and the City Council recognize that performance standards for human
14 service programs shall ~~((using))~~ use strategies and data that ~~((are effective with the~~
15 ~~broader majority population may not be validated as effective in an experimental design~~
16 ~~evaluation when compared to programs focused on serving particular populations,~~
17 ~~especially distinct racial, ethnic, and cultural groups))~~ take into consideration the needs
18 for specific communities, including but not limited to racial, ethnic, gender, and cultural
19 groups. This consideration is intended to support innovative and effective community-
20 based solutions; and

21 WHEREAS, the Mayor and City Council acknowledge that the effects of policies, for example
22 “No Child Left Behind” and other examples of performance-based funding in public
23 education, can, without due care, create unintended consequences while achieving

1 conformity with identified funding criteria that actually decrease the quality and
2 effectiveness of the work performed; and

3 WHEREAS, the Mayor and the City Council find that some of the problems that most urgently
4 demand human service solutions involve working with populations that ~~((face barriers to
5 engagement,))~~ experience systemic and structural marginalization, and require more
6 resources per person to accomplish program goals ~~((, and may achieve smaller
7 incremental gains per person than populations that do not face similar obstacles,))~~ ; and

8 WHEREAS, the Mayor and the City Council find that programs working effectively ~~((with those
9 populations facing increased barriers))~~ to address systemic and structural barriers must
10 not be burdened or discouraged by results-based contracting; NOW, THEREFORE,

11 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

12 Section 1. A new Section 3.20.050 of the Seattle Municipal Code is added to Subchapter
13 I of Chapter 3.20 as follows:

14 **3.20.050 Contracts for human services**

15 A. The Human Services Department (Department) shall make investments in human
16 services programs using a Results Based Accountability™ (RBA) framework to meet six desired
17 results:

- 18 1. All youth living in Seattle successfully transition to adulthood;
- 19 2. All people living in Seattle are able to meet their basic needs;
- 20 3. All people living in Seattle are sheltered;
- 21 4. All people living in Seattle experience moderate to optimum health conditions;
- 22 5. All people living in Seattle are free from violence; and
- 23 6. All older adults living in King County experience stable health and are able to

1 age in place.

2 B. The Department shall make investments in human services programs (~~((through~~
3 ~~contracts))~~ using a competitive process, such as a request for proposal (RPP) or request for
4 qualifications (RFQ), to award contracts designed to (~~((meet))~~) achieve one or more of the six
5 desired results through an RBA framework as follows:

6 1. Investment decisions shall be made in intervals of four years or less and (~~((using~~
7 ~~a competitive process, such as a request for proposal (RFP) or request for qualifications (RFQ),~~
8 ~~to award contracts that))~~) include specific, measurable performance indicators (~~((and))~~) that reflect
9 a commitment to addressing racial and gender disparities.

10 2. When designing strategies for human services programs and contracts for
11 competitive bidding, the Department shall ensure such strategies are informed by evidence-based
12 practice or culturally responsive research with experimental (~~((or culturally responsive))~~) evidence
13 (~~((;))~~) ~~((and when contracting for human services programs, t))~~ The Department shall also include
14 selection criteria that are focused on awarding contracts for programs that are informed by such
15 evidence in support of their effectiveness and for which specific and measurable outcomes have
16 been established. Culturally responsive research is systematic and responsive inquiry that is
17 cognizant of, understands, and addresses the cultural context in which the research takes place.
18 This research entails the inclusion of stakeholder perspectives in designing the study, developing
19 the measures, interpreting the data, and disseminating the findings.

20 C. The Director may modify or waive the requirements of subsection 3.20.050.B in any
21 of the following circumstances:

22 1. If necessary to comply with any federal, State, County, or other funding source
23 requirement;

1 2. If a specific program or contracting party is identified in the budget process;

2 3. If the Director determines that an emergency exists that requires immediate
3 contracting for services, or determines that a specific program or service is only available from a
4 sole source, provided that the Director, or the Director's designee, shall document in writing the
5 facts that support the determination; or

6 4. If the Director determines that a new or innovative program exists, subject to
7 appropriation authority (~~(, on a pilot basis for a period of up to four years)~~).

8 D. The Department shall ensure that both new and existing programs are subject to
9 rigorous review and contract oversight. The Department will report to the Seattle City Council
10 on how RBA is being incorporated into a competitive bidding process (~~(, such as a Request for~~
11 ~~Proposal (RFP) or Request for Qualifications (RFQ),)~~) when RBA is being used for the first time
12 in the development of (~~(the competitive bidding process)~~) an RFP or RFQ. Programs selected for
13 funding shall align with federal, State, and County strategies and agreements, as applicable.

14 E. Nothing in this Section 3.20.050 shall be interpreted to amend or modify any contract
15 in existence prior to the effective date of the ordinance introduced as Council Bill 119125 or to
16 preclude the Director's authority to add or to remove funding from existing, competitively bid
17 contracts containing performance standards at the Director's discretion. Nothing in this Section
18 3.20.050 shall preclude the Director from awarding a contract based upon a public, competitive
19 solicitation that was released prior to the effective date of the ordinance introduced as Council
20 Bill 119125.

21 Section 2. Section 3.20.030 of the Seattle Municipal Code, last amended by Ordinance
22 119273, is amended as follows:

23 **3.20.030 Director – Duties ((,))**

1 The Director shall be the head of the Human Services Department, shall be responsible for the
2 administration of the department, and shall:

3 * * *

4 C. Manage the preparation of the proposed annual budget of the Human Services
5 Department, authorize necessary expenditures and enter into contracts for (~~professional and~~
6 ~~expert~~) social and human services programs in accordance with the annual budget and the
7 requirements of this Subchapter I, (~~(;)~~) develop and manage programs, and supervise
8 development and maintenance of adequate managerial and accounting systems and procedures;

9 D. Execute, administer, modify, and enforce such agreements and instruments as (~~he or~~
10 ~~she~~) the Director shall deem reasonably necessary to implement programs, as authorized by and
11 consistent with this Subchapter I and all applicable laws and ordinances, as (~~he or she~~) the
12 Director shall deem appropriate for carrying out the responsibilities, functions, and activities of
13 the Department; apply for grants and donations for departmental programs; and solicit and use
14 volunteer services;

15 * * *

16 Section 3. A new Section 20.50.020 is added to the Seattle Municipal Code as follows:

17 **20.50.020 Exception**

18 The provisions of this Chapter 20.50 do not apply to contracts for human services executed by
19 the Director of the Human Services Department.

1 Section 4. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2017,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2017.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 Tim Burgess, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)