

2005-474

REC'D PROCUREMENT DIV.

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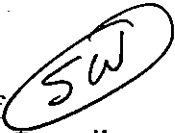


Metropolitan King County Council

MEMORANDUM

July 5, 2005

TO: Ken Guy, Interim Director
Department of Finance

From: Scott White, Chief of Staff 
Metropolitan King County Council

RE: **IMMEDIATE ATTENTION**: Waiver from Standard Procurement Procedures

The Metropolitan King County Council is seeking approval of a waiver from standard procurement procedures in order to process an amendment to Contract No. T02364T. The current contract amount is \$24,500. The council seeks this waiver to add to the scope of services and increase the contract amount by \$24,500.

At the beginning of June, the Council received from the county executive a supplemental appropriation request of \$677,000 to conduct due diligence and planning activities necessary to evaluate whether to purchase the building at 1130 Rainier Avenue in Seattle. The Council also received legislation requesting that the Council determine which county agencies would relocate to offices in the new county office building.

The legislation is currently before the council's Budget and Fiscal Management (BFM) Committee. The county executive is requesting council action by July 29, 2005 because: (1) the due diligence activities must be initiated as soon as possible in order to make a decision on the purchase of the building by September 30, 2005; and (2) there is a need to make adjustments to purchase of construction materials for the new county office building that depend on the decisions pending before the Council on the new county office building.

The BFM committee determined that it needed some special expertise to help with its deliberations, and directed committee staff to develop a scope of services and secure a

contract for consulting services. Based on the assumption that the scope of services could be performed for less than \$25,000, consistent with county code requirements, committee staff solicited telephone bids from three potential consultants. Two consultants were unable to meet the county's requirements or the required deadlines. The third consultant, The Staubach Company, submitted a proposal and the Council determined that Staubach was highly capable and could deliver the products in the scope of services. A contract for \$24,500 was executed.

Since that time, BFM committee members have requested additional analysis that was not included in the original scope of services. The additional analysis includes the following tasks:

Programming: The consultant shall provide a series of conceptual programming alternatives for the county's short-term and long-term space planning of facilities. The work shall include review of existing facilities and current short-term and long-term planning. The consultant shall review executive proposed recommendations, proposal of a series of consultant initiated alternatives, conceptual diagrams depicting alternatives, and a summary report of conclusions and recommendations.

We estimate this additional work will cost up to \$24,500, bringing the total contract cost to \$49,000.

The requirements of KCC 4.16.030 would require us to conduct another informal process for a separate contract. We are requesting a special market conditions waiver under KCC 4.16.040 for two reasons.

First, it would be inefficient and more costly to have another consultant perform the work. The Staubach Company is now familiar with the executive's proposal and the county's operations and organizational structure. It would take time (and money) for another consultant to gain the necessary background to perform the work.

Second, time is of the essence. It would take valuable time to conduct another informal process and review proposals. The executive is asking for a decision by July 29, 2005, which would require BFM Committee action no later than July 20, 2005. Delay of the decision beyond that date could cost the county a substantial amount of money to make changes in construction of the new county office building. In addition, if the executive does not receive the funds to initiate the due diligence activities soon, and, as a result the executive and council do not have the information needed to make a decision by September 30, 2005 on purchasing the building, then the county's deposit of \$250,000 may be forfeited.

We believe our request meets the criterion for a proprietary purchase consistent with KCC 4.16.040. Thank you for your consideration of our request.

Please contact Scott White, Chief of Staff, Metropolitan King County Council, 296-0324, (Mail Stop KCC-CC-1200) for questions and additional information.

Certification:

I hereby certify that the facts and statements concerning this request for a waiver from standard procurement procedures are accurate to the best of my knowledge.

Scott White

Scott White, Chief of Staff

7-5-05

Date

L. Sutton For

Manager, Procurement & Contract Services Div.

Approve / Disapprove

7/5/05

Date

For

Director, Department of Finance

7/5/05

Date

Cc:

- James L. Brewer, Legal Counsel, Metropolitan King County Council
- Ellen Petre, Council Administrator, Metropolitan King County Council
- Shelley Sutton, Policy Staff Director, Metropolitan King County Council
- Rebecha Cusack, Lead Legislative Analyst, Metropolitan King County Council
- David Leach, Manager, Procurement & Contract Services Section