



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 18, 2011**

**Ordinance 17062**

**Proposed No. 2011-0110.1**

**Sponsors Gossett**

1 AN ORDINANCE relating to the King County  
2 Correctional Facility fixtures project #395023; making a  
3 supplemental appropriation of \$280,764 to the building  
4 repair and replacement subfund and the major maintenance  
5 reserve fund; amending the 2011 Budget Ordinance,  
6 Ordinance 16984, Sections 120 and 123, as amended, and  
7 Attachments B and E, as amended; and declaring an  
8 emergency.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Findings:

11 A. King County has entered into a settlement agreement with the Department of  
12 Justice relating to the operation of the King County Correctional Facility and is subject to  
13 ongoing Department of Justice monitoring for compliance with certain facility standards  
14 for inmate safety.

15 B. The department of adult and juvenile detention has identified an immediate  
16 need for the replacement of existing lavatory fixtures located in detention cells on the  
17 seventh floor of the King County Correctional Facility as these fixtures may be used by  
18 an inmate against himself or herself in a manner that would threaten life safety, and the

19 Department of Justice monitor has recommended that retrofits be performed immediately  
20 to address these issues

21 C. The facilities management division has procured fixtures through an existing,  
22 competitively procured supply contract that will address these issues.

23 D. The facilities management division has an existing contract in place with a  
24 contractor to perform highly prioritized security work at the King County Correctional  
25 Facility who has the expertise, experience, record of recent past performance, and  
26 previously-obtained security clearances to also perform the retrofit within the facility.

27 E. The existing value of the contract is substantially below the cost required to  
28 accomplish both the security work and the urgent retrofit work within the facility.

29 F. Due to the danger posed by the existing lavatory fixtures, on February 24,  
30 2011, the King County executive issued a determination of emergency and waiver from  
31 competitive procurement and solicitation requirements for the King County Correctional  
32 Facility retrofit project. A copy of the determination is included as Attachment A to this  
33 ordinance.

34 G. The revised cost for the overall project is estimated to be \$750,484. Of that  
35 amount, there is \$469,720 currently appropriated under Ordinance 17001.

36 H. Funding for the King County Correctional Facility retrofit project will require  
37 an additional appropriation of \$280,764 to the building repair and replacement subfund.

38 SECTION 2. Ordinance 16984, Section 120, as amended, is hereby amended by  
39 adding thereto and inserting therein the following:

40 From several capital improvement project funds there is hereby appropriated and  
41 authorized to be disbursed the following amounts for the specific projects identified in  
42 Attachment B to this ordinance.

43	<b>Fund</b>	<b>Fund Name</b>	<b>Amount</b>
44	3951	BUILDING REPAIR AND REPLACEMENT SUBFUND	\$280,764

45 SECTION 3. Attachment B to this ordinance hereby amends Attachment B to  
46 Ordinance 16984, as amended, by adding thereto and inserting therein the projects listed  
47 in Attachment B to this ordinance.

48 SECTION 4. Ordinance 16984, Section 123, as amended, is hereby amended by  
49 adding thereto and inserting therein the following:

50 From several capital improvement project funds there is hereby appropriated and  
51 authorized to be disbursed the following amounts for the specific projects identified in  
52 Attachment C to this ordinance.

53	<b>Fund</b>	<b>Fund Name</b>	<b>Amount</b>
54	3421	MJR MTNCE RSRV SUB-FUND	\$280,764

55 SECTION 5. Attachment C to this ordinance hereby amends Attachment E to  
56 Ordinance 16984, as amended, by adding thereto and inserting therein the projects listed  
57 in Attachment C to this Ordinance.

58 SECTION 6. This King County council finds as a fact and declares that an  
59 emergency exists and that this ordinance is necessary for the immediate preservation of  
60

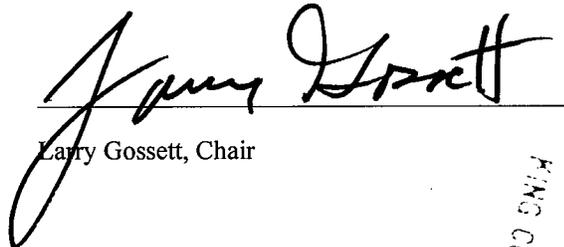
61 public peace, health or safety or for the support of county government and its existing  
62 public institutions.

63

Ordinance 17062 was introduced on 3/7/2011 and passed by the Metropolitan King County Council on 4/18/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,  
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.  
McDermott  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



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Larry Gossett, Chair

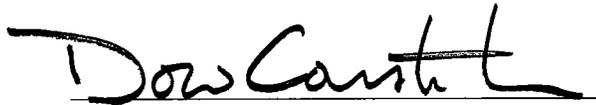
ATTEST:



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Anne Noris, Clerk of the Council

APPROVED this 26 day of APRIL, 2011.



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Dow Constantine, County Executive

RECEIVED  
2011 APR 28 PM 4:01  
KING COUNTY COUNCIL  
CLERK

**Attachments:** A. Executive Determination of Emergency and Waiver from Competitive Procurement Requirements for the King County Correctional Facility - KCCF - Retrofits, B. Attachment I. General Government Capital Improvement Program, C. Attachment II. Major Maintenance Capital Improvement Program

EXECUTIVE DETERMINATION OF EMERGENCY AND WAIVER FROM  
COMPETITIVE PROCUREMENT REQUIREMENTS FOR THE KING COUNTY  
CORRECTIONAL FACILITY (KCCF) RETROFITS

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WHEREAS, King County has entered into a settlement agreement with the Department of Justice (DOJ) relating to the operation of the King County Correctional Facility (KCCF) and is subject to ongoing DOJ monitoring for compliance with certain facility standards for inmate safety; and,

WHEREAS, the Department of Adult and Juvenile Detention has identified an immediate need for the replacement of existing lavatory fixtures located in detention cells on the 7<sup>th</sup> floor of the KCCF, which house inmates determined to present a potential risk to the health and safety of themselves or others, as these fixtures may be used by an inmate against him or herself in a manner that would threaten life safety, and the DOJ monitor has recommended that retrofits be performed immediately to address these issues; and,

WHEREAS, the Facilities Management Division (FMD) has procured fixtures through an existing, competitively procured supply contract that will address these issues; and,

WHEREAS, FMD has an existing contract in place with a contractor to perform highly prioritized security work at the KCCF who has the expertise, experience, record of recent past performance, and previously-obtained security clearances to also perform the retrofit work within the facility, and

WHEREAS, the existing value of the contract is substantially below the cost required to accomplish both the security work and the urgent retrofit work within the facility, and

WHEREAS, the facts set forth in the preceding clauses establish an emergency as defined by: (1) K.C.C. 4.16.050.A because they constitute a set of circumstances that demands the immediate preservation of public health; and (2) RCW 39.04.280(3)(a) because they constitute unforeseen circumstances that present a real and immediate threat to the operation of the KCCF, an essential government function; and

WHEREAS, an emergency waiver of competitive bidding and formal solicitation requirements of state and county law is necessary to assure the timely installation necessary to prevent delay in the retrofit,

NOW THEREFORE THE KING COUNTY EXECUTIVE, DOW CONSTANTINE, HEREBY DETERMINES AND DECLARES AS FOLLOWS:

SECTION 1

In accordance with KCC 4.16.050.A and RCW 39.04.280(2)(b) there is an emergency due to the potential danger to inmate safety presented by the existing lavatory fixtures located in detention cells on the 7<sup>th</sup> floor of the KCCF and a retrofit needs to be immediately implemented to address this issue.

SECTION 2

In order to respond to such emergency, the requirements of K.C.C. chapters 4.04, 4.16, 4.18, 12.16 and 12.18, and R.C.W. 36.32.235 and 39.80 are hereby waived with reference to any contract relating to the county's lease or purchase of tangible personal property or services, contracts for public works as defined by RCW 39.04.010, or to the selection and award of professional and/or technical service consultant contracts to perform the removal and replacement of the existing lavatory fixtures. This waiver shall continue in full force and effect throughout the response effort or until terminated by subsequent order of the Executive, action by the Metropolitan King County Council by ordinance, or as otherwise may be required by law.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2011

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DOW CONSTANTINE,  
King County Executive  
State of Washington



<b>Attachment II: Major Maintenance Capital Improvement Program</b>									
		2011	2012	2013	2014	2015	2016	2011-2016	
341395	3421/Major Maintenance Reserve Fund	280,764						280,764	
	Transfer MMRF to Fd 3951	280,764						280,764	
	<b>Total Fund 3421</b>	<b>280,764</b>						<b>280,764</b>	