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Title: A MOTION extending a waiver from competitive bidding and solicitation requirements for contracts relating to the repair and replacement of damaged structures and equipment at West Point Treatment Plant.

Sponsors: Jeanne Kohl-Welles, Joe McDermott

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Attachments: 1. Motion 14813.pdf, 2. A. Executive Determination of Emergency and Waiver from Competitive Procurement Requirements for Repair of the West Point Treatment Facility, 3. 14813 Amendment package 2-27-17.pdf

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2/27/2017	1	Metropolitan King County Council	Passed as Amended	Pass

A MOTION extending a waiver from competitive bidding and solicitation requirements for contracts relating to the repair and replacement of damaged structures and equipment at West Point Treatment Plant.

WHEREAS, the King County executive on February 9, 2017, issued an Executive Determination of Emergency, declaring that immediate steps must be taken to repair and replace damaged equipment at West Point Treatment Plant, and

WHEREAS, in accordance with K.C.C. 2.93.080, the Executive Determination of Emergency waived the competitive procurement requirements of state and county law, stating in relevant part as follows:

"The requirements for competitive bidding and formal solicitation for the lease or purchase of tangible personal property or services, public works and professional or technical services under Chapter 36.32 RCW, Chapter 39.80 RCW and KCC Chapters 4.04, 4A.100.070, 2.93, 12.16 and 12.18 and all applicable King County Executive policies and procedures are hereby waived with reference to any such contracts relating to either the repair or the replacement, or both of the damage at West Point Treatment Plant," and

WHEREAS, under K.C.C. 2.93.080.B., such a waiver stays in effect until terminated by order of the executive, or action of the council by ordinance, or until it expires, which is ten days after there have been contracts entered into, which combined, encumber funds in excess of two hundred fifty thousand dollars or in excess of appropriation, unless the council extends the waiver by motion beyond the ten day period, and

WHEREAS, the West Point Treatment Plant treats wastewater flows from homes and businesses in Seattle, Shoreline, north Lake Washington, north King County and parts of south Snohomish county, and

WHEREAS, the city of Seattle's combined stormwater/wastewater sewer system also flows into West Point Treatment Plant, and

WHEREAS, approximately ninety million gallons a day of wastewater is treated at the West Point Treatment Plant in the dry months and, during the rain/storm season, this facility provides secondary treatment for flows up to three hundred million gallons a day and provides primary treatment and disinfection for flows exceeding three hundred million gallons a day and up to four hundred forty million gallons a day, and

WHEREAS, the West Point Treatment Plant supports economic growth in the region;

WHEREAS, the West Point Treatment Plant experienced an equipment failure on February 9, 2017, while receiving maximum high flows of combined wastewater and stormwater during very high tides resulting in significant flood damage to the facility, and

WHEREAS, King County wastewater treatment division employees immediately began emergency response and recovery at West Point Treatment Plant, requiring contracts for clean-up and either replacement or repair, or both, of equipment, and

WHEREAS, the executive intends to negotiate and execute one or more additional contracts to either repair or replace, or both, the damaged structures and equipment at the West Point Treatment Plant, and

WHEREAS, any delay in completing equipment repairs and restoring West Point Treatment Plant to full operation presents a risk to public health and the environment, and

WHEREAS, either the repair or the replacement, or both, of equipment on such a large scale will take

some time, and

WHEREAS, the West Point Treatment Plant must be operated during peak flow conditions during the 2017-2018 rain and storm season to determine that repairs have been successfully completed and the treatment facility is fully operational, and

WHEREAS, the facts set forth in the preceding clauses and in the executive's Determination of Emergency and waiver establish an emergency as defined by K.C.C. 2.93.080 and RCW 39.04.280, and

WHEREAS, the county intends that to the fullest extent feasible all contracts and agreements entered into pursuant to the waiver extended by this motion will include all of the county procurement requirements, including, but not limited to, K.C.C. chapters 4.04, 2.93, 12.16 and 12.18, K.C.C. 4A.100.070 and all applicable King County executive policies and procedures, waived by the executive in the Executive Determination of Emergency issued on February 9, 2017;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The council finds that unforeseen circumstances beyond the control of the county, as set forth in the preceding clauses of this motion, present a real and immediate threat to the proper performance of essential government functions and the potential for material loss or damage to property and injury to persons, and will impact public health and the environment, all of which constitutes an emergency.

B. The February 9, 2017, waiver of competitive bidding and formal solicitation requirements for the lease or purchase of tangible personal property or services, public works as defined by RCW 39.04.010, or to the selection and award of either and professional or technical consultant services under state law and K.C.C. chapter 2.93 is extended through May 31, 2018, in order to complete either the repair or the replacement, or both, of damaged equipment and structural repair necessary to restore West Point Treatment Plant to full operations and test the work performed.

C. The extension of the waiver of competitive bidding and formal solicitation requirements included in section B. of this motion are contingent upon the following:

1. The executive filing status reports on the ongoing repair work quarterly with each report filed no later than forty-five days after the close of a fiscal quarter, so that the first report shall be filed no later than May 15, 2017. The reports shall include at a minimum:

a. expenditures during the previous quarter and anticipated for the next quarter;

b. project expenditures to date;

c. a current estimate of the total costs of the repairs;

d. a list of the contracts or agreements undertaken under the authority in this waiver, including for each contract or agreement: the name of the vendor, the type of work, the value of the contract or agreement and the level of compliance with the contracting requirements of K.C.C. 3.15.100, K.C.C. chapters 12.16, 12.17, 12.18 and 12.19 and related administrative rules;

e. a summary of procurement actions anticipated, but not yet undertaken under the authority of this procurement waiver; and

f. a discussion of specific actions taken during the previous quarter to continue to obtain competitive prices on behalf of the rate payers despite this waiver, including but not limited to procurements let or to be let in accordance with the requirements of K.C.C. chapters 2.93 and achieving compliance with K.C.C. 3.15.100, K.C.C. chapters 12.16, 12.17, 12.18 and 12.19 and related administrative rules.

2. The reports required under this section C. shall be filed in the form of a paper original and an electronic copy with the clerk of the council who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the chief policy officer, the lead staff to the transportation, environment and economy committee, or its successor, the budget and fiscal management committee, or its successor, and the regional water quality committee, or its successor.