



## Legislation Text

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**File #:** 2017-0197, **Version:** 2

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A MOTION extending the waiver of requirements for competitive bidding and solicitation requirements for contracts relating to the repair and replacement of damaged structures at Baring Bridge #509A.

WHEREAS, the King County executive on May 4, 2017, issued an Executive Determination of Emergency, declaring that immediate steps must be taken to repair and replace damaged portions of the Baring Bridge, 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 the repair and/or replacement of the damaged portions of the Bridge. This waiver shall continue in full force and effect until all necessary contracts are executed, or until terminated by subsequent order of the King County Executive, action by the Metropolitan King County Council by ordinance, or as otherwise may be required by law," 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, King County owns and maintains the Baring Bridge that provides sole access for more than forty residences and access to about one hundred seventy properties in Baring, near Skykomish, Washington, and

WHEREAS, the Bridge is a timber suspension bridge originally built in 1930 that is three hundred thirty feet long, eight-and-three-tenths feet wide curb to curb, and consists of a two-hundred-seventy-two foot suspension bridge span and two timber approach spans. The bridge is located on a dead end road with no other alternate access for the residents on the south side, and it has gone through many major maintenance repairs through the years in order to keep it operational, and

WHEREAS, the bridge is posted for weight limits of twenty thousand pounds, one vehicle at a time, and a maximum five miles-per-hour speed limit, and

WHEREAS, the weight limits on the bridge make inspection difficult since specialized equipment needed to safely inspect the underside of the bridge exceeds the bridge's load limits, and

WHEREAS, the alternative method for inspection of key structural components of the bridge involves destruction and removal of the decking, and

WHEREAS, a special condition inspection was performed on the bridge's timber stringers and floor beams on April 12, 2017, before a planned deck replacement. Two selected sections that consist of six lines of stringers and their supporting floor beams were inspected by sounding and drilling. The six lines of 7.5 inch by 7.5 inch stringers were found to be soft, cracked or split. From these findings it is estimated that a loss of forty percent of the structural capacity of the stringers has occurred. The timber bridge deck planks were also found to be worn down in the wheel lines, and the fasteners connecting the planks to the stringers are loose, causing tire impacts as vehicles cross the bridge, and

WHEREAS, damage to the bridge, the possibility of failure of the components of the bridge, and the potential life-safety impacts posed by such a failure, constitutes an unforeseen circumstance beyond the county's control that presents a real and immediate threat to the proper performance of an essential government

facility, and will likely result in material loss or damage to property and injury to persons unless expeditious action is taken to repair the bridge, and

WHEREAS, if repairs are done this year, sudden restrictions, closures, or failures may be avoided, and

WHEREAS, an emergency waiver of competitive bidding and formal solicitation requirements of state and county law is necessary to ensure the timely procurement of design, construction and other required services, materials and equipment necessary to prevent delay in completing the repair of the damaged portions of the bridge, and

WHEREAS, this emergency waiver will allow King County to contract for expedited repair or replacement, or both, of the damaged portions of the bridge, and

WHEREAS, the executive intends to negotiate and execute one or more additional contracts to either repair or replace, or both, the damaged structures of the bridge, and

WHEREAS, an extension of the waiver from the competitive procurement requirements of state and county law is necessary at this time because the magnitude of the expenses to be incurred will almost immediately exceed the two-hundred-fifty-thousand-dollar limit, and

WHEREAS, the facts set forth in these 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 in accordance with 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 May 4, 2017, and

WHEREAS, by the King County Code, the council has the authority to terminate waivers by ordinance;

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

"whereas" 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 under RCW 39.04.280.

B. The May 4, 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 December 31, 2017, in order to complete either the repair or the replacement, or both, of damaged portions of the Baring Bridge.

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 August 14, 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 taxpayers 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; and

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, and the budget and fiscal management committee, or its successor.