

October 11, 1993
KDEXHALL.NM (clt)

Introduced by: Ron Sims

Proposed No.: 93-762

MOTION NO. 9150

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A MOTION approving the King County Executive's declaration of emergency with respect to the purchase and construction of the Kingdome Exhibition Hall and its foundation; waiving requirements for competitive bidding or formal solicitation; waiving minority and women's business enterprises requirements; and authorizing the Executive to enter into a purchase agreement on an emergency basis within existing appropriation levels.

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WHEREAS, the Kingdome Master Plan adopted by the King County Council in August, 1991 identified a critical need for additional exhibit space; and

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WHEREAS, construction of a fabric shelter structure on a suitable foundation has been demonstrated to be a cost-effective method of responding to the need for exhibit space in a timely fashion; and

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WHEREAS, 1993 Series A Kingdome bond proceeds have been approved by the King County Council to construct a fabric shelter structure and its foundation; and

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WHEREAS, King County has conducted two public bid processes and one somewhat more informal one in an effort to secure a fabric shelter structure designed to meet the clearly defined needs of the Kingdome and its tenants; and

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WHEREAS, those bid processes have identified all reasonable potential bidders to King County's satisfaction; and

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WHEREAS, of two bidders judged initially to be responsive to the fabric shelter project specifications as issued, one was awarded a contract which was subsequently terminated based on such bidder's inability to perform; and

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WHEREAS, all identified potential bidders for the fabric shelter have been given a further opportunity to indicate their interest in fabricating and delivering a fabric shelter to King County on a basis responsive to the project specifications as previously issued, and to do so within existing county

1 appropriation authority and on a basis which will meet all
2 applicable City of Seattle code requirements; and

3 WHEREAS, only one of the potential bidders responding
4 could contract with King County on a basis responsive to the
5 project specifications as previously issued in the required
6 timeframe; and

7 WHEREAS, construction of a suitable foundation for the
8 fabric shelter must precede erection of the fabric shelter; and

9 WHEREAS, a properly constructed foundation is necessary to
10 meet the legitimate needs of the Kingdome and its tenants and
11 to assure that the fabric shelter selected will meet the
12 requirements set forth for in the shelter project
13 specifications as previously issued and will meet all
14 applicable City of Seattle code requirements; and

15 WHEREAS, King County stands to incur material loss in the
16 form of revenue necessary to support debt service payments and
17 Kingdome operations if construction timelines are not met; and

18 WHEREAS, Kingdome tenants have acted in accordance with
19 their understanding that additional exhibition space would be
20 available for 1994 consumer shows such that those tenants sold
21 additional exhibition space to exhibitors and may incur losses
22 estimated at \$40 million in gross sales to show exhibitors in
23 the absence of such additional exhibition space; and

24 WHEREAS, use of tents by Kingdome tenants in lieu of the
25 planned exhibition space poses a potential threat to public
26 safety and potential liability to King County for damage to
27 displayed merchandise due to the demonstrated instability of
28 such tents;

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

31 The Council hereby:

32 A. Approves the King County Executive's declaration of
33 emergency dated October 11, 1993;

34 B. Authorizes the Executive, on an emergency basis, to
35 enter into the following agreements:

1 1. A purchase agreement to procure a fabric shelter
2 structure within existing appropriation levels, provided that
3 the resulting contractor agrees as a part of such agreement to
4 meet, without the need for waivers or variances of any kind,
5 all applicable City of Seattle building code requirements,
6 including those related to snow and wind loads and the
7 obligation to submit drawings stamped by a structural engineer
8 licensed to do business in the State of Washington, and to
9 secure from the city all necessary approvals, including a
10 building permit for the fabric shelter structure and

11 2. A contract for the construction of the foundation
12 for the fabric shelter.

13 3. Any agreements necessary to fully erect the fabric
14 shelter and install such shelter onto the shelter foundation as
15 constructed.

16 C. Waives all normal competitive procurement and Minority
17 and Women's Business Enterprise (M/WBE) participation
18 requirements pursuant to K.C.C. 4.16.050 and 4.18.070(A)(2)
19 with respect to the two agreements referenced in subparagraph
20 (B) above; and

21 D. The actions delineated in paragraphs A, B and C above
22 are approved by the Council with the understanding that the
23 construction of a fabric exhibition structure at the Kingdome
24 precludes the construction of a permanent exhibition structure
25 at the Kingdome for a minimum of eight years.

1 E. The Department of Construction and Facility Management
2 shall be responsible for the management of the Kingdome
3 Exhibition structure project.

4 PASSED this 11th day of October, 1993.

5 KING COUNTY COUNCIL
6 KING COUNTY, WASHINGTON

7 Audrey Luper
8 Chair
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9 ATTEST:

10 Gerald A. Peten
11 Clerk of the Council

12 Attachments: