



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 6, 2009

Motion 13085

Proposed No. 2009-0545.2

Sponsors Patterson, Constantine and von Reichbauer

1 A MOTION extending a waiver from competitive bidding
2 and solicitation requirements to assure timely availability
3 and acquisition of emergency design, construction and
4 other required services, materials and equipment necessary
5 to protect King County citizens, facilities, roads and other
6 assets from the threat of flooding in the Green River valley.

7
8 WHEREAS, in Ordinance 16639, King County amended its code to proactively
9 address the significant threat of flooding in the Green River valley due to the diminished
10 capacity of Howard Hanson dam, and

11 WHEREAS, the King County executive on September 10, 2009, issued a
12 Proclamation of Emergency declaring that the release of additional waters from the
13 Howard Hanson dam poses a threat of significant flooding throughout the Green River
14 valley, causing substantial injury and damage to persons and property located in and near
15 such valley, and thereby constitutes an emergency, a copy of the Proclamation is attached
16 hereto, and

17 WHEREAS, pursuant to K.C.C. 4.16.050.A and K.C.C. 12.52.030.B.2, the
18 Proclamation of Emergency also waived the competitive procurement requirements of
19 state and county law, stating in relevant part as follows:

20 "In order to prepare for, prevent or respond to such emergency, the
21 requirements of K.C.C. 4.04., 4.16, 4.18, 12.16 and 12.18.095 and,
22 pursuant to RCW 38.52.070(2), the requirements of competitive bidding
23 and public notice are hereby waived with reference to any contract relating
24 to the county's lease or purchase of supplies, equipment, personal services
25 or public works as defined by RCW 39.04.010, or to any contract for the
26 selection and award of professional and/or technical consultant contracts,"
27 and

28 WHEREAS, under K.C.C. 4.16.050 A. and B., such a waiver stays in effect until
29 terminated by order of the executive, terminated by action of the council by ordinance or
30 it expires, which is ten calendar days after there have been contracts entered into, which
31 combined, encumber funds either in excess of two hundred fifty thousand dollars or in
32 excess of appropriation, unless the council extends the waiver by motion beyond the ten
33 day period, and

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

38 WHEREAS, nothing in this motion is intended to preclude the council from
39 amending the reporting requirements identified in this motion in Proposed Ordinance
40 2009-0559 as adopted, and

41 WHEREAS, by code the council has the authority to terminate waivers by
42 ordinance;

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

44 A. The September 10, 2009, waiver of the competitive procurement requirements
45 of state and county law is extended through March 31, 2010, in order to acquire design,
46 construction and other required services, supplies, materials and equipment necessary to
47 implement actions to protect King County citizens, roads, buildings and other assets from
48 flooding due to the diminished capacity of the Howard Hanson dam.

49 B. The extension of the waiver has the following conditions:

50 1.a. At such time as contracts, including, but not limited to, work orders and
51 change orders to existing contracts, are entered into pursuant to this emergency that
52 exceed fifty thousand dollars, the executive shall file a report every other Thursday by
53 noon. The report shall begin the week following adoption of this motion and shall cover
54 the contracts entered into on the previous Sunday to Saturday, and for each contract
55 include the following:

- 56 (1) the responsible agency;
- 57 (2) the type of work;
- 58 (3) the vendor;
- 59 (4) the type of contract, for example new or altered scope;
- 60 (5) a description of the contract;

61 (6) the duration of the contract;
62 (7) the forecasted dollar amount;
63 (8) if applicable, the dollar amount in excess of appropriation, and
64 (9) if applicable, any modifications made to previously reported contracts that
65 changes the information provided in prior reports to meet the requirements in subsection
66 A.1.a.(1) through (8) of this motion.

67 b. The original and twelve copies of the report shall be filed with the clerk of the
68 council, for distribution to all councilmembers, the council chief of staff, the council
69 director of strategic policy initiatives and the lead staff to the budget and financial
70 management committee, or its successor.

71 c. In the event that contracts, including, but not limited to, work orders and
72 change orders to existing contracts, are entered into pursuant to this emergency with the
73 same contractor or vendor that encumbers one-million dollars or more, the executive
74 shall provide electronic notice to all councilmembers, the council chief of staff, the
75 council director of strategic policy initiatives and the lead staff to the budget and financial
76 management committee, or its successor, within two business days of entering into such
77 agreement.

78 C. The council may, by motion, shorten the extension of the waiver at any time.

79 D. The council may, by motion, require the executive to terminate contracts
80 entered into pursuant to this emergency that exceed fifty thousand dollars, including, but
81

82 not limited to, work orders and change orders to existing contracts, in accordance with
83 the termination provisions described in K.C.C. 4.16.050.C.
84

Motion 13085 was introduced on 9/14/2009 and passed as amended by the Metropolitan King County Council on 10/5/2009, by the following vote:

Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Local Proclamation of Emergency--King County

Attachment A

2009-545

13085



King County

LOCAL PROCLAMATION OF EMERGENCY KING COUNTY

WHEREAS, damage discovered in January on the right abutment at the federally-owned and operated Howard Hanson Dam has dramatically increased the risk of significant flooding in King County's Green River Valley for years to come; and

WHEREAS, the federal government has the sole responsibility from Congress for ensuring operation of the Howard Hanson Dam for the purposes of protecting the residents and businesses in the Green River Valley from the ravages of flooding; and

WHEREAS, the Howard Hanson Dam is the primary flood protection facility for the entire Green River Valley stretching from unincorporated areas of King County nearest the dam, through the cities of Auburn, Kent, Renton, Tukwila, and to the Duwamish River in South Seattle; and

WHEREAS, the Green River watershed encompasses an area of approximately 492 square miles; and

WHEREAS, the Howard Hanson Dam was designed to hold back up to 106,000 acre-feet of water (34,540,206,000 gallons) to protect the Green River Valley from flooding; and

WHEREAS, as a result of the damage to the abutment of the Howard Hanson Dam, the U.S. Army Corps of Engineers has determined that it may have to operate the dam at only approximately one-third of its normal capacity to prevent a breach of the entire dam; and

WHEREAS, to maintain the capacity restrictions that protect the dam during major rain storms, the U.S. Army Corps of Engineers may have to release up to 70,000 acre-feet of water (22,809,570,000 gallons) into the Green River Valley that could normally be retained behind the dam; and

WHEREAS, such releases will result in significant and potentially devastating flooding of the Green River Valley; and

WHEREAS, in the Pacific Northwest, rains and rain storms of significant size and duration typically occur during the months of October through March annually; and

WHEREAS, a significant release of water from the Howard Hanson Dam into the Green River Valley is most likely to occur when soils are already saturated and tributaries throughout the valley are already pouring substantial quantities of water into the Green River; and

WHEREAS, the levees and similar facilities along the Green River were never designed to replace the protection that the Howard Hanson Dam was designed to provide; and

WHEREAS, in 2007 King County created a Flood Control District (FCD) to fund approximately \$35 million per year in levee improvements over approximately ten years (2008-2018); and



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WHEREAS, local jurisdictions are expending significant resources to work to respond to the diminished capacity of the Howard Hanson Dam; and

WHEREAS, flooding resulting from the diminished capacity of the Howard Hanson Dam will overwhelm local resources, and local jurisdictions should not have to bear the burden of emergency response operations, planning, and recovery as a result of the diminished capacity of the federally-owned and operated Howard Hanson Dam; and

WHEREAS, the damage to the abutment at the Howard Hanson Dam has created an emergency which necessitates activation of the King County Emergency Management Plan and utilization of emergency powers granted pursuant chapter 38.52. RCW and K.C.C. Chapter 12.52; and

WHEREAS, the emergency will require the waiver of procurement procedures for emergency purchases under K.C.C. 12.52.030.B.2. and 4.16.050.

NOW, THEREFORE, BE IT PROCLAIMED BY THE KING COUNTY EXECUTIVE, KURT TRIPLETT

SECTION 1

That it is hereby declared that the release of additional waters from the Howard Hanson Dam poses a threat of significant flooding throughout the Green River Valley, causing substantial injury and damage to persons and property located in and near such Valley, and thereby constitutes an emergency, pursuant to King County Code Chapter 12.52.

SECTION 2

In order to prepare for, prevent or respond to such emergency, the requirements of K.C.C. 4.04., 4.16, 4.18, 12.16 and 12.18.095 and, pursuant to RCW 38.52.070(2), the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating to the county's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts.

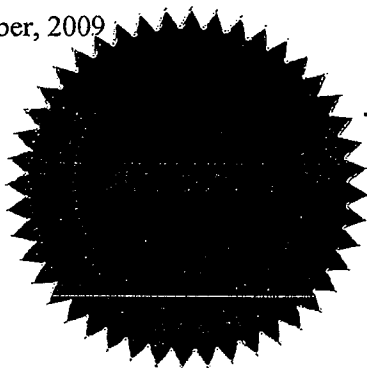
SECTION 3

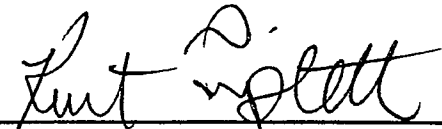
Permit procedures for public work projects are hereby postponed, consistent with K.C.C. 12.52.030.B.10.

SECTION 4

The State of Washington and the United States governments are hereby requested to declare state and federal emergencies, respectively, as a result of the emergency caused by the Howard Hanson Dam.

DATED this 10th day of September, 2009




KURT TRIPLETT, King County Executive
State of Washington