



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 28, 2017

Motion 14813

Proposed No. 2017-0086.2

Sponsors Kohl-Welles and McDermott

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

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

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

11 "The requirements for competitive bidding and formal solicitation for the lease or
12 purchase of tangible personal property or services, public works and professional or
13 technical services under Chapter 36.32 RCW, Chapter 39.80 RCW and KCC Chapters
14 4.04, 4A.100.070, 2.93, 12.16 and 12.18 and all applicable King County Executive
15 policies and procedures are hereby waived with reference to any such contracts relating
16 to either the repair or the replacement, or both of the damage at West Point Treatment
17 Plant," and

18 WHEREAS, under K.C.C. 2.93.080.B., such a waiver stays in effect until
19 terminated by order of the executive, or action of the council by ordinance, or until it

20 expires, which is ten days after there have been contracts entered into, which combined,
21 encumber funds in excess of two hundred fifty thousand dollars or in excess of
22 appropriation, unless the council extends the waiver by motion beyond the ten day
23 period, and

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

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

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

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

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

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

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

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

48 WHEREAS, either the repair or the replacement, or both, of equipment on such a
49 large scale will take some time, and

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

53 WHEREAS, the facts set forth in the preceding clauses and in the executive's
54 Determination of Emergency and waiver establish an emergency as defined by K.C.C.
55 2.93.080 and RCW 39.04.280, and

56 WHEREAS, the county intends that to the fullest extent feasible all contracts and
57 agreements entered into pursuant to the waiver extended by this motion will include all of
58 the county procurement requirements, including, but not limited to, K.C.C. chapters 4.04,
59 2.93, 12.16 and 12.18, K.C.C. 4A.100.070 and all applicable King County executive
60 policies and procedures, waived by the executive in the Executive Determination of
61 Emergency issued on February 9, 2017;

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

63 A. The council finds that unforeseen circumstances beyond the control of the
64 county, as set forth in the preceding clauses of this motion, present a real and immediate
65 threat to the proper performance of essential government functions and the potential for

66 material loss or damage to property and injury to persons, and will impact public health
67 and the environment, all of which constitutes an emergency.

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

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

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

- 81 a. expenditures during the previous quarter and anticipated for the next quarter;
- 82 b. project expenditures to date;
- 83 c. a current estimate of the total costs of the repairs;
- 84 d. a list of the contracts or agreements undertaken under the authority in this
85 waiver, including for each contract or agreement: the name of the vendor, the type of
86 work, the value of the contract or agreement and the level of compliance with the
87 contracting requirements of K.C.C. 3.15.100, K.C.C. chapters 12.16, 12.17, 12.18 and
88 12.19 and related administrative rules;

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

91 f. a discussion of specific actions taken during the previous quarter to continue
92 to obtain competitive prices on behalf of the rate payers despite this waiver, including but
93 not limited to procurements let or to be let in accordance with the requirements of K.C.C.
94 chapters 2.93 and achieving compliance with K.C.C. 3.15.100, K.C.C. chapters 12.16,
95 12.17, 12.18 and 12.19 and related administrative rules.

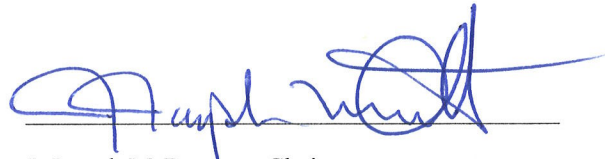
96 2. The reports required under this section C. shall be filed in the form of a paper
97 original and an electronic copy with the clerk of the council who shall retain the original
98 and provide an electronic copy to all councilmembers, the council chief of staff, the chief
99 policy officer, the lead staff to the transportation, environment and economy committee,

100 or its successor, the budget and fiscal management committee, or its successor, and the
101 regional water quality committee, or its successor.
102

Motion 14813 was introduced on 2/27/2017 and passed as amended by the Metropolitan King County Council on 2/27/2017, by the following vote:

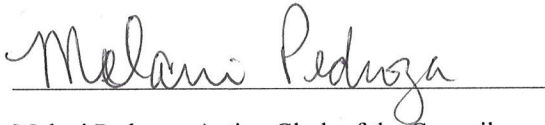
Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Acting Clerk of the Council

Attachments: A. Executive Determination of Emergency and Waiver from Competitive Procurement Requirements for Repair of the West Point Treatment Facility



King County

EXECUTIVE DETERMINATION OF EMERGENCY AND WAIVER FROM COMPETITIVE PROCUREMENT REQUIREMENTS FOR REPAIR OF THE WEST POINT TREATMENT FACILITY

WHEREAS, King County owns and operates the West Point Treatment Plant that provides wastewater treatment for residents and businesses in Seattle, Shoreline, north Lake Washington, north King County and parts of Snohomish County; and

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

WHEREAS, West Point Treatment Plant treats approximately 90 million gallons a day (mgd) of wastewater during dry months and up to 300 mgd during the rain/storm season, and can provide primary treatment and disinfection for flows up to 440 mgd; and

WHEREAS, in the early morning of February 9, 2017, the West Point Treatment Plant had an equipment failure while receiving maximum high flows of combined wastewater and stormwater during very high tides; and

WHEREAS, to protect the West Point Treatment Plant from significant flooding that could severely damage equipment, the plant is now operating in emergency bypass mode and untreated wastewater is being discharged from the outfall; and

WHEREAS, equipment at the West Point Treatment Plant is damaged and requires immediate repair; and

WHEREAS, any delay in completing the equipment repairs as needed presents a risk to public health and the environment, and a financial loss to the County; and

WHEREAS, this emergency declaration will allow the King County Wastewater Treatment Division to contract for emergency clean-up and repair of the West Point Treatment Plant; and

WHEREAS, an emergency waiver of competitive bidding and formal solicitation requirements of state and county law is necessary to prevent further financial loss to the County associated with the damaged equipment at West Point Treatment Plant.

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

SECTION 1

In accordance with RCW 39.04.280(3) and KCC 2.93.080 there is an emergency due to the failure of equipment at the West Point Treatment Plant. As a result, immediate steps must be taken to address a real, immediate threat to the proper performance of essential government functions and to prevent material loss or damage to property and injury to persons. Any delay in repairing the damage at West Point Treatment Plant will impact public health and the environment, and could result in a financial loss to the County.

SECTION 2

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 damage at West Point Treatment Plant. 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 required by law.

DATED this 9 th day of February, 2017



DOW CONSTANTINE,
King County Executive
State of Washington