

ORDINANCE NO. **10869**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

AN ORDINANCE related to alteration and renovation of the twelfth floor of the King County Courthouse, finding and declaring an emergency requiring the waiver of competitive bidding and the minority and women's business enterprises (M/WB) participation requirements of King County Code Chapters 4.16 and 4.18, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The Council finds the following facts:

A. In November 1992 the voters approved King County Charter Amendment 1 which, among other provisions, established the Metropolitan King County Council effective January 1, 1994. This new legislative body will consist of 13 members as well as at least three new Regional Committees and will have all of the legislative powers of King County as well as those for the metropolitan municipal functions of public transit and water pollution abatement formerly performed by the Municipality of Metropolitan Seattle.

B. This legislative body and its staff cannot be accommodated within space available on the 4th floor of the King County Courthouse where the current nine-member County Council and its staff have offices. Immediately following voter approval of the new council, King County began analysis of alternatives for housing the council and its staff. No existing suitable space is available within the courthouse or the county administration building without unacceptable disruption of the functions of existing county agencies, including the County executive branch, the Prosecuting Attorney, and the Superior and District Courts. The twelfth floor, formerly used as the King County Jail, has been substantially vacant since the new King County Correctional Facility was completed and provides the most suitable space capable of housing the new council and its staff.

1           B. Discussions with the other branches of county  
2 government including those specified above required several  
3 months of planning and negotiation regarding appropriate use of  
4 the 12th floor and adequate provision for each agency's needs.  
5 Once the determination was made that the 12th floor was the  
6 most appropriate location for the new Metropolitan County  
7 Council, evaluation of space needs for the council and its  
8 staff took approximately four months. This time was necessary  
9 given the complexity of balancing the space needs of the 13  
10 elected councilmembers, their legislative aides, the council's  
11 central program staff, the clerk's office, and chambers and  
12 meeting rooms for the new legislative body. Decisions  
13 regarding this space programming additionally are inherently  
14 time-consuming given the structure of a legislative body, which  
15 does not have one single person in a position of authority to  
16 make decisions binding on the whole body; but rather requires  
17 the development of a consensus among co-equal elected  
18 officials.

19           C. Following decisions regarding the internal programming  
20 of 12th floor space, schematic design of the necessary  
21 structural work required to remodel and renovate the 12th floor  
22 to provide for offices, meeting rooms, and other facilities has  
23 required over two months.

24           D. Use of the ordinary process for bidding of contracts  
25 to perform the necessary work for renovation of the 12th floor  
26 would require approximately 24 months. This consists of the  
27 following elements:

- 28           1. Design consultant selection process, including  
29 formal advertisements and competitive selection: 3 months
- 30           2. Negotiation and execution of design consultant  
31 contract: 2.5 months
- 32           3. Programming of space-spatial analysis and multiple  
33 review with affected agencies and officials: 3 months
- 34           4. Review of consultant work product: 0.25 month

1	5. Preparation of schematic design-preliminary	
2	drawings:	<u>2.25 months</u>
3	6. Review of schematic design:	<u>0.25 month</u>
4	7. Design development- first stage of working drawings	
5	and outline of specifications:	<u>1.75 months</u>
6	8. Review of design development:	<u>0.25 months</u>
7	9. Construction documents-completion of working	
8	drawings and construction specifications:	<u>1.75 months</u>
9	10. Review of construction documents:	<u>0.25 months</u>
10	11. Bid construction contract(s) (including formal	
11	advertisements, submission and review of bids), award	
12	construction contract(s), procure necessary permits (building	
13	permit)	<u>3 months</u>
14	12. Construct improvements:	<u>5.5 months</u>
15	13. Move from 4th floor to 12th floor:	<u>0.5 months</u>
16	<u>TOTAL TIME REQUIRED:</u>	<u>24.25 MONTHS</u>

17 E. The use of the ordinary bidding process for  
18 construction of improvements to the 12th floor would require  
19 the sequential performance of the tasks described in subsection  
20 D, above, and these steps cannot be performed simultaneously or  
21 overlapped to achieve any significant savings of time. Use of  
22 an expedited contract award process, however, allows award of  
23 contracts without preparation of full construction drawings  
24 based upon lengthy design consultant selection and review.  
25 This procedure, using expedited selection of a design  
26 consultant and use of telephone bids and existing competitively  
27 selected contracts and purchase orders for demolition,  
28 remodelling and structural work allows the project to be  
29 completed so as to allow the new councilmembers and their staff  
30 to move into the renovated west wing of the 12th floor within  
31 12 months from the decision to utilize that floor for the new  
32 Metropolitan King County council. Approximately 90% of the  
33 work to be performed on the 12th floor project is to be done by  
34 independent contractors selected in a fair and competitive

1 manner, although these contractors will not be selected  
2 according to the usual time-consuming formal bidding process.

3 F. King County considered and rejected the alternative of  
4 using the lengthy ordinary bidding procedures described in D,  
5 above and, during the resulting year of delay in completion of  
6 construction, occupying leased or other space elsewhere in  
7 Seattle as a temporary location for the Metropolitan King  
8 County Council. This alternative would cause unacceptable  
9 disruption to the ability of the new legislative body to  
10 function as a result of two massive moves in a year's time. It  
11 would also increase the physical distance between the  
12 Metropolitan County Council and the County Executive,  
13 Prosecuting Attorney, and other county agencies with a  
14 corresponding harm on the ability of county government to  
15 operate efficiently and expeditiously. Similarly, housing four  
16 of the thirteen councilmembers and their staff in a location  
17 separate from the present offices of the nine county  
18 councilmembers would significantly impair the legislative  
19 process by creating barriers to ready communication among the  
20 councilmembers.

21 G. The voters' creation at the November 1992 general  
22 election of a new regional government including a 13-member  
23 Metropolitan King County Council, and the resulting need for  
24 space to provide offices and meeting rooms for this legislative  
25 body, created an emergency in that such space needs could not  
26 be met prior to January 1, 1994, the effective date of the new  
27 regional government, if the extremely time-consuming procedures  
28 of ordinary bidding were followed. This constitutes an  
29 emergency requiring emergency action to provide for the support  
30 of county government and its existing public institutions,  
31 specifically the voter-approved Metropolitan King County  
32 Council.

33 SECTION 2. An emergency exists in which the public  
34 interest or property of the county would suffer material injury  
35 or damage by delay and therefore the competitive selection and

1 bidding requirements of K.C.C. Chapter 4.16 and state law are  
2 hereby waived for contracts to perform necessary work related  
3 to the renovation and remodelling of the 12th floor of the King  
4 County Courthouse, provided that the executive shall obtain  
5 competitive proposals and use independent contractors to the  
6 extent feasible for individual contracts to be performed  
7 pursuant to this ordinance.

8       SECTION 3.     An emergency exists in which the public  
9 interest or property of the county would suffer material injury  
10 or damage by delay and therefore women and minority business  
11 requirements of K.C.C. Chapter 4.18 are hereby waived as to  
12 individual contracts to perform necessary work related to the  
13 renovation and remodelling of the 12th floor of the King County  
14 Courthouse; provided that compliance with the county's annual  
15 M/WB goals shall be met or exceeded through the total  
16 expenditure of dollars pursuant to this ordinance.

17       SECTION 4.     The county council finds as a fact and  
18 declares that an emergency exists and that this ordinance is  
19 necessary for the immediate preservation of public peace,  
20 health or safety or for the support of county government and  
21 its existing public institutions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

SECTION 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

INTRODUCED AND READ for the first time this 7<sup>th</sup> day of June, 1993.

PASSED this 7<sup>th</sup> day of June, 1993.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

*Corretta Sullivan*  
VICE Chair

ATTEST:

*Grady G. Peterson*  
Clerk of the Council

APPROVED this 18<sup>th</sup> day of June, 1993.

*Jim Hill*  
King County Executive

Attachments: None