



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 16, 2012**

**Ordinance 17435**

**Proposed No. 2012-0247.3**

**Sponsors Hague**

1 AN ORDINANCE authorizing the solid waste division of  
2 the department of natural resources and parks, to use the  
3 competitive negotiation procedures set forth in RCW  
4 36.58.090 to procure vendors for construction of the new  
5 Factoria recycling and transfer station.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. The King County council adopted the Final 2001 Comprehensive Solid Waste  
9 Management Plan ("the plan") by Ordinance 14236 on April 16, 2001. The plan set forth  
10 goals and policies intended to guide the county in providing solid waste transfer and  
11 recycling programs and services in that portion of King County for which the county has  
12 solid waste planning authority. One of the recommendations in the plan was for the  
13 county to take necessary steps to upgrade and expand the county's existing transfer  
14 station system to continue to meet regional demands for efficiency, capacity and service.

15 B. Consistent with the plan, the King County council approved the 2010 Facility  
16 Master Plan for the Factoria Transfer and Recycling Station ("FMP") by Motion 13455  
17 on April 11, 2011. The FMP provided a blueprint for replacing the existing Factoria  
18 Transfer Station ("existing station") with a new station at the same location to provide  
19 increased capacity and enhanced solid waste handling and processing services for the

20 residents of King County. The new station, to be called the Factoria Recycling and  
21 Transfer Station ("new station"), will shift the focus of the station's operation from solid  
22 waste transfer facility only to a facility that will process, recycle and transfer waste and  
23 recyclable materials.

24 C. Construction of the new station and deconstruction of the existing station  
25 require complex construction, scheduling and contractor/subcontractor coordination and  
26 staging activities. The division's goal is to keep the existing station open during  
27 construction of the new station. Minimal contractor interference with, or interruption of,  
28 operation of the existing station is a required element of this project.

29 D. In September 2012, the King County council requested that the solid waste  
30 division and the facilities management division conduct an analysis evaluating a  
31 developer-delivered project delivery approach for the Factoria recycling and transfer  
32 station. The analysis concluded that the Factoria recycling and transfer station should be  
33 constructed using the competitive negotiation procedures in RCW 36.58.090. Similar to  
34 other alternative project delivery methods, the recommended competitive negotiation  
35 procedure fosters scheduling and coordination efficiencies by allowing opportunities for  
36 contractor input and discussion with the county regarding design intent and  
37 constructability of the project before award of a contract.

38 E. RCW 36.58.090(10) authorizes counties to use the competitive negotiation  
39 procedures for construction of publicly-owned and operated solid waste transfer facilities  
40 only where they are "an integral part of a solid waste processing facility located on the  
41 same site." The new station will be an integrated processing and transfer facility. It will  
42 provide for the handling of source-separated wastes, separation of commingled wastes,

43 volume reduction by compaction or baling or both and transfer of recyclable materials  
44 and solid waste to other facilities.

45 F. The county advertised within the contractor and subcontractor community in  
46 August 2011 to explain the project and to solicit comments on its plan to use the  
47 competitive negotiation procedures to construct the new station. No comments were  
48 received regarding the county's proposed use of the competitive negotiation procedures  
49 for this project.

50 G. The county auditor has, in separate reviews, identified the importance of  
51 review of alternative procurement methodologies for major capital projects, and has  
52 identified the developer-delivered project delivery method as having demonstrated a  
53 positive record regarding meeting project expectations on certain county projects.

54 H. Based on RCW 36.58.090 and the precedent of the Bow Lake recycling and  
55 transfer station project procurement process, the competitive negotiations procurement  
56 process anticipates that the council will be asked to arrive at a finding confirming, among  
57 other things, that it is advantageous for the county to use that competitive negotiations  
58 procurement process for awarding contracts compared to other methods.

59 I. In the spring of 2012, at the request of the council, the solid waste division  
60 undertook an analysis of potential opportunities and constraints for a developer-delivered  
61 project delivery approach for the Factoria recycling and transfer station.

62 J. In developing the analysis, the solid waste division consulted with the  
63 prosecuting attorney's office as well as county divisions with expertise in developer-  
64 delivered projects, including the facilities management division.

65 K. The analysis determined that a key factor that makes a developer-delivered  
66 approach more challenging for the Factoria recycling and transfer station is the need to  
67 continue operations while construction is occurring. Although provisions to address this  
68 need could potentially be written into a development agreement, it would be easier to use  
69 this approach on a new construction project on bare land.

70 L. Important aspects of the design have resulted from input from the city of  
71 Bellevue and the project is currently in the sixty to ninety percent design phase.

72 M. Significant design savings have already been realized on the Factoria project  
73 though a value-engineering process.

74 N. The Factoria recycling and transfer station is at the end of its useful life and  
75 safety considerations make it important to complete the project as soon as possible. The  
76 facility has reached a state of disrepair that could pose a potential safety risk. Critical  
77 infrastructure, such as the roof, needs to be replaced as quickly as possible. Under the  
78 circumstances, to the extent that commencing procurement of a developer-delivered  
79 approach now would add time to the project, a potential safety risk to the county could be  
80 exacerbated.

81 SECTION 2. The council determines that construction of the Factoria recycling  
82 and transfer station may be procured utilizing the competitive negotiation procedures in  
83 RCW 36.58.090. The executive, through the solid waste division of the department of  
84 natural resources and parks, is authorized to evaluate the vendors based on approved  
85 evaluation criteria. Upon completion of the evaluation process, the executive shall make  
86 a recommendation of the most qualified vendor or vendors to the King County council.  
87 The recommendation shall be provided to the council in the form of a report to the

88 council, to be transmitted within 45 days of the determination of the most qualified  
89 vendor or vendors. A paper copy and electronic copy of the report shall be filed with the  
90 clerk of the council, who shall distribute electronic copies to all councilmembers.

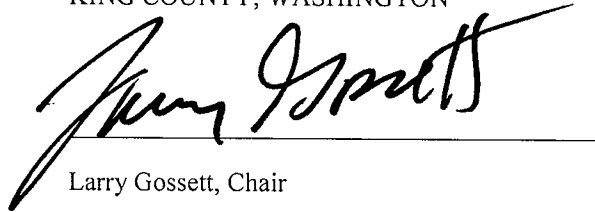
91       SECTION 3. The King County council approves the use of the evaluation criteria

92 included in Attachment A to this ordinance to be used for review of competitive  
93 proposals to construct the Factoria recycling and transfer station.  
94

Ordinance 17435 was introduced on 7/26/2012 and passed as amended by the Metropolitan King County Council on 10/15/2012, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn  
No: 0  
Excused: 1 - Mr. McDermott


KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



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Larry Gossett, Chair

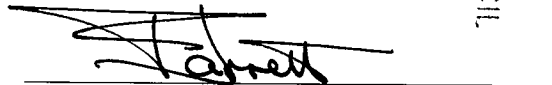
ATTEST:



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Anne Noris, Clerk of the Council

APPROVED this 24 day of October, 2012.



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Dow Constantine, County Executive

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CLERK  
KING COUNTY COUNCIL

**Attachments:** A. Selection Criteria

**SELECTION CRITERIA**  
**Factoria Recycling & Transfer Station Construction Contract**  
**April 2012**

**A. Specialized Experience and Technical Competence**

King County will evaluate the specialized experience of the proposer's project team members.

**B. Record of past performance**

King County will evaluate proposer's experience and record on projects of similar scope and complexity.

**C. Financial Resources**

King County will evaluate the proposer's financial abilities to perform the project.

**D. Current and Projected Work Load for Proposer's Key Personnel**

King County will evaluate the current and projected work load of the proposer's key personnel and its major subcontractor's key personnel, to demonstrate their ability to perform work on the project in a complete and timely manner.

**E. Safety Program**

King County will evaluate the proposer's ability to maintain a safe working environment for the project.

**F. Environmental Protection and Mitigation**

King County will evaluate the proposer's environmental protection and mitigation approach for the project.

**G. Staging**

The proposer must demonstrate how and where it will stage materials, equipment and employee parking for the project.

**H. Approach to Quality Assurance and Quality Control (QA/QC)**

King County will evaluate the proposer's approach to QA/QC with respect to the construction and post construction of the project.

**I. Proposer's Approach to Construction**

King County will evaluate the proposer's approach to construction and how the proposed approach meets requirements as described in the Request for Proposal (RFP).

**J. Project Schedule**

King County will evaluate the proposer's ability to construct and complete the project in a timely manner in accordance with the requirements set forth within the RFP documents.

**K. Coordination of Activities During On-going Facility Operations**

King County will evaluate the proposer's approach to coordination of construction activities with on-going transfer station operations.

**L. Contract Closeout and Warranty Administration**

King County will evaluate the proposer's approach to performing contract closeout and warranty administration.

**M. Small Contractors and Suppliers (SCS) and Outreach Plan**

Achievement of the SCS commitment revolves around the development and implementation of an effective subcontracting plan and community outreach/participation plan and a proactive approach to maximizing opportunities for certified SCS firms.