

MOTION NO. 10055

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A MOTION waiving the requirements for competitive bidding or formal solicitation and Minority and Women's Business Enterprises requirements, to allow for immediate contracting with one or more consultants to effect the 90 day test, data collection and analyses of solids processing alternatives at West Point.

WHEREAS, the council passed Ordinance 12548 on December 9, 1996 declaring an emergency requiring immediate action to continue the testing of solids processing alternatives at West Point between January 1, 1997 and March 31, 1997; and

WHEREAS, by Ordinance 12548 the Council directed the executive to provide a detailed review and recommendation on solids processing options by March 31, 1997; and

WHEREAS, to fulfill the requirements and comply with the schedule established by Ordinance 12548 the County intends to enter into contract with one or more qualified consultants effective January 1, 1997 who will provide support and/or independent testing, analysis, assist with public involvement, and prepare a final report to the council on or before March 31, 1997;

WHEREAS, the county has processes established to contract with independent consultants; and

WHEREAS, the public involvement, testing, data collection and analysis must begin immediately to carry out the intent of the council;

WHEREAS, the non-emergency requirements of KCC 4.16 relating to the county's lease or purchase of tangible personal property or services, contracts for public works as defined by RCW 39.04.010 or to the selection and award of professional and/or technical service consultant contracts including contracting on a competitive basis for public works contracts, leases or purchase of supplies, materials and equipment pursuant to RCW Chapter 36.32 and compliance with Minority and Women's Business Enterprises requirements pursuant to KCC 4.18, 12.16 and 12.18 must be waived to prevent delay in beginning such work;

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

1 A. The non-emergency requirements of KCC 4.16 relating to the county's lease or  
2 purchase of tangible personal property or services, contracts for public works as defined by  
3 RCW 39.04.010 or to the selection and award of professional and/or technical service  
4 consultant contracts; including contracting on a competitive basis for public works contracts,  
5 leases or purchase of supplies, materials and equipment pursuant to RCW Chapter 36 in order  
6 to prevent delay in beginning such work, are hereby waived.

7 B. The non-emergency Minority and Women's Business Enterprises requirements  
8 pursuant to KCC 4.18, 12.16 and 12.18 are hereby waived as to the individual project  
9 contracts.

10 C. The emergency waiver of the requirements of KCC 4.18, 12.16 and 12.18  
11 pursuant to this motion shall not amend the annual MWBE utilization goals unless the  
12 emergency makes it impossible to achieve the annual utilization goals.

13 PASSED by a vote of 12 to 0 this 13<sup>th</sup> day  
14 of January, 1997.

15 KING COUNTY COUNCIL  
16 KING COUNTY, WASHINGTON

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20 Chair 

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22 ATTEST:

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26 Clerk of the Council

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28 Attachment:

29 A. Ordinance 12548

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31 ememo1.doc  
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12/03/96

Introduced By:

Larry Phillips  
Rob McKenna  
Greg Nickels  
Brian Derdowski  
Pete von Reichbauer  
Chris Vance  
Kent Pullen  
Jane Hague

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12/10/96 clerk

Proposed No.: 96-1000

ORDINANCE NO. **12548**

AN ORDINANCE relating to sewage treatment, directing review of West Point treatment plant sludge processing technology options, requesting the executive to negotiate an interim agreement with the contractor, calling for a public comment process, and declaring an emergency.

SECTION 1. Findings of Fact.

A. The expansion of the West Point Sewage Treatment Plant ("West Point") led to major community concerns resulting in administrative appeals and litigation regarding the decision to site a secondary sewage treatment facility at West Point. A Settlement Agreement dated February 19, 1991, was entered into by and among Metro (now King County), Friends of Discovery Park, Puget Sound Water Quality Defense Fund, Legal Advocates for Washington, Washington Environmental Council, and the Magnolia Community Club (the "1991 Settlement Agreement"). Condition 1 of the 1991 Settlement Agreement related to biosolids processing at West Point and specifically identified the PCL/SMI process as the alternative biosolids handling technology to be implemented. The 1991 Settlement Agreement states that if Metro determines that the process is unsuccessful, it may implement an alternative biosolids handling process.

B. Condition 1c of the City of Seattle Project Level Conditions Permit C.F. No. 296799 outlines a specific process for decisions related to plant footprint and future development. This section states in part that the "secondary treatment plant at West Point shall include a biosolids processing facility that, if successful, will result in the eventual removal of the existing digesters . . . ." The final determinations regarding the success of the biosolids processing and any decision to remove or retain the digesters are to be by legislative action.

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1 C. Consistent with the project conditions established for West Point expansion by  
2 the City of Seattle, certain secondary treatment plant biosolids processing options have  
3 been undertaken by the county. One processing contractor, Reidel/SMI, was selected on a  
4 competitive basis and has provided raw biosolids processing under a contract between  
5 Reidel/SMI (now PCL/SMI) and Metro (now King County) dated September 8, 1989 (the  
6 "PCL/SMI Contract"). The council and its Regional Water Quality Committee were  
7 previously informed by executive staff in September 1994 that the process for reviewing  
8 the PCL/SMI Contract would be undertaken in early 1997.

9 D. It is in the interests of the county to achieve the most environmentally effective  
10 and economic processing of sewage biosolids. The county's environmental goals for West  
11 Point include but are not limited to minimizing biosolids disposal truck traffic from the  
12 plant through the Magnolia community; minimizing West Point treatment plant odors;  
13 reducing risk of water pollution; minimizing noise; protecting eagle habitat; providing  
14 recreational opportunities; ensuring hillside stability; beneficially reusing biosolids;  
15 reusing or selling methane gas or co-generating electricity; and, to the extent possible,  
16 providing shoreline improvements such as reducing the digesters' footprint.

17 E. The PCL/SMI operation has processed raw biosolids and has proven effective in  
18 reducing biosolids disposal truck traffic from West Point and producing a pathogen-free  
19 (Class A) biosolids.

20 F. One policy of the county is to investigate the cost-effective production and  
21 market for Class A biosolids. At West Point, the county will produce an end-product mix  
22 by continuing both the existing digestion and dewatering of biosolids and seeking, through  
23 a full and open competitive process, private-vendor processing of a portion of the  
24 biosolids.

25 G. In accordance with the Project-Level Conditions established by the City of  
26 Seattle, the county will continue to search for a solution that will handle biosolids  
27 generated at West Point and result in digester removal. The county will, in accordance with  
28 the 1991 Settlement Agreement, continue to pursue an alternative biosolids handling  
29 process or processes at West Point, provided such alternative processing system (i) reduces

1 the digesters' footprint on site; (ii) does not require structures higher than those currently  
2 planned for the area; and (iii) serves the goal of minimizing biosolids disposal truck traffic.

3 H. Due to the location of PCL/SMI's facilities and history of operation at West  
4 Point, special facilities or market conditions exist which support a short-term pilot project  
5 to evaluate options for processing dewatered, digested, partially digested, or a mixture of  
6 undigested activated biosolids and digested biosolids. The council hereby finds as a fact  
7 and declares that an emergency exists requiring immediate action to continue the testing of  
8 biosolids processing alternatives at West Point for up to 90 days pending the detailed  
9 review and recommendation by March 31, 1997 as specified in Section 2 of this ordinance.  
10 The council also finds as a fact that the services provided by PCL/SMI involve special  
11 facilities or market conditions providing a basis for a waiver from competitive procurement  
12 pursuant to Ordinance 12138, Section 9, K.C.C. ch. 4.16. Nothing in this ordinance shall  
13 be construed to rescind or extend the notice of termination for convenience given by the  
14 executive on November 13, 1996.

15 SECTION 2. Review of West Point Treatment Biosolids Processing. The executive  
16 shall report to the council by March 31, 1997 regarding his recommendation for biosolids  
17 processing options, and the criteria to be included in a competitive process, including but  
18 not necessarily limited to the following issues:

19 A. Removing some or all digesters and financial policies to support the  
20 establishment of a reserve account needed to affect such removal;

21 B. Retaining the PCL/SMI drying facility;

22 C. Providing an economic and operational analysis that compares the costs, risks  
23 and benefits of alternative technologies and potential alternative suppliers including the  
24 results of the RFI issued under Section 4 of this ordinance;

25 D. Identifying community impacts of alternatives and reasonable mitigation of such  
26 impacts;

27 E. Analyzing the effect of alternatives on the 1991 Settlement Agreement and the  
28 Project-Level Conditions established by the City of Seattle; and

29 F. Analyzing how alternatives would achieve the policy goals described in Section  
30 2(D) of this ordinance.

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SECTION 3. Executive Report Due March 31, 1997. The executive shall provide opportunities for public review and input from the council, the public and persons interested in the 1991 Settlement Agreement. In the report due March 31, 1997, the executive shall include information from the public process and also provide an economic analysis comparing West Point operating costs under (i) the terminated PCL/SMI contract, (ii) with any negotiated amended contract allowing processing of a mixture of undigested, digested, dewatered or partially digested biosolids, or a mixture of undigested activated biosolids and digested biosolids, (iii) with potential alternative suppliers and (iv) using Best Management Practices without the PCL/SMI operation. The findings shall be expressed as a rate differential.

SECTION 4. Consideration of County Labor Policies. Before the county enters into any new contract to test or process digested biosolids, the County will hold discussions with affected labor unions to ensure consistency with adopted county labor policies and existing labor agreements to assure that no current county employee will be demoted or be subject to lay-offs as a result of such new agreement or contract to process digested, dewatered, partially digested, or a mixture of undigested activated biosolids and digested biosolids.

SECTION 5. 90-Day Contract. On or before December 31, 1996, the county shall enter into a new, 90-day contract with PCL/SMI under which PCL/SMI shall test and process up to 60 tons per day of digested, dewatered or partially digested biosolids, or a mixture of undigested activated biosolids and digested biosolids; provided, however, that the county shall not enter into such a short-term contract until after the effective date of a satisfactory agreement between the county and PCL/SMI regarding Capacity Credits and all other applicable issues arising from the county's termination for convenience under Section 2.3(a) of the PCL/SMI Contract. The 90-day contract shall, among other provisions, provide for the test results, analysis, and supporting data to be made available to the county and to the public. The executive is requested to review any proposed 90-day contract with the council prior to its execution.

SECTION 6. Competitive Process. The executive is requested to immediately form a task force of the executive and the council to develop and commence, a full and open

1 competitive process to secure environmentally sound, cost-effective and reliable  
2 management of West Point's biosolids in a manner consistent with the City of Seattle  
3 Conditional-Use Permit, the 1991 Settlement Agreement, and county environmental goals.  
4 Such competitive process shall not preclude opportunities for competition or further  
5 involvement by county employees. Such competitive process shall provide fair  
6 opportunity for interested vendors to respond to a competitive request for information  
7 (RFI) or a competitive request for proposals (RFP).

8 SECTION 7. Additional Funds for Research and Alternative Technology Testing.

9 Up to five million dollars of any savings derived from the November 13, 1996, termination  
10 of the PCL/SMI Contract shall go to the Applied Wastewater Technology Program for  
11 expenditure on research into and acquisition of alternative technologies.

12 SECTION 8. Public Comment Process. The executive shall provide an opportunity  
13 for review and comment by interested citizens and organizations regarding sewage  
14 treatment processing alternatives including but not limited to the PCL/SMI process.

15 SECTION 9. Declaring an Emergency. The council finds as a fact and declares that  
16 an emergency exists and that this ordinance is necessary for the immediate preservation of  
17 public peace, health, or safety or for the support of county government and existing public  
18 institutions.

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SECTION 10. 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 2nd day of December, 1996

PASSED by a vote of 12 to 0 this 9th day of December, 1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

[Signature]  
Chair

ATTEST:

[Signature]  
Clerk of the Council

APPROVED this 20<sup>th</sup> day of December, 1996

[Signature]  
King County Executive

Attachments:  
None  
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