

## Legislation Details (With Text)

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

**Sponsors:** Jane Hague

**Indexes:** Natural Resources, Department of, Recycling, Solid Waste

**Code sections:**

**Attachments:** 1. Ordinance 17435.pdf, 2. A. Selection Criteria-Factoria Recycling & Transfer Station Construction Contract April 2012, 3. 2012-0247 transmittal letter.doc, 4. 2012-0247 Fiscal note.xls, 5. 2012-0247 Factoria Alt Procurement 8-16-12, 6. 2012-0247 Staff rept sept 5, 7. 2012-0247 Amendment (2), 8. 2012-0247 Revised Staff rept sept 5, 9. A. Selection Criteria, 10. 17435 Amendment #1 10-15-12.pdf, 11. 2012-0247 Staff Report (8-21-12).pdf, 12. 2012-0247 Staff Report (9-5-12).pdf

Date	Ver.	Action By	Action	Result
10/15/2012	2	Metropolitan King County Council	Hearing Held	
10/15/2012	2	Metropolitan King County Council	Passed as Amended	Pass
10/8/2012	2	Metropolitan King County Council	Deferred	
10/1/2012	2	Metropolitan King County Council	Hearing Held	
10/1/2012	2	Metropolitan King County Council	Deferred	
9/17/2012	2	Metropolitan King County Council	Deferred	
9/5/2012	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute Consent	Pass
8/21/2012	1	Budget and Fiscal Management Committee	Deferred	
7/30/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/16/2012

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

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

B. Consistent with the plan, the King County council approved the 2010 Facility Master Plan for the Factoria Transfer and Recycling Station ("FMP") by Motion 13455 on April 11, 2011. The FMP provided a blueprint for replacing the existing Factoria Transfer Station ("existing station") with a new station at the same location to provide increased capacity and enhanced solid waste handling and processing services for the residents of King County. The new station, to be called the Factoria Recycling and Transfer Station ("new station"), will shift the focus of the station's operation from solid waste transfer facility only to a facility that will process, recycle and transfer waste and recyclable materials.

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

D. In September 2012, the King County council requested that the solid waste division and the facilities management division conduct an analysis evaluating a developer-delivered project delivery approach for the Factoria recycling and transfer station. The analysis concluded that the Factoria recycling and transfer station should be constructed using the competitive negotiation procedures in RCW 36.58.090. Similar to other alternative project delivery methods, the recommended competitive negotiation procedure fosters scheduling and coordination efficiencies by allowing opportunities for contractor input and discussion with the county

regarding design intent and constructability of the project before award of a contract.

E. RCW 36.58.090(10) authorizes counties to use the competitive negotiation procedures for construction of publicly-owned and operated solid waste transfer facilities only where they are "an integral part of a solid waste processing facility located on the same site." The new station will be an integrated processing and transfer facility. It will provide for the handling of source-separated wastes, separation of commingled wastes, volume reduction by compaction or baling or both and transfer of recyclable materials and solid waste to other facilities.

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

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

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

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

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

division.

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

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

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

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

SECTION 2. The council determines that construction of the Factoria recycling and transfer station may be procured utilizing the competitive negotiation procedures in RCW 36.58.090. The executive, through the solid waste division of the department of natural resources and parks, is authorized to evaluate the vendors based on approved evaluation criteria. Upon completion of the evaluation process, the executive shall make a recommendation of the most qualified vendor or vendors to the King County council. The recommendation shall be provided to the council in the form of a report to the council, to be transmitted within 45 days of the determination of the most qualified vendor or vendors. A paper copy and electronic copy of the report shall be filed with the clerk of the council, who shall distribute electronic copies to all councilmembers.

SECTION 3. The King County council approves the use of the evaluation criteria included in Attachment A to this ordinance to be used for review of competitive proposals to construct the

Factoria recycling and transfer station.