

10/1/12

10/15/12 Council Meeting

DRAFT

Sponsor: _____

Proposed No.: 2012-0247

JH MOVED

PASSED 7-0 JP/Joemco Excused

1 **AMENDMENT TO PROPOSED ORDINANCE 2012-0247, VERSION**

2 Beginning on page 1, line 29, strike all material through page 4, line 58, and insert:

3 "D. In September 2012, the King County council requested that the solid waste
 4 division and the facilities management division conduct an analysis evaluating a
 5 developer-delivered project delivery approach for the Factoria recycling and transfer
 6 station. The analysis concluded that the Factoria recycling and transfer station should be
 7 constructed using the competitive negotiation procedures in RCW 36.58.090. Similar to
 8 other alternative project delivery methods, the recommended competitive negotiation
 9 procedure fosters scheduling and coordination efficiencies by allowing opportunities for
 10 contractor input and discussion with the county regarding design intent and
 11 constructability of the project before award of a contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

65 SECTION 3. The King County council approves the use of the evaluation criteria
66 included in Attachment A to this ordinance to be used for review of competitive
67 proposals to construct the Factoria recycling and transfer station."

68 Insert Attachment A, Selection Criteria, Factoria Recycling and Transfer Station
69 Construction Contract

70 **EFFECT: Authorizes the procurement of the Factoria Recycling and Transfer**
71 **station under the procedures of RCW 36.58.090. Approves the use of Selection**
72 **Criteria for the Factoria station construction contract.**

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.