

2009-108



## King County

**EXECUTIVE DETERMINATION OF EMERGENCY AND WAIVER FROM  
COMPETITIVE PROCUREMENT AND SOLICITATION REQUIREMENTS FOR THE  
MALENG REGIONAL JUSTICE CENTER (MRJC) CENTRAL HOT WATER HEATING  
SYSTEM**

WHEREAS, the central hot water piping system in the King County Norm Maleng Regional Justice Center (MRJC) provides the heat source for the facility; and,

WHEREAS, the hot water piping system is a critical component of the detention and superior court system. When properly functioning, the hot water piping system provides a safe and useable environment to MRJC and court staff, inmates, and the public. If the system does not function properly, that safety and use could be compromised; and,

WHEREAS, the present piping in most cases dates from the original construction of the MRJC eleven years ago; and

WHEREAS, during routine maintenance and repairs to the piping system in October 2008 King County maintenance workers noticed significant deterioration to the condition of the pipes; and,

WHEREAS, the Facilities Management Division has procured a mechanical engineering consultant, Sazan Group, with central hot water heating system expertise, to provide an assessment of the MRJC hot water piping system; and,

WHEREAS, the Sazan Group has concluded in a report dated January 13, 2009, that (a) the existing hot water piping system has been found to be in a deteriorating condition and is at risk of imminent failure; (b) the most critical components are the copper piping of the central hot water heating system to the water heaters (heat exchangers) and to the rooftop air conditioning units; (c) a major pipe break is likely and would be a serious hazard; (d) if a break occurs without a change in operating temperatures, water will flash to steam and raise the temperature in the vicinity to 212 degrees Fahrenheit and scald any person nearby; and (e) replacement of the system should proceed immediately; and,

WHEREAS, the possibility of a failure in the MRJC hot water piping system constitutes an emergency that presents a real and immediate threat to the proper performance of an essential government facility, and will likely result in material loss or damage to property and injury to persons unless expeditious action is taken on the MRJC hot water piping; and

WHEREAS, an emergency waiver of competitive bidding and formal solicitation requirements of state and county law is necessary to assure the timely procurement of design, construction and other required services, materials and equipment necessary to prevent delay in completing the replacement of the hot water piping system project.

WHEREAS, Sazan Group, Inc., the consultant, is proposed to be selected for this project to perform because of their central hot water piping system expertise, their familiarity with the MRJC and their unique understanding with this problem gained during the preparation of January 13, 2009 MRJC Heating Piping Assessment Report.

WHEREAS, the contractor, Auburn Mechanical, is recommended by the consultant based on their knowledge of the contractor's past performance on projects with similar scope, scale and complexity, including within correctional facilities. Facilities Management Division staff has reviewed their qualifications and are confident that they are well qualified for the work and will provide necessary bonding and insurance.

WHEREAS, the full costs of the MRJC Central Hot Water Piping System Project is estimated to be \$3,056,114 to cover all costs and expenses associated with design, construction and project management for completion of the project.

NOW THEREFORE THE KING COUNTY EXECUTIVE, RONALD SIMS, HEREBY DETERMINES AND DECLARES AS FOLLOWS:

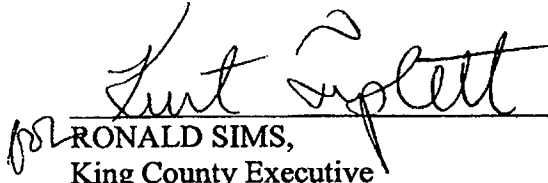
#### SECTION 1

In accordance with RCW 39.04.280 and KCC 4.16.050 there is an emergency due to the imminent danger of the MRJC hot water piping system failing, and as a result, immediate steps must be taken to preserve the health, safety and welfare of the public, King County employees, MRJC inmates and the MRJC facility.

SECTION 2

The requirements for competitive bidding and formal solicitation of design, construction and other required services, materials and equipment under Chapter 36.32 RCW, Chapter 39.80 RCW, and K.C.C. chapters 4.04, 4.16, 4.18, 12.16 and 12.18., and all applicable King County Executive policies and procedures are hereby waived with reference to any such contracts relating to the replacement of the hot water piping system as described in the Sazan Report. This waiver shall continue in full force and effect until all necessary contracts are executed, or until terminated by subsequent order of the King County Executive, action by the Metropolitan King County Council by ordinance, or as otherwise may be required by law.

DATED this 4 day of February, 2009

  
RONALD SIMS,  
King County Executive  
State of Washington