



King County

EXECUTIVE DETERMINATION OF EMERGENCY AND WAIVER FROM COMPETITIVE PROCUREMENT AND SOLICITATION REQUIREMENTS FOR THE KING COUNTY COURTHOUSE ELECTRICAL DISTRIBUTION SYSTEM

WHEREAS, the electrical distribution system in the King County Courthouse (KCCH) provides the electricity for the facility; and,

WHEREAS, the lighting and power are critical components of the electrical distribution system necessary for the building safety and operations for the occupants. When properly functioning, the electrical distribution system provides a safe and useable environment to KCCH employees, court staff, judges, elected officials, King County Correctional Facility (KCCF) staff, inmates, and the public. If the system does not function properly, the safety and use could be compromised; and,

WHEREAS, the Facilities Management Division (FMD) procured Clark Design Group, PLLC (Clark) to perform a comprehensive report on KCCH building systems, including the electrical distribution system, for transmittal to the County Council, in accordance with ordinance 18189, proviso 5; and,

WHEREAS, upon evaluating the KCCH electrical distribution system, Clark confirmed by report dated July 2016 (Clark Report), that key system components, the 480v bus ducts and 208v panels and associated transformers, have exceeded their life expectancy and pose a very high life safety risk to persons performing maintenance operations and to building occupants; and,

WHEREAS, the possibility of failure in the KCCH electrical distribution system and the potential life-safety impacts posed by such a failure, constitutes an unforeseen circumstance beyond the County's control 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 KCCH electrical distribution system; 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 electrical distribution system.

WHEREAS, Clark and its consultants have been procured for this project to perform the design work because of its expertise in designing electrical distribution systems, its familiarity with the KCCH building and its unique understanding of the current problems with the existing KCCH electrical distribution system.

WHEREAS, the general contractor will be chosen based on the contractor's past performance on projects with similar scope, scale and complexity. Facilities Management Division staff will review the general contractor's qualifications and will ensure that it is well qualified for the work and will be able to provide necessary bonding and insurance.

WHEREAS, the full costs of the KCCH electrical distribution system project is estimated to be \$11,600,000 to cover all costs and expenses associated with design, construction and project management.

NOW THEREFORE THE KING COUNTY EXECUTIVE, DOW CONSTANTINE, HEREBY DETERMINES AS FOLLOWS:

SECTION 1

In accordance with RCW 39.04.280(3) and KCC 2.93.080 there is an emergency due to the life-safety risks posed by a failure of the KCCH electrical distribution system. As a result, immediate steps must be taken to address the real, immediate threat to the proper performance of essential government functions and to prevent material loss or damage to property and injury to persons.

SECTION 2

The requirements for competitive bidding and formal solicitation for the lease or purchase of tangible personal property or services, public works, and professional or technical services under Chapter 36.32 RCW, Chapter 39.80 RCW, and KCC chapters 4.04, 4A.100.070, 2.93, 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 KCCH electrical distribution system. . 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 12 day of AUGUST, 2016



DOW CONSTANTINE
King County Executive
State of Washington