



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 16, 2012

Ordinance 17435

Proposed No. 2012-0247.3

Sponsors Hague

1 AN ORDINANCE authorizing the solid waste division of
2 the department of natural resources and parks, to use the
3 competitive negotiation procedures set forth in RCW
4 36.58.090 to procure vendors for construction of the new
5 Factoria recycling and transfer station.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

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

15 B. Consistent with the plan, the King County council approved the 2010 Facility
16 Master Plan for the Factoria Transfer and Recycling Station ("FMP") by Motion 13455
17 on April 11, 2011. The FMP provided a blueprint for replacing the existing Factoria
18 Transfer Station ("existing station") with a new station at the same location to provide
19 increased capacity and enhanced solid waste handling and processing services for the

20 residents of King County. The new station, to be called the Factoria Recycling and
21 Transfer Station ("new station"), will shift the focus of the station's operation from solid
22 waste transfer facility only to a facility that will process, recycle and transfer waste and
23 recyclable materials.

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

29 D. In September 2012, the King County council requested that the solid waste
30 division and the facilities management division conduct an analysis evaluating a
31 developer-delivered project delivery approach for the Factoria recycling and transfer
32 station. The analysis concluded that the Factoria recycling and transfer station should be
33 constructed using the competitive negotiation procedures in RCW 36.58.090. Similar to
34 other alternative project delivery methods, the recommended competitive negotiation
35 procedure fosters scheduling and coordination efficiencies by allowing opportunities for
36 contractor input and discussion with the county regarding design intent and
37 constructability of the project before award of a contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

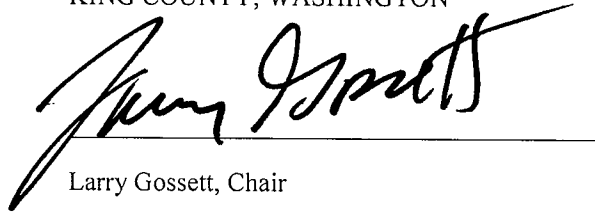
91 SECTION 3. The King County council approves the use of the evaluation criteria

92 included in Attachment A to this ordinance to be used for review of competitive
93 proposals to construct the Factoria recycling and transfer station.
94

Ordinance 17435 was introduced on 7/26/2012 and passed as amended by the Metropolitan King County Council on 10/15/2012, by the following vote:


Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 1 - Mr. McDermott

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



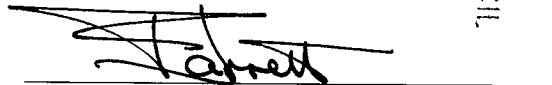
Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 24 day of October, 2012.



Dow Constantine, County Executive

RECEIVED
2012 OCT 26 PM 4:02
CLERK
KING COUNTY COUNCIL

Attachments: A. Selection Criteria

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.