



## Legislation Details (With Text)

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**Title:** A MOTION extending the waiver of requirements for competitive bidding and solicitation requirements for contracts relating to emergency work to improve the West Point Treatment Plant's electrical system and to respond to a Washington state Department of Ecology order.

**Sponsors:** Jeanne Kohl-Welles

**Indexes:** Water Quality, West Point

**Code sections:**

**Attachments:** 1. Motion 15837, 2. 2021-0115 T1 Amendment, 3. 2021-0115 S1 Amendment, 4. A. Executive Declaration of Emergency and Waiver from Public Advertising and Competitive Procurement Requirements for Power Reliability at West Point Treatment Plant, 5. 2021-0115 Transmittal Letter, 6. 2021-0115 Legislative Review Form, 7. 2021-0115,0116\_SR\_Emergency\_Bypass\_Procurement\_Waiver\_and\_Supplemental.docx, 8. ATT4\_Ecology Administrative Order.pdf

Date	Ver.	Action By	Action	Result
3/9/2021	1	Metropolitan King County Council	Passed as Amended	Pass
3/2/2021	1	Metropolitan King County Council	Introduced and Referred	

A MOTION extending the waiver of requirements for competitive bidding and solicitation requirements for contracts relating to emergency work to improve the West Point Treatment Plant's electrical system and to respond to a Washington state Department of Ecology order.

WHEREAS, the King County executive on February 25, 2021, issued an Executive Declaration of Emergency, declaring that immediate steps must be taken to improve power reliability at the West Point Treatment Plant, and

WHEREAS, in accordance with K.C.C. 2.93.080, the Executive Declaration of Emergency waived the public advertising and competitive procurement requirements of state and county law, stating in relevant part as follows:

"The requirements for public advertising and competitive procurement of chapter 36.32 RCW, chapter

39.04 RCW, chapter 39.80 RCW, K.C.C. chapter 2.93, and the requirements of K.C.C. chapter 12.19 and all applicable King County executive policies and procedures are hereby waived relating to county contracts for the following purchases or leases: tangible personal property; public works; and services, including professional or technical services, or both, relating to emergency work for expedited improvements to the electrical system at the West Point Treatment Plant to include modification of the cogeneration system or the addition of a battery energy storage system, or both, any other improvements to the plant's electrical system, and analysis and development of a schedule and cost estimate for a new dedicated electrical power feed or transmission line in coordination with Seattle City Light. 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 motion or as otherwise may be required by law," and

WHEREAS, under K.C.C. 2.93.080.B., such a waiver stays in effect for twenty-one calendar days after its issuance, unless terminated sooner by order of the executive or action of the council by motion, or unless it is extended by council motion, and

WHEREAS, King County owns and operates the West Point Treatment Plant that provides wastewater treatment for residents and businesses in the City of Seattle, including Seattle's combined stormwater/wastewater sewer system; City of Shoreline; the north end of Lake Washington; and parts of southern Snohomish County, and

WHEREAS, it is imperative that the West Point Treatment Plant have reliable power, as the largest treatment plant in Washington state based on wastewater volumes treated, to continue to reliably treat higher wastewater flows from a growing population and increased stormwater volumes, and to comply with regulatory obligations and prepare for climate change, and

WHEREAS, there has been an increase in bypass events at the West Point Treatment Plant related to the quality of power delivered at the plant. In the last twenty years, there have been sixteen bypass events resulting from plant equipment shutting down because of voltage sags, which are momentary reductions in power

voltage, and other power disturbances on the Seattle City Light power feed. Eight of those events occurred in the last five years with the most recent of these happening on January 13, 2021, and

WHEREAS, the result of such voltage sags has led to plant equipment shut downs, which in turn have put employees' health and safety at risk because of potential flooding within the plant, as well as resulted in unauthorized bypasses of the secondary treatment system, when stormwater and sewage that has received some treatment is blended with wastewater that has been fully treated and then disinfected. Such unauthorized bypasses have resulted in both temporarily prohibiting public access to nearby beaches and limiting the harvest of shellfish, and

WHEREAS, voltage sags, which have led to unauthorized bypasses, are increasing in frequency and remain largely unpredictable, and

WHEREAS, a power quality assessment, dated May 28, 2020, and jointly funded by King County and Seattle City Light, made nine recommendations to mitigate voltage sags and these recommendations have been implemented or are underway. The Washington state Department of Ecology also received a copy of that May 28, 2020, report, and

WHEREAS, some of the recommendations in the May 28, 2020, report have been completed at West Point Treatment Plant, but such actions were not sufficient to prevent the unauthorized bypass that occurred on January 13, 2021, which resulted from a voltage sag, and

WHEREAS, the Washington state Department of Ecology issued Administrative Order 19477 to King County on February 2, 2021, regarding unauthorized bypasses of the secondary treatment system at the West Point Treatment Plant between January 1, 2018, and June 30, 2020, and

WHEREAS, Administrative Order 19477 noted that six of the unanticipated, unauthorized bypasses of the secondary treatment system between January 1, 2018, and June 30, 2020, were caused by power reliability issues related to the West Point Treatment Plant's main electrical power system, and

WHEREAS, Administrative Order 19477 requires King County to complete four corrective actions that

include: by June 30, 2021, producing a report describing proposed changes to the West Point Treatment Plant's control system to allow the effluent pumps to operate longer during a voltage sag; by September 30, 2021, producing a report describing other process, mechanical or operational strategies King County can use to mitigate against unauthorized secondary bypasses at the West Point Treatment Plant; by December 31, 2021, developing a strategic master plan for the West Point Treatment Plant's electrical system that includes near-term electrical system modifications to the plant that King County will complete in the next three to five years to improve overall power reliability and resiliency; and by December 31, 2025, implementing and completing the near-term corrective actions, and

WHEREAS, the West Point Treatment Plant includes a cogeneration system that could be modified to enable greater resiliency to power disruptions, allowing the plant to withstand voltage sags that can otherwise shut down critical equipment, and WHEREAS, the proposed modifications to the cogeneration system could be completed by February 2023, and

WHEREAS, installing a battery energy storage system at the West Point Treatment Plant in addition to, or in place of, a modification to the cogeneration system may significantly improve power reliability in the near term, and

WHEREAS, it is urgent that King County analyze and develop a schedule and cost estimate for a new, dedicated power line in coordination with Seattle City Light to improve longer-term power reliability and avoid the power disruptions that lead to consequential voltage sags approximately every two months at the West Point Treatment Plant. That work is vital to completion of the strategic master plan required by Administrative Order 19477, and

WHEREAS, immediate action 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 or bodily injury, and

WHEREAS, an extension of the waiver from the public advertising and competitive procurement

requirements of state and county law is necessary to prevent delay in continuing the work described in the preceding clauses;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

In accordance with K.C.C. 2.93.080.C., the council extends until February 28, 2023, a waiver of the public advertising and competitive procurement requirements of state law, K.C.C. chapter 2.93 and the requirements of K.C.C. chapter 12.19 relating to those county contracts for the purchases or leases of tangible personal property; public works as defined by RCW 39.04.010 and services, including professional or technical services, necessary to respond to the voltage sags occurring at the West Point Treatment Plant and to comply with Administrative Order 19477, dated February 2, 2021, issued by the Washington state Department of Ecology to King County.