



## Legislation Text

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**File #:** 2017-0278, **Version:** 2

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A MOTION waiving requirements for competitive bidding and solicitation requirements for contracts relating to the design, construction and other required services, materials and equipment necessary to prevent delay in completing the repair of the damaged portions of the Tolt Hill Bridge #1834A and extending the waiver beyond the ten-day period in K.C.C. 2.93.080.B.

WHEREAS, the King County executive on June 19, 2017, issued an Executive Determination of Emergency, declaring that immediate steps must be taken to design, repair and replace damaged portions of the Tolt Hill Bridge, and

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

"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 repair and/or replacement of the damaged portions of the bridge. 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," and

WHEREAS, under K.C.C. 2.93.080.B., such a waiver stays in effect until terminated by order of the executive, or action of the council by ordinance, or until it expires, which is ten days after there have been

contracts entered into, which combined, encumber funds in excess of two-hundred-fifty-thousand dollars or in excess of appropriation, unless the council extends the waiver by motion beyond the ten day period, and

WHEREAS, King County owns and maintains the bridge located near Carnation, Washington, and

WHEREAS, construction of the bridge began in June 2006 and the bridge opened for public use on May 30, 2008, and

WHEREAS, the bridge is approximately one thousand feet long consisting of two three-hundred-foot-long steel trussed spans, a short approach span on the west side, and three one-hundred-twenty-foot-long concrete girder spans on the east side of the river. The bridge has two travel lanes and two shoulders, and

WHEREAS, following the 2007 collapse of the eight-lane bridge on Interstate 35W in Minnesota, and the federal decision to allow heavier trucks on roadways, the Federal Highway Administration ("FHWA") developed new requirements for bridge load ratings, and

WHEREAS, the Washington state Department of Transportation ("WSDOT") is responsible for enforcing implementation of the new FHWA criteria for load ratings by local government agencies; and

WHEREAS, FHWA and WSDOT require all bridges to be evaluated by 2022 using the new criteria; and, and

WHEREAS, as part of the new criteria, agencies are required to review gusset plate connections, which are thick sheets of steel bolting together structural elements of truss bridges. There are about thirty-six thousand bolts fastening the plates on the two three-hundred-foot-long steel trusses of the bridge, and

WHEREAS, the King County department of transportation has a bridge structural engineer who calculates bridge load ratings using specialized software, and

WHEREAS, in the spring of 2017, the King County department of transportation bridge structural engineer visually inspected the bridge and recalculated the bridge load ratings based on the new federal criteria, and

WHEREAS, although no signs of cracking at the gusset plate connections was observed, the

recalculation revealed serious questions about the structural integrity of the bridge, and

WHEREAS, the county hired an independent structural engineering firm to review the King County department of transportation bridge structural engineer's recalculation of the bridge load ratings for the bridge, and

WHEREAS, the independent structural engineering firm confirmed the King County department of transportation bridge structural engineer's recalculation of the bridge load ratings for the bridge and brought to light further concerns regarding the structural integrity of the bridge, and

WHEREAS, on June 16, 2017, the county reviewed the structural engineering firm's determinations with the WSDOT engineers and they concurred that the county and its consultants had appropriately applied the new criteria, and

WHEREAS, the county made the decision to close the bridge to vehicular traffic on June 16, 2017, at approximately 8:00 p.m. to avoid potential life-safety risk that the bridge posed to users, and

WHEREAS, the average daily traffic of this bridge is approximately three thousand vehicle trips, and

WHEREAS, motorists will be forced to take detours of approximately twelve miles, depending upon the route, due to the bridge closure, and

WHEREAS, repairs are complex, will require special expertise to resolve, and will take time to design and implement, and

WHEREAS, closure of the bridge will impact individuals and nearby communities by reducing access to transportation networks, schools and first responder services, and by potentially isolating residents during storm and flooding events, and

WHEREAS, the bridge structural integrity issues revealed by the county's review under the federally mandated load rating criteria, and the ensuing closure of the bridge to protect the lives and safety of King County residents, 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 unless expeditious action is taken to repair the bridge, 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 repair of the damaged portions of the bridge, and

WHEREAS, this emergency waiver will allow King County to contract for expedited replacement of the damaged portions of the bridge, and

WHEREAS, the executive intends to negotiate and execute one or more additional contracts to either repair or replace, or both, the damaged structures of the bridge, and

WHEREAS, an extension of the waiver from the competitive procurement requirements of state and county law is necessary at this time because the magnitude of the expenses to be incurred will almost immediately exceed the two-hundred-fifty-thousand-dollar limit, and

WHEREAS, the facts set forth in these clauses and in the executive's Determination of Emergency and Waiver establish an emergency as defined by K.C.C. 2.93.080 and RCW 39.04.280, and

WHEREAS, the county intends that to the fullest extent feasible all contracts and agreements entered into in accordance with the waiver extended by this motion will include all of the county procurement requirements, including, but not limited to, K.C.C. chapters 4.04, 2.93, 12.16 and 12.18, K.C.C. 4A.100.070 and all applicable King County executive policies and procedures, waived by the executive in the Executive Determination of Emergency issued on June 19, 2017, and

WHEREAS, by the King County Code, the council has the authority to terminate waivers by ordinance;  
NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The June 19, 2017, Determination of Emergency and Waiver of competitive bidding and formal solicitation requirements for the lease or purchase of tangible personal property or services, public works as defined by RCW 39.04.010, or to the selection and award of either and professional or technical consultant

services under state law and K.C.C. chapter 2.93 is extended through December 31, 2017, in order to complete either the repair or the replacement, or both, of damaged portions of the bridge.

B. The extension of the waiver of competitive bidding and formal solicitation requirements included in section A. of this motion are contingent upon the following:

1. The executive filing status reports on the ongoing repair work quarterly with each report filed no later than forty-five days after the close of a fiscal quarter, so that the first report shall be filed no later than August 14, 2017. The reports shall include at a minimum:

- a. expenditures during the previous quarter and anticipated for the next quarter;
- b. project expenditures to date;
- c. a current estimate of the total costs of the repairs;
- d. a list of the contracts or agreements undertaken under the authority in this waiver, including for each contract or agreement: the name of the vendor, the type of work, the value of the contract or agreement and the level of compliance with the contracting requirements of K.C.C. 3.15.100, K.C.C. chapters 12.16, 12.17, 12.18 and 12.19 and related administrative rules;
- e. a summary of procurement actions anticipated, but not yet undertaken under the authority of this procurement waiver; and
- f. a discussion of specific actions taken during the previous quarter to continue to obtain competitive prices on behalf of the rate payers despite this waiver, including but not limited to procurements let or to be let in accordance with the requirements of K.C.C. chapters 2.93 and achieving compliance with K.C.C. 3.15.100, K.C.C. chapters 12.16, 12.17, 12.18 and 12.19 and related administrative rules; and

2. The reports required under this section B. shall be filed in the form of a paper original and an electronic copy with the clerk of the council who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the chief policy officer, the lead staff for the transportation, environment and economy committee,

or its successor, the budget and fiscal management committee, or its successor, and the regional water quality committee, or its successor.