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Title:	AN ORDINANCE authorizing King County, through the solid waste division of the department of natural resources and parks, to provide draft evaluation criteria for review before construction proposals and to adopt the competitive negotiation procedures set forth within RCW 36.58.090 to construct the site facilities portion of the new Bow Lake Recycling and Transfer Station.		
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Attachments:	1. 16247.pdf, 2. 2008-0357 Fiscal Note.xls, 3. 2008-0357 solid waste alternative contracting staff report full council mlm 09-29-08.doc, 4. 2008-0357 staff report solid waste alternative contracting mlm 09-17-08.doc, 5. 2008-0357 Staff Report.pdf, 6. 2008-0357 Transmittal Letter.doc, 7. A. Bow Lake Recycling and Transfer Station - Use of Competitive Negotiation Procedures within RCW 36.58.090 for Site Facilities Construction Contract--Dated April 16, 2008, 8. A. Bow Lake Recycling and Transfer Station - Use of Competitive Negotiation Procedures within RCW 36.58.090 for Site Facilities Construction Contract--Dated April 16, 2008, 9. B. Bow Lake Transfer Station Negotiated Procurement of a Facilities Contractor Draft Evaluation Criteria, dated September 29, 2008, 10. B. Bow lake Transfer Station Negotiated Procurement of a Facilities Contractor - Draft Evaluation Criteria		

Date	Ver.	Action By	Action	Result
9/29/2008	2	Metropolitan King County Council	Hearing Held	
9/29/2008	2	Metropolitan King County Council	Passed as Amended	Pass
9/17/2008	1	Capital Budget Committee		
9/17/2008	2	Capital Budget Committee		
9/3/2008	1	Capital Budget Committee	Deferred	
7/7/2008	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/30/2008

AN ORDINANCE authorizing King County, through the solid waste division of the department of natural resources and parks, to provide draft evaluation criteria for review before construction proposals and to adopt the competitive negotiation procedures set forth within RCW 36.58.090 to construct the site facilities portion of the new Bow Lake Recycling and Transfer Station.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

B. Consistent with the plan, the King County council adopted the 2006 Facilities Master Plan Update for the Bow Lake Transfer and Recycling Station ("FMP update") by Motion 12522 on April 9, 2007. The FMP update provided a blueprint for replacing the existing Bow Lake Transfer Station ("existing station") with a new station at the same location to provide enhanced solid waste handling and processing capacity and capability for the residents of King County. The new station, to be called the Bow Lake Recycling and Transfer Station ("new station"), will shift the focus of the station's operation from simply being a waste transfer facility only to a facility that will process, recycle and transfer waste and recyclable materials.

C. Development of the new station and deconstruction of the existing station encompasses complex construction, scheduling and contractor/subcontractor coordination and staging activities. The existing station will remain open to commercial transfer operations during the course of construction of the new station. Minimal contractor interference and interruption with operations of the existing station is a required element for this project.

D. The solid waste division and its consultants evaluated traditional and alternative construction delivery methods and have concluded that development of facilities work for the new station (for example, construction of a transfer and waste processing building, a maintenance building, scale facilities, trailer parking yard, asphalt and concrete paving site utilities and deconstruction of existing buildings) be procured using the

competitive negotiation procedures set forth in RCW 36.58.090. The evaluation determined that selecting a contracting team offering the best combination of qualifications, performance, experience and price, rather than awarding a contract simply based on the low bid or cost in selecting sources of supplies and services, will minimize construction risks along with impacts and delays in constructing the new station. This procurement procedure will foster scheduling and coordination efficiencies by allowing opportunities for open proposer/contractor input and discussion with the county regarding design intent and constructability of the project before award of a contract. These procedures will allow the county to better achieve its goals of selecting a qualified team who can construct the site facilities for the new station on time and within budget. A summary of King County's evaluation to utilize the competitive negotiation procedures set forth in RWC 36.58.090 for construction of the site facilities of the new station is included as Attachment A to this ordinance.

E. RCW 36.58.090 authorizes the county's use of the competitive negotiation process to construct publically owned and operated transfer stations where they are "an integral part of a solid waste processing facility located on the same site." Once constructed, the new station will be an integrated processing and transfer facility. It will provide for the transfer of solid waste to an off-site disposal facility such as the Cedar Hills landfill, the collection/processing of various recyclables and for processing (compaction) of solid waste for disposal.

F. The county advertised widely and held an informational meeting with the contractor/subcontractor community in March 2008, to explain the project and to solicit comments on its plan to use the competitive negotiation project delivery method to construct the Site Facilities phase of the project. No comments were received regarding the county's proposed use of RCW 36.58.090 for this project.

SECTION 2. The King County council hereby determines that the construction of the site facilities for the new Bow Lake Recycling and Transfer Station shall be procured utilizing the contracting procedures in RCW 36.58.090. The King County executive, through the solid waste division of the department of natural resources and parks, is hereby authorized to contract for construction of the site facilities for the new Bow Lake

Recycling and Transfer Station utilizing the competitive negotiation process outlined in RCW 36.58.090.

SECTION 3. The summary of King County's evaluation to utilize the competitive negotiation procedures set forth in RCW 36.58.090 for construction of the site facilities of the new station is included as Attachment A to this ordinance.

SECTION 4. Final evaluation criteria to be used for review of competitive proposals to construct a new Bow Lake Recycling and Transfer station may include but shall not be limited to the draft criteria included in Attachment B to this ordinance.

SECTION 5. This section establishes procedures required for the use of final evaluation criteria for construction proposals as set forth in RCW 36.58.090.

A. The King County council shall review final evaluation criteria at least twenty business days before the issuance of a request for proposal for construction of the new Bow Lake Recycling and Transfer Station.

B. The proposed final criteria for review by the King County council shall be filed with the clerk of the council for distribution to the chair of the capital budget committee, or its successor committee, and to each councilmember and to the lead staff for the capital budget committee, or its successor committee.

C. A councilmember who objects to the proposed final criteria shall notify the chair of the capital budget committee, or its successor committee, within fourteen business days of the filing of the criteria. The chair shall consult with the councilmember and consider the objection and shall, within sixteen business days of the filing of the criteria, notify the executive in writing of evaluation criteria that may proceed and shall also notify the executive in writing of evaluation criteria that may not proceed. The chair of the capital budget committee, or its successor committee, shall file with the clerk of the council a copy of the written notice and send a copy of the notice to any councilmember who raised an objection. The evaluation criteria take effect upon receipt by the executive of the written notice. However, if the written notice is not provided by the chair of the capital budget committee, or its successor committee, within twenty

business days of the filing of the evaluation criteria, the evaluation criteria take effect on the twenty-first day following the filing of the evaluation criteria.