

Legislation Text

File #: 2010-0605, **Version:** 1

Clerk 11/29/2010

A MOTION extending a waiver from certain procurement requirements for certain work needed for the timely and cost-effective completion of the Brightwater treatment system, consistent with Motion 13188.

WHEREAS, on February 18, 2010, the King County executive issued an Executive Determination of Emergency related to the completion of the Brightwater project ("the Brightwater treatment system"), and

WHEREAS, consistent with council Motion 13188, the executive executed a contract with a new contractor to complete the BT-3C tunnel mining, and

WHEREAS, the new contractor, Jay Dee/Coluccio ("JDC"), is a joint venture comprised of Jay Dee Contractors, Inc. ("Jay Dee") and Frank Coluccio Construction Company ("Coluccio"), and

WHEREAS, Jay Dee and Coluccio were part of the joint venture performing the west tunnel ("BT-4") contract, and it was necessary to delete certain work from the BT-4 contract, so that Jay Dee and Coluccio could promptly begin work on preparing the BT-4 tunnel boring machine to complete BT-3 tunneling, thereby minimizing delay in completing the Brightwater treatment system, and

WHEREAS, the deleted BT-4 contract work, including the final lining of BT-4 tunnel, the sampling facility at Point Wells, the Ballinger shaft build-out access for future reclaimed water piping, and the final site restoration is essential to the timely completion of the Brightwater treatment system, and

WHEREAS, Jay Dee and Coluccio, as the members of the BT-4 joint venture contractor, are the entities that were previously under contract to perform the deleted BT-4 completion work, have planned the work in detail, and can perform the work efficiently and at the lowest

total cost to the county, thus resulting in the efficiency and economy necessary to address the emergency, and

WHEREAS, the BT-3C contract with JCD states that no additional payment for on-site equipment will have to be made if BT-4 completion work or any other work is added by change order to the BT-3C contract, and

WHEREAS, county staff and the county's construction management consultant have analyzed the cost and schedule impact of developing bid documents and advertising for bids and found that developing specifications and bid documents would add additional time and cost to the project, and the analysis demonstrates that awarding the BT-4 completion work to another contractor that was not familiar with the BT-4 construction methods would also cause delays and additional expense, and

WHEREAS, the BT-4 completion work is necessary to address the emergency by completing the conveyance facilities and avoiding further delay to the proper performance of an essential public function, and

WHEREAS, the facts set forth above and in the executive's determination of emergency and waiver constitute an emergency as defined by RCW 39.04.280, and

WHEREAS, council Motion 13188, March 15, 2010, recognized that further contracting would be necessary to address the emergency, and

WHEREAS, an extension of the waiver from the competitive procurement requirements of state law and K.C.C. chapter 4.16 is necessary at this time because a change order to the BT-3C contract is required to provide for the BT-4 completion work to be performed by JDC;

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

A. The council finds that unforeseen circumstances beyond the control of the county present a real and immediate threat to the proper performance of an essential function and also will likely result in the material loss of county property and also likely result in injury to property and persons if immediate action is not taken, which constitutes an emergency.

B. The February 18, 2010, waiver of the competitive bidding and solicitation requirements of state law

and K.C.C. chapter 4.16 is extended through December 31, 2011, in order to acquire construction and other required services to complete the Brightwater treatment system by constructing the deleted BT-4 contract work, including the final lining of BT-4 tunnel, the sampling facility at Point Wells, the Ballinger shaft build-out, including access for future reclaimed-water piping, and the final site restoration as a change order to the JDC BT- 3 contract.