

**HIGHLINE WATER DISTRICT  
King County, Washington**

**RESOLUTION 21-3-3D**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF HIGHLINE WATER DISTRICT, KING COUNTY, WASHINGTON, DECLARING AN EMERGENCY PURSUANT TO RCW 39.04.280(1)(e), WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF RCW 57.08.050, AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER OR DESIGNEE TO NEGOTIATE, APPROVE, AND EXECUTE THE NECESSARY CONTRACTS AND WORK ON THE DISTRICT'S BEHALF TO PERFORM EMERGENCY RELOCATION AND REPLACEMENT WORK ALONG STAR LAKE ROAD/MILITARY ROAD ASSOCIATED WITH PROJECT 20-1**

**WHEREAS**, by Resolution 19-9-24B, Highline Water District and Sound Transit entered into an Advanced Utility Relocation Agreement establishing the terms and conditions for relocation of District infrastructure impacted by the Federal Way Link Extension (FWLE) Light Rail and to authorize individual task orders to address each conflict; and

**WHEREAS**, the District maintains and operates an existing 12-inch diameter water main in right-of-way and existing easements along the west side of Interstate 5 from S 272<sup>nd</sup> St to Military Road S that is critical in providing fire flow for the Star Lake area; and

**WHEREAS**, the Light Rail alignment directly conflicts with the existing water main and construction of the FWLE will result in need to sever and remove the piping; and

**WHEREAS**, Sound Transit requested the District relocate the water main at Sound Transit's expense by task order; and

**WHEREAS**, the parties executed Task Order No 3 on May 21, 2020 establishing the scope, budget, and schedule for the relocation work and identified a completion date no later than April 1, 2021 to avoid delay to the FWLE project and impacts to utility operations; and

**WHEREAS**, the District identified the relocation work as Project 20-1 Star Lake/Military Road S Water Main Relocation (Project); and

**WHEREAS**, the District experienced delays outside of its control in obtaining permits and approvals from agencies having jurisdiction to timely proceed with construction of the Project in the Fall of 2020; and

**WHEREAS**, the District advertised Project 20-1 and held a public Bid opening at 10:00am on December 17, 2020; and

**WHEREAS**, the second apparent low bidder filed a bid protest with the District; the apparent low bidder timely informed the District of a calculation error and subsequently requested their Bid be withdrawn; and the second apparent low bidder provided a Bid higher than the Engineer's Estimate and the negotiated construction reimbursement established by the task order between the District and Sound Transit; and

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**WHEREAS**, by passage of Resolution 21-1-6C, the Board of Commissioners rejected all Bids for good cause; and

**WHEREAS**, the District informed Sound Transit on January 4, 2021 of its inability to meet the terms of the Task Order and Sound Transit subsequently responded to the District stating their concern that the construction activities in the area may compromise the existing water line and result in schedule and budget impacts to the FWLE Project; and

**WHEREAS**, the District is concerned the integrity of the existing main will be compromised resulting in physical damage and the loss of fire protection if construction activities proceed within the area if the piping is not relocated as soon as possible; and

**WHEREAS**, the need to relocate the water main as soon as possible constitutes an emergency due to unforeseen circumstances beyond the control of the District and presents a real, immediate threat to the proper performance of the essential function of the District's water system and will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken to relocate and replace the water main as the District would lose fire flow and suppression if the main is damaged and/or severed; and

**WHEREAS**, RCW 39.04.280(1) authorizes persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Highline Water District, King County, Washington, as follows:

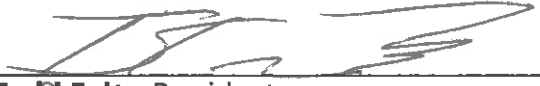
1. Pursuant to RCW 39.04.280(1) (e), an emergency is hereby declared for the reasons stated above to perform the Work.
2. Due to the existence of an emergency, the competitive bidding requirements set forth in RCW 57.08.050(1) for public works projects is hereby waived for the purposes of having the Work performed as soon as possible.
3. The District General Manager or designee is authorized and directed to negotiate, approve, and execute the necessary contracts and work on the District's behalf to have the District water work performed.

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**ADOPTED BY THE BOARD OF COMMISSIONERS** of Highline Water District, King County, Washington, at an open public meeting held on the **3rd** day of **March 2021**.

**BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
**Todd Fultz, President**

  
\_\_\_\_\_  
**Daniel Johnson, Commissioner**

  
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**Kathleen Quong-Vermeire, Commissioner**

  
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**Polly Daigle, Secretary**

  
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**Vince Koester, Commissioner**

**Agenda Item No.:** 5.4  
**Agenda Date:** 03/03/21  
**Reviewed By:** [Signature]

**Subject:** Declaration of Emergency to perform Emergency Relocation and Replacement work along Star Lake Road/Military road associated with Project 20-1

CATEGORY	
<i>Executive</i>	<input type="checkbox"/>
<i>Administrative</i>	<input type="checkbox"/>
<i>Engineering/Operations</i>	<input checked="" type="checkbox"/>

FINANCIAL						
<i>Expenditures?</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
<i>Budgeted?</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
		<i>Amount:</i> \$ _____				

**ATTACHMENTS:**

1. Resolution 21-3-3D

**COMMENTS:**

The District informed Sound Transit on January 4, 2021 of its inability to meet the terms of the Task Order and Sound Transit subsequently responded to the District stating their concern that the construction activities in the area may compromise the existing water line and result in schedule and budget impacts to the FWLE Project.

The District is concerned the integrity of the existing main will be compromised resulting in physical damage and the loss of fire protection if construction activities proceed within the area if the piping is not relocated as soon as possible.

The need to relocate the water main as soon as possible constitutes an emergency due to unforeseen circumstances beyond the control of the District and presents a real, immediate threat to the proper performance of the essential function of the District's water system and will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken to relocate and replace the water main as the District would lose fire flow and suppression if the main is damaged and/or severed.

RCW 39.04.280(1) authorizes persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation.