

**HIGHLINE WATER DISTRICT
King County, Washington**

RESOLUTION 19-6-19C

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 DISTRICT MANAGER OR DESIGNEE TO NEGOTIATE, APPROVE, AND EXECUTE THE NECESSARY CONTRACTS ON THE DISTRICT'S BEHALF TO PERFORM EMERGENCY RELOCATION AND REPLACEMENT WORK ALONG INTERNATIONAL BLVD SOUTH AND SR509 IN THE CITY OF SEATAC

WHEREAS, in March 2018, Washington State Department of Transportation (WSDOT) informed Highline Water District of its intent to extend SR509 to Interstate 5 within the City of SeaTac, located in King County; and

WHEREAS, the project included the design and construction of a new, four-lane wide highway, a new bridge along International Blvd S (ILB) at the crossing of the SR509 and other transportation improvements (SR509 Project); and

WHEREAS, WSDOT has directed the District to relocate any existing water infrastructure in conflict with the proposed project or risk being financially responsible for any delay claims and other potential damages; and

WHEREAS, the District intended to partner with WSDOT through an Interlocal Agreement per Chapter 39.34 RCW as part of overall water relocation work associated with the SR509 Project, where WSDOT would fulfill contractor procurement requirements and retain the contractor to design and construct the water improvements and the District would reimburse WSDOT for the expense; and

WHEREAS, WSDOT has subsequently removed the bridge from the overall SR509 scope of work and contracted with Sound Transit to design and construct the new bridge on WSDOT's behalf as part of the Federal Way Link Light Rail Project (FWLE); and

WHEREAS, The District is not a party to WSDOT/Sound Transit agreement; and

WHEREAS, Sound Transit has delegated authority from WSDOT to sever any utility lines in the way of its project work; and

WHEREAS, the District owns and operates three critical water mains located within the bridge project area that must be temporarily relocated to accommodate bridge construction and, upon completion, be reinstalled and affixed to the understructure of the new bridge (District Bridge Work); and

WHEREAS, Sound Transit proceeded with the design-build (DB) procurement process set forth in Chapter 39.10 RCW and selected Kiewit Infrastructure West (Kiewit) as the DB Contractor for the FWLE project, including the design and construction of the new bridge; and

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WHEREAS, it is impossible for District's design consultants to develop the necessary plans and specifications to bid the District Bridge Work in accordance with Chapter 39.04 RCW and RCW 5.08.050 and there will not be sufficient time for the District to design and bid the District Bridge Work without causing significant project delays and damages to Sound Transit and WSDOT; and

WHEREAS, these water mains are vital to maintaining the proper performance of essential functions of the District water system as the District would lose fire protection throughout the District if these mains were severed by WSDOT/Sound Transit; and

WHEREAS, the need to relocate and replace these water mains 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; and

WHEREAS, Kiewit would be the only contractor to design and perform the District Bridge Work due to the intimate coordination of that work with the WSDOT/Sound Transit bridge work; 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. The recitals set forth above are incorporated herein in full by this reference.
2. Pursuant to RCW 39.04.280(1) (e), an emergency is hereby declared for the reasons stated above to perform the Work.
3. Due to the existence of an emergency, the retention of engineering services in accordance to Chapter 39.80 RCW is waived.
4. 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.
5. The District General Manager or designee is authorized and directed to negotiate, approve, and execute the necessary contracts on the District's behalf to have the District Bridge 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 **19th** day of **June 2019**.

BOARD OF COMMISSIONERS



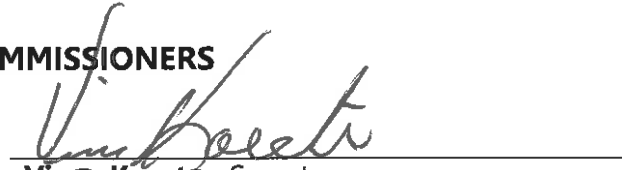
Kathleen Quong-Vermeire, President



Todd Fultz, Commissioner



George Landon, Commissioner



Vince Koester, Secretary



Dantel Johnson, Commissioner

Agenda Item No.: 5.3
Agenda Date: 06/19/19
Reviewed By: [Signature]

RE: 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 district manager or designee to negotiate, approve, and execute the necessary contracts on the district's behalf to perform emergency relocation and replacement work along International Blvd South and SR509 in the City of SeaTac

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>Estimated Amount:</i> \$ _____						
<small>Excludes sales tax</small>						

ATTACHMENTS:

- 1. Resolution 19-6-19C

COMMENTS:

In March 2018, Washington State Department of Transportation (WSDOT) informed Highline Water District of its intent to extend SR509 to Interstate 5 within the City of SeaTac, located in King County.

WSDOT has directed the District to relocate any existing water infrastructure in conflict with the proposed project or risk being financially responsible for any delay claims and other potential damages.

The District owns and operates three critical water mains located within the bridge project area that must be temporarily relocated to accommodate bridge construction and, upon completion, be reinstalled and affixed to the understructure of the new bridge (District Bridge Work).

It is impossible for District's design consultants to develop the necessary plans and specifications to bid the District Bridge Work in accordance with Chapter 39.04 RCW and RCW 5.08.050 and there will not be sufficient time for the District to design and bid the District Bridge Work without causing significant project delays and damages to Sound Transit and WSDOT.

These water mains are vital to maintaining the proper performance of essential functions of the District water system as the District would lose fire protection throughout the District if these mains were severed by WSDOT/Sound Transit.

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.

Staff recommends approval of this resolution.