

**SOUTHWEST SUBURBAN SEWER DISTRICT
KING COUNTY, WASHINGTON**

RESOLUTION NO. 2018-04-01

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
SOUTHWEST SUBURBAN SEWER DISTRICT, KING COUNTY,
WASHINGTON, WAIVING THE COMPETITIVE BIDDING
REQUIREMENTS UNDER RCW 57.08.050 AND AUTHORIZING A
MODIFIED COMPETITIVE BIDDING PROCESS FOR THE
SALMON CREEK WWTP SOLIDS HANDLING IMPROVEMENT
PROJECT IN ACCORDANCE WITH APPLICABLE STATE LAW.**

WHEREAS, RCW 57.08.005(5) authorizes Southwest Suburban Sewer District (“District”) to provide sewer service to property within and outside the District's corporate boundaries and provides the District with full authority to regulate the use and operation of the District’s sewer system, and

WHEREAS, the District has a need to upgrade its Salmon Creek Wastewater Treatment Plant through the replacement and/or reconstruction of its digester, solids handling systems, and related improvements, which project is generally referred to as the Salmon Creek WWTP Solids Handling Improvement Project (the “Project”); and

WHEREAS, the District’s Salmon Creek Wastewater Treatment Plant is designed to collect, store, treat, and dispose of wastewater from District retail and wholesale customers which has the purpose of abating, controlling or preventing pollution, and is therefore considered a pollution control facility pursuant to Chapter 70.95A RCW; and

WHEREAS, in order to fund the Project, the District has issued sewer revenue bonds in the amount of Sixteen Million One Hundred Seventy-Five Thousand Dollars (\$16,175,000); and

WHEREAS, the District’s staff and consulting engineers have carefully considered all aspects of this Project, including, but not limited to, the following factors: (1) significant Project constraints relating to the existing site of the Salmon Creek Wastewater Treatment Plant, (2) the need to ensure the Salmon Creek Treatment Plant remains operational during the Project, (3) the importance of timely completion of the Project, and (4) the need to ensure that the contractor selected to perform the Project work is qualified in all respects to undertake the required work and has a demonstrated history of performance working on large wastewater treatment plant projects or water treatment plant projects; and

WHEREAS, pursuant to RCW 70.95A.090, water-sewer districts are among the municipal entities that are authorized to construct, reconstruct or improve pollution control facilities in such a

manner as determined by their governing bodies to be appropriate, in their sole discretion, and to undertake such pollution control projects without the requirement of competitive bidding; and

WHEREAS, wastewater treatment plants are highly specialized facilities which must integrate complex equipment, materials and control systems in order to function properly to abate, control or prevent pollution, and as such are considered special facilities under RCW 39.04.280(1)(b); and

WHEREAS, on November 7, 2017, the District Board of Commissioners adopted Resolution No. 2017-13 waiving the competitive bidding requirements relating to the selection of a contractor and the acquisition of equipment, materials and control systems for the Project; and

WHEREAS, pursuant to Resolution No. 2017-03, the District's Project Procurement Committee initially selected Derian, Inc. as the most qualified contractor to perform the Project work and thereafter moved forward with the contract negotiation and approval process; and

WHEREAS, prior to entering into a binding contract with the selected contractor, and based on the recommendation of the Project Procurement Committee, the District elected to end further negotiations with the selected contractor due to initial Project cost estimates provided by the contractor which were significantly above the engineer's estimate for the Project and exceeded the available bond funds; and

WHEREAS, after fully considering its options, and the recommendations of District staff, the District's consulting engineer, and the District's legal counsel, the District has determined that it is in the best interest of the District to proceed in the manner authorized by this Resolution; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Southwest Suburban Sewer District, King County, Washington, as follows:

1. **Recitals.** The recitals set forth above are incorporated herein in full by this reference.
2. **Waiver of Competitive Bidding Requirements Under RCW 57.08.050.** The formal competitive bidding requirements set forth in RCW 57.08.050, and any other applicable statutes, are hereby waived for the construction of the Project. This action is being taken pursuant to the power and authority granted by RCW 70.95A.090 since the Salmon Creek Wastewater Treatment Plant, and more specifically the planned upgrades to the digester, solids handling systems, and related improvements, are considered pollution control facilities that are intended to abate, control and prevent pollution. As a further basis for waiving the competitive bidding requirements, the Salmon Creek Wastewater Treatment Plant and its appurtenances are also considered special facilities and the competitive bidding requirement may be waived pursuant to RCW 39.04.280(1)(b).
3. **Procurement Process.** The District has determined that it is in the best interest of the District and its customers for the District to identify and pre-select a qualified group of contractors

with the requisite experience, organization and technical qualifications, and financial resources to perform the Project work and then to allow this group of contractors to prepare and submit bids on the Project. Based on the bids submitted, the District will then award the contract for the Project work to the lowest responsible bidder whose bid is in compliance with the applicable bid requirements. The District believes that this procurement process is best suited to help ensure that the Project work is performed by a highly qualified and competent contractor with an established track record of performance on similar large and complex projects and that the cost of the Project is established through a modified competitive bid process to ensure the best value to the District. The following process and procedures shall apply to the process of selecting the group of contractors that will be invited to bid on the Project work.

3.1 Project Procurement Committee. The Project Procurement Committee, consisting of the District General Manager, Operations Supervisor, Maintenance Supervisor, Project Manager, the lead consulting engineer for the District, and the District's legal counsel, shall have the power, authority and responsibility to identify and select the group of qualified general contractors that will be invited to bid on the Project.

3.2 Factors Considered by Project Procurement Committee. The Project Procurement Committee shall identify and select the contractors to be invited to bid on this Project based on factors deemed relevant by the Committee, including but not limited to, the following non-exclusive set of factors: (a) the necessary experience, organization, and technical qualifications to perform the Project work; (b) a satisfactory record of performance, integrity, judgment, and skills on similar projects; (c) adequate financial resources or the ability to secure such resources, and (d) be otherwise qualified and eligible to receive an award under applicable laws and regulations. The factors initially considered by the Project Procurement Committee to select a group of contractors shall not relieve the selected contractors from complying fully with both the mandatory responsibility criteria and the supplemental responsibility criteria that will be included in the formal bid package issued to the contractors invited to bid on the Project.

4. Modified Competitive Bid Process. Once the Project Procurement Committee has identified and selected the group of contractors to be invited to bid on the Project, the District will issue the invitation to bid to the selected contractors. The selected contractors will then be given an opportunity to submit their bids for the Project to the District. The District will award the contract for the Project work to the lowest responsible bidder whose bid is in compliance with the applicable bid requirements; provided that pursuant to RCW 57.08.050(1) the District reserves the right to reject all bids for good cause and to readvertise the Project.

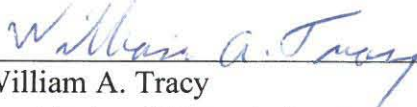
5. Implementation Authority. The District staff, and the District's consulting engineer and District legal counsel are hereby authorized to proceed with the implementation of this Resolution, subject to the requirement that the Board of Commissioners review and approve of any contract for the Project work.

ADOPTED by the Board of Commissioners of Southwest Suburban Sewer District, King County, Washington, at a regular meeting thereof held this 17th day of April, 2018.

SOUTHWEST SUBURBAN SEWER DISTRICT
KING COUNTY, WASHINGTON


Individual Commissioners
Vote on Resolution

In Favor of: _____
Opposed: _____
Abstained: _____



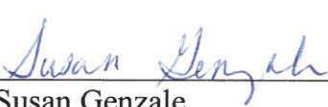
William A. Tracy
President and Commissioner

In Favor of: _____
Opposed: _____
Abstained: _____



Scott Hilsen
Vice President and Commissioner

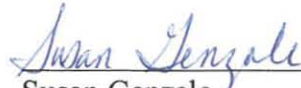
In Favor of: _____
Opposed: _____
Abstained: _____



Susan Genzale
Secretary and Commissioner

CERTIFICATE

I, Susan Genzale, Secretary of the Board of Commissioners of Southwest Suburban Sewer District, King County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. 2018-04-01 of such Board, duly adopted at a regular meeting thereof held on the 17th day of April, 2018 signed by the members of such Board in attendance at such meeting and attested by myself in authentication of such adoption.



Susan Genzale

Secretary of the Board of Commissioners
Southwest Suburban Sewer District