

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

RESOLUTION NO. 2023-04-02

**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 RELATING TO THE
ACQUISITION OF CERTAIN ELECTRICAL EQUIPMENT AND
COMPONENTS (GENERATOR AND AUTOMATIC TRANSFER
SWITCHES) NECESSARY FOR THE MILLER CREEK
ELECTRICAL UPGRADE 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 the electrical equipment and components at its Miller Creek Wastewater Treatment Plant which project is generally referred to as the Miller Creek Electrical Upgrade Project (the “Project”); and

WHEREAS, due to the impact of the COVID-19 emergency on business and manufacturing supply chains around the world, procurement of certain electrical equipment necessary for completion of the Project are now experiencing very long lead times and the uncertainties associated with delivery timelines has the potential of having substantial impacts on the successful completion of the Project in a timely, cost effective and efficient manner; and

WHEREAS, in order to avoid or minimize the risks associated with uncertain delivery times of critical electrical equipment and components and the damaging impact such delays would have on the successful completion of the Project, the District staff and consulting engineers have recommended that the District pre-purchase certain long lead time items of equipment that are required for the Project. By pre-purchasing certain equipment the contractor ultimately selected to perform the Project work through the competitive bidding process will not have to bear the risk of potential equipment delivery delays which could lead to inflated bids due to such uncertainties. Further, the District can avoid potential delays to the Project by placing orders for the required equipment now rather than waiting for the successful contractor to order the required equipment months in the future; and

WHEREAS, the specific electrical equipment and components subject to this Resolution are a 500 kW generator and automatic transfer switches manufactured by Cummins (the “Equipment”); and

WHEREAS, based on an initial review performed by the District’s consulting engineers the Equipment specified by the District is believed to have an anticipated delivery time which is approximately 8 – 13 weeks earlier than other vendors providing alternative electrical equipment; and

WHEREAS, District staff and consulting engineers have recommended that the District waive competitive bidding requirements and pre-purchase the Equipment because the specified Equipment will be consistent with the electrical equipment at the Salmon Creek Wastewater Treatment Facility and all recently updated pump stations. Using the specified Equipment will have benefits to the District, including but not limited to: (1) ensuring District staff have familiarity with the proper operation and maintenance of the Equipment, (2) providing for uniformity and standardization of automatic transfer switches for all new facilities, and (3) using consistent and standardized electrical equipment will allow for added savings on contracted maintenance services; and

WHEREAS, the Equipment is the only equipment that meets the District’s requirements, criteria and characteristics and is limited to a single source of supply and/or further involves special facilities or market conditions; and

WHEREAS, the District is authorized pursuant to RCW 39.04.280(1) (a) and (b) to waive the competitive bidding requirements set forth in RCW 57.08.050 for equipment purchases that are limited to a single source of supply and/or which involve special facilities or market conditions, and the District staff and consulting engineers have recommended that the competitive bidding requirements be waived for the pre-purchase of the Equipment for the foregoing reasons; 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, the District’s Miller 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 70A.210 RCW; and

WHEREAS, pursuant to RCW 70A.210.110, 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, 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 acquisition of the Equipment required for the completion of the Project. This action is being taken pursuant to RCW 39.04.280(1)(a) (i.e., single source of supply) and/or RCW 39.04.280(1)(b) (i.e., special facilities or market conditions). As a further basis for waiving the competitive bidding requirements, the Miller Creek Wastewater Treatment Plant is a pollution control facility that is intended to abate, control and prevent pollution and pursuant to the power and authority granted by RCW 70A.210.110 the District is authorized to acquire the Equipment without the requirement of competitive bidding.

3. **Implementation Authority.** The District staff, and the District's consulting engineers and District legal counsel are hereby authorized to proceed with the acquisition of the Equipment in accordance with this Resolution.

ADOPTED by the Board of Commissioners of Southwest Suburban Sewer District, King County, Washington, at a regular meeting thereof held this 18th day of April, 2023.

SOUTHWEST SUBURBAN SEWER DISTRICT
KING COUNTY, WASHINGTON


Individual Commissioners
Vote on Resolution

In Favor of:
Opposed:
Abstained:



Scott Hilsen
President and Commissioner

In Favor of:
Opposed:
Abstained:



William A. Tracy
Vice President and Commissioner

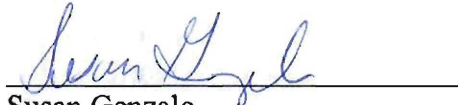
In Favor of:
Opposed:
Abstained:



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. 2023-04-02 of such Board, duly adopted at a regular meeting thereof held on the 18th day of April, 2023 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