



King County

**DECLARATION OF EMERGENCY AND WAIVER FROM COMPETITIVE
PROCUREMENT AND SOLICITATION REQUIREMENTS**

WHEREAS, on February 6, 2020, I issued a Proclamation of Emergency related to severe winter storm conditions that, among other things, damaged segments of the King County road system, thereby creating hazardous road conditions on numerous County roads; and

WHEREAS, the Proclamation of Emergency waived the public advertising and competitive procurement requirements of state law and K.C.C. chapter 2.93 and all applicable Executive policies and procedures, and the requirements of K.C.C chapter 12.19 relating to King County contracts for public works as defined by RCW 39.04.010; and

WHEREAS, pursuant to K.C.C 2.93.080(B), the waiver of public advertising and competitive procurement requirements set forth in the Proclamation of Emergency expired twenty-one calendar days after issuance unless the King County Council, by motion, extended the waiver public advertising and competitive procurement requirements beyond the twenty-one day period; and

WHEREAS, the King County Council did not extend the waiver of public advertising and competitive procurement requirements beyond the twenty-one day period expiration date of the Proclamation of Emergency; and

WHEREAS, King County owns and maintains NE Novelty Hill Road (“NHR”) between Avondale Road and West Snoqualmie Valley Road (“WSVR”). It is primarily a two-lane roadway with channelization improvements at intersections; and

WHEREAS, on or around February 4, 2020, as a direct result of the severe weather conditions that occurred in King County in January 2020, a landslide occurred on NHR approximately 1,500 feet southwest from the intersection with WSVR. This section of NHR has multiple short radius curves and traverses a steep slope from the Snoqualmie River valley. The terrain in this section of NHR is over-steepened with the roadway winding up potentially unstable slopes. Very narrow shoulders and an

extensive guardrail system is present in this section of the NHR; and

WHEREAS, to reopen the road to traffic, a system of barricades was deployed in this section of the NHR to shift traffic away from the compromised slope. With the traffic shifted, this section of the NHR remains load limited to five tons and has narrow 10-foot travel lanes; and

WHEREAS, NHR currently provides a direct east-west transportation link in King County through the Bear Creek Community Planning Area from Avondale Road in the City of Redmond on the west to WSVR in unincorporated King County on the east. The NHR links the City of Duvall and other areas of eastern King County and southeast Snohomish County with the urbanized areas and employment centers in the western part of King County, including the Urban Planned Developments of Redmond Ridge and Trilogy, the Cities of Redmond, Bellevue, Kirkland and Seattle; and

WHEREAS, 2019 Annual Average Daily Traffic (AADT) on NHR at Trilogy Parkway NE, approximately 0.45 miles west of 243rd Avenue NE, was 18,300 and 14,700 at WSVR SE. The NHR is heavily used by traffic emanating to/from communities located within the Snoqualmie Valley area destined to/from the SR 520 interchange; and

WHEREAS, given the over-steepened slopes, saturated soil conditions, continuing wet weather, soil types and geologic depositional process, the potential for additional landslides along the section of NHR between the WSVR and Trilogy Parkway NE (“Damaged Section”) are greatly increased; and

WHEREAS, the near vertical head scarp and exposed bare soils, as seen in the following photos, increase the likelihood that additional soil movement will occur within the Damaged Section, which would further exacerbate the instability of the roadway. The roadway within the Repair Section could be severely impacted if the slope failure develops further, potentially restricting traffic to a single lane or requiring complete closure of the Damaged Section; and

WHEREAS, the King County Department of Local Services, Road Services Division was unable to enter into a contract for a repair of the Damaged Section before expiration of the waiver of competitive bidding and formal solicitation requirements of State and County law contained in the Emergency Proclamation.

WHEREAS, if in the near future a contract can be executed to carry out repairs to the Damaged Section, closures of the roadway within the Damaged Section may be avoided; and

WHEREAS, an emergency waiver of competitive bidding and formal solicitation requirements of State and County law is necessary to ensure the timely procurement of design, construction and other required services, materials and equipment necessary to prevent delay in completing repairs in the Damaged Section.

NOW, THEREFORE, THE KING COUNTY EXECUTIVE, DOW CONSTANTINE, HEREBY DETERMINES AS FOLLOWS:

SECTION 1: EMERGENCY POWERS

A. As described in SECTION 2, an emergency exists requiring and authorizing me to exercise the emergency powers vested in me as King County Executive by RCW chapter 38.52, and King County Code chapters 2.56 and 12.52, as described in this Declaration; and

B. Effective upon my signing this Declaration, I will exercise that authority through the use and direction of County personnel, services, and equipment, and additional acts necessary to the management of this emergency.

SECTION 2: DETERMINATION OF EMERGENCY

A. Based on circumstances that supported my previously issued Proclamation of Emergency on February 6, 2020, I find and declare that an emergency exists, as defined in K.C.C. 12.52.010.A, due to severe winter storm conditions consisting of heavy rain and snow, high winds, and flooding, and that these conditions demand that I exercise the authority assumed in SECTION 1 and take the extraordinary measures stated in SECTION 3, for the immediate preservation of public health, safety, and order, and the prevention of further damage to NE Novelty Hill Road and restoration of a portion of NE Novelty Hill Road to a condition of usefulness.

SECTION 3: ORDER

A. Pursuant to K.C.C. 12.52.030.C.2, I hereby order that the public advertising and competitive procurement requirements of state law and K.C.C. chapter 2.93, and all applicable Executive policies and procedures, and the requirements of K.C.C. chapter 12.19, are waived relating to County contracts for the repair of NE Novelty Hill Road between Avondale Road and West Snoqualmie Valley Road, which is a Public work as defined by RCW 39.04.010.

SECTION 4: NOTICE

A. A copy of this Declaration shall be delivered to the Clerk of the Council and each King County Councilmember by email before the execution of any contract or lease authorized under SECTION 3. A copy of this Declaration shall also be filed with the Clerk of the Council by no later than 10:00 a.m. on the next business day after issuance. To the extent practicable, a copy of this Declaration shall be delivered to all news media within King County and made available to the general public.

SECTION 5: EXPIRATION AND TERMINATION

A. This Declaration shall continue in force and effect until terminated by order of the Executive or action by the County Council by ordinance. However, the order in SECTION 3.A shall expire twenty-one (21) calendar days after issuance, unless terminated sooner by order of the Executive or action by the County Council by motion or extended by the County Council by motion.

DATED this 18 day of June 2020.



DOW CONSTANTINE
King County Executive
State of Washington