

**CITY COUNCIL REGULAR SESSION**

Resolution ratifying an emergency contract with Road Construction Northwest, in the amount of \$772,930.00, plus all applicable taxes, executed pursuant to the Emergency Declaration (date 12/4/2020) for the emergency repair or replacement of the Vasa Creek culvert, located near 15321 SE Newport Way, Bellevue, WA 98006.

Nav Ota, Director, 452-2041

Linda De Boldt, Assistant Director of Engineering, 452-4625

*Utilities Department*

**EXECUTIVE SUMMARY**

This Resolution ratifies an emergency contract with Road Construction Northwest to perform culvert repair, address subgrade voids and anomalies, and address other associated utility impacts to mitigate hazards and safety risks pursuant to an Emergency Declaration (date 12/4/2020), which was ratified by Resolution No. 9880.

**RECOMMENDATION**

Move to adopt Resolution No. 9904

**BACKGROUND/ANALYSIS**

The City of Bellevue's Transportation Department recently repaired sink holes on SE Newport Way and, through geotechnical investigation, found additional voids and anomalies of significance in the subgrade area above a corrugated metal pipe culvert conveying Vasa Creek near 15321 SE Newport Way.

In late November 2020, the Utilities Department was informed of this situation and upon further investigation found the culvert to be significantly degraded, allowing water infiltration between the culvert and the road subgrade soils. If not addressed, there is a real and imminent risk of road instability and/or failure due to the water infiltration. To address the risk and to protect and preserve the roadway and surrounding environment and property, an emergency culvert repair project was required to be developed and implemented expeditiously.

On December 4, 2020, the City Manager authorized a declaration of emergency due to this public health and safety hazard and threat to City infrastructure at this location.

On January 25, 2021, the City Council ratified the Emergency Declaration when it approved the first contract (for emergency bypass pumping of the creek) needed to respond to the hazard/threat.

The emergency continues to exist. On March 4, 2021, pursuant to the existing Emergency Declaration and consistent with Resolution No. 9880, the Utilities Department entered into a contract with Road Construction Northwest (RCNW) to perform the culvert repair, address subgrade voids and anomalies, and address other associated utility impacts to mitigate hazards and safety risks. The amount of the contract is \$772,930.00, plus all applicable taxes.

As emergency work often requires additional items to be added as construction proceeds, the Utilities Department will notify the City Council of all changes that exceed 10 percent of the contracted amount consistent with the City's policies/practices.

Construction of the project has commenced to mitigate the risk of further damage.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

#### Utilities Department policies

- The Utility shall identify drainage capital projects that prevent or reduce flooding or property damage, protect or improve water quality, and maintain or improve the reliability and integrity of the drainage system.

#### Utilities Department practice

- Rehabilitate or replace deteriorated elements of the storm drainage system to ensure that utility customers are provided with consistent and reliable service. CIP Plan No. D-64 has been designated to do this.

#### Revised Code of Washington

- RCW 39.04.280 and BCC 4.28.130
  - Authorize the City Manager to waive competitive bidding requirements in the event of an emergency.
  - If a contract is awarded without competitive bidding due to an emergency, then staff is required to report the same to the City Council at its next meeting or within two weeks, whichever is sooner.

#### Bellevue City Code

- BCC 4.28.040
  - The City Council is required to approve contracts that exceed \$90,000.
- BCC 24.06.015
  - The City is charged with, among other things:
    - Providing for the planning, security, design, construction, use, maintenance, repair and inspection of public and private storm and surface water systems;
    - Protecting the public interest in drainage and related functions; and
    - Protecting receiving waters or waters of the state from pollution, mechanical damage, excessive flows and other conditions, which may increase erosion, turbidity, or other forms of pollution, which reduce flow or which degrade the environment.

### **Fiscal Impact**

The construction of the Vasa Creek & SE Newport Way Culvert Repair commits the City to a payment of approximately \$772,930.00 plus all applicable taxes. The project will be funded primarily through the Replacement of Aging Storm Infrastructure (CIP Plan No. D-64) and a minor amount through Watermain Replacement (CIP Plan No. W-16). There are sufficient funds available in the 2021-2027 CIP Budget to fund this contract.

## **OPTIONS**

1. Adopt the Resolution ratifying an emergency contract with Road Construction Northwest, in the amount of \$772,930.00, plus all applicable taxes, executed pursuant to the Emergency Declaration (date 12/4/2020) for the emergency repair or replacement of the Vasa Creek culvert, located near 15321 SE Newport Way, Bellevue, WA 98006.
2. Do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Vicinity Map
  - B. CIP Project Description (D-64)
  - C. Declaration of Emergency
- Proposed Resolution No. 9904

## **AVAILABLE IN COUNCIL LIBRARY**

N/A