BEFORE THE BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WASHINGTON

In the matter of Proclaiming an Emergency to Repair the Carrier Chiller CH1400 at the Cowlitz County Hall of Justice Resolution No. 14 054

WHEREAS, the Facilities Services Department has contracted with a qualified Heating, Ventilation and Air Conditioning (HVAC) company to provide routine preventive maintenance inspections of heating and cooling equipment using Environmental Protection Agency (EPA) regulated refrigerants; and,

WHEREAS, the Facilities Services Department has been notified that the large Carrier Chiller (CH1400) located in the basement of Hall of Justice has refrigerant leaks, found during the current routine preventive maintenance inspection; and,

WHEREAS, Section 608 of the Clean Air Act of 1990 requires repair all refrigeration and air conditioning equipment, with a refrigerant charge greater than 50 pounds, within 30 days of notification of leak detection, and that Carrier Chiller CH1400 contains a refrigerant charge of 500 pounds; and,

WHEREAS, the 30 day repair requirement allows too little time follow typical bidding procedures: and,

WHEREAS, the Board of County Commissioners has been advised that the Carrier Chiller CH1400 must be repaired within 30 to be compliant with Section 608 of the Clean Air Act of 1990.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby declares the existence of an emergency and activates its emergency powers pursuant to R.C.W. 39.04.280; and

BE IT FURTHER RESOLVED, that the Facilities Maintenance Department is authorized to enter into contracts and incur obligation, without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements), necessary to repair the leaks in Carrier Chiller CH 1400 in order to remain in compliance with EPA rules and regulations. The total cost of the project is estimated at a sum not exceed $16,000, including 8.0% Washington State Sales Tax; and

BE IT FURTHER RESOLVED, that this emergency is hereby rescinded effective August 29, 2014.

DATED: this 1st day of July, 2014.

APPROVED
Board of County Commissioners
Of Cowlitz County, Washington

Michael A. Karnofski, Chairman

James R. Misner, Commissioner

Dennis P. Weber, Commissioner

ATTEST:
Tiffany Ostreim
Clerk of the Board
REQUEST FOR EMERGENCY PURCHASE

To: Board of County Commissioners

From: RON JUNKER
Name of Department Head
FACILITIES
Department/Division

Subject: Emergency Purchase of:

REPAIR OF REFRIGERANT LEAKS IN CHILLER CH1400, HoJ

REQUESTED CONTRACTOR: N/A
COST ESTIMATE: Not to exceed $16,000.00 (incl. tax)

"Emergency" for public works contracting and purchasing is defined by RCW 39.04.280(3) to mean unforeseen circumstances beyond the control of the county that either: "(a) Present a real, immediate threat to the proper performance of essential functions, or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken." If the emergency is of a severity to invoke the county's emergency management plan adopted under RCW 38.52.070(1), that plan should be followed. Another statute, RCW 38.52.070(2), authorizes political subdivisions in which major disasters occur (as defined in RCW 38.52.020 and RCW 35.52.010(6)) to forego statutory competitive bidding requirements. In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon an order of the county executive declaring the existence of such emergency and reciting the facts constituting same, the requirements governing competitive bids for materials, equipment and supplies with reference to any purchase or contract may be waived pursuant to RCW 36.32.270.

STATEMENT OF NEED:

My department’s recommendation for emergency purchase is based upon the objective review of the equipment/service required and appears to be in the best interest of the County. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to seek an emergency purchase and waiver of the requirements governing competitive bid.

Refer to the attached emergency purchase justification as prepared by our department.

DECLARATION: The following items will be purchased as emergencies and meet the requirements of the above-referenced statutes.

Requester

[Signature]
6/25/14

Department Head

[Signature]
6/25/14

PAGE 1
EMERGENCY PURCHASE JUSTIFICATION

Requested item/service: Repair of Refrigerant Leaks in Chiller CH1400, HoJ

1. Timeframe proposed for emergency contract or purchase: Immediate.

2. Please describe the emergency purchase and its justification:
Section 608 of the Clean Air Act of 1990 stipulates and requires that the repair of refrigerant leaks be completed within 30 days of notification of the leak to be compliant with EPA rules and regulations. The requirement applies to all refrigeration and cooling equipment with a refrigerant charge greater that 50 pounds of refrigerant. Carrier Chiller CH 1400 operates on a refrigerant charge of 500 pounds of R-11 Refrigerant.

3. This is an emergency purchase under:

   - Emergency public works contracting and purchasing as defined by RCW 39.04.280(3)
   - Emergency contracting and purchasing as defined by RCW 36.32.270
   - Emergency contracting and purchasing as defined under RCW 38.52, and county, state and national emergency declarations and disasters.

4. Additional factors/explanation of emergency: This repair becomes part of the permanent maintenance log of Carrier Chiller CH 1400.
IN WITNESS WHEREOF, the parties hereto have caused this emergency purchase to be approved in conjunction with a Resolution on a Declaration of Emergency by the Board of Commissioners and approved contemporaneously this 15th day of October, 2013.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

Michael A. Karnofski, Chairman

James R. Misner, Commissioner

Dennis Weber, Commissioner

Attest:                                            Approved as to Form:

Tiffany Ostreim,                                 Dana Gigler
Clerk of the Board                               Deputy Prosecuting Attorney

Cowlitz Prosecutor's Office

PAGE 3