SOUTH KING FIRE AND RESCUE
REGULAR MEETING
BOARD OF FIRE COMMISSIONERS
January 26, 2021
Virtual Meeting Via Conference Call Only
5:00 PM
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes from the Regular Meeting on December 29, 2020.
4. Commissioners Comments
5. Election of Board Chair for 2021
6. Election of Board Vice Chair for 2021
7. Public Comments - please state your name and address for the record (please limit comments to 3 minutes or less)
8. Commissioner Committee Reports
9. Resolution 592 – Authorizing 2021 Mileage and Per Diem Rates
10. Resolution 593 – Authorizing the Sale of Surplus Fleet Equipment
11. Resolution 594 – Authorizing the Fire Chief to Execute Documents for $10,000 or less
12. Resolution 595 – Authorizing the Fire Chief to King County Easement S 360th Street & 32nd Ave
13. Administrative Team Report
14. January Budget
15. Approval of Vouchers
16. Adjournment

We will respect each other and their opinion, and we will hold each member accountable to confront inappropriate behavior, or behavior that does not add value.

The Board of Fire Commissioners may add items and take action on items not listed on the agenda.

SOUTH KING FIRE & RESCUE
December 29, 2020
Virtual Meeting per Governor Inslee's Proclamation
Station 68

Commissioner Gates called the regular meeting to order at 1700 hours with Commissioners Rickert, Fuller, Berger and Thompson in attendance via the virtual meeting. Board Secretary Lauri Perry recording.

The Pledge of Allegiance was led by Commissioner Rickert.

APPROVAL OF MINUTES
Commissioner Gates asked for the approval of the Regular Meeting Minutes on November 24, 2020. Commissioner Thompson made a Motion to approve the November meeting minutes. Motion was seconded by Commissioner Berger. Motion passed unanimously.

COMMISSIONER COMMENTS
Commissioner Rickert wished everyone had a Happy Holidays and a Happy New Year, 2021 has to be a better year.

Commissioner Thompson noted that with COVID, 2020 has been quite the year, he reminded everyone to continue wearing your masks and practicing safe distancing as we move into 2021, hopefully we don't make the same mistake again. He added that January 2021 is firefighter cancer awareness month. You should be receiving an email within the next day or so King County has signed the PSERN Operator ILA. We should have received this information six (6) months ago, the King County Fire Commissioners and the King County Fire Chiefs need to appoint a joint representative and an alternate to represent the fire service by February 16th to serve on the PSERN Operator Board. The House of Representatives prefiled a bill on fireworks that would take effect immediately, the King County Commissioners are still working to get the King County Council to approve the Fireworks Proposed Ordinance that was submitted earlier this year, if anyone hears anything on either of these, please let him know. Great job to everyone for the work that they did in 2020 and staying healthy, Commissioner Thompson is looking forward to 2021 it has to be a whole lot better than the past nine (9) months. Commissioner Thompson wished everyone a Happy New Year.

Commissioner Fuller noted that the recent recap of the year shows the great relationship the Community Affairs Office has developed using social media and especially with the Federal Way Mirror. He is pleased that we have attained a Class 2 Insurance Rating in Des Moines. Captain Charoni put together a great video summary of our Hall of Fame awards presentation. Commissioner Fuller wished everyone a Happy New year.

Commissioner Berger noted as 2020 comes to a close, he is hoping that 2021 will be better, he is looking forward to getting the vaccine. He wished everyone a Happy New Year.

Commissioner Gates echoed the comments that the other Commissioners have said, adding that 2021 certainly has to be better than 2020. Everyone has done an excellent job this year staying on task, taking on new tasks and coming out pretty good.

PUBLIC COMMENTS

Commissioner Gates noted that due to COVID-19 and the virtual meeting all public comments were to be submitted in writing prior to 3:00 pm today, we have not received any written public comments at this time.

COMMISSIONER COMMITTEE REPORTS

Commissioner Gates wasn't aware of any committee meetings.

RESOLUTION 587 – ADOPT 2021 REGULAR MEETING DATES

Chief Pennington read Resolution 587 into record. Commissioner Rickert made a Motion to approve Resolution 587. Motion was seconded by Commissioner Berger. Commissioner Berger asked if these will be virtual meetings, Commissioner Gates replied that they will be virtual meetings until Governor Inslee allows in person meetings to resume. Motion passed unanimously.

RESOLUTION 588 – AUTHORIZING THE DISTRICT ACCEPTANCE OF WASHINGTON STATE DEPARTMENT OF COMMERCE GRANT FOR THE PURCHASE OF A FIRE BOAT

Chief Pennington read Resolution 588 into record. Commissioner Thompson made a Motion to approve Resolution 588. Motion was seconded by Commissioner Berger. Motion passed unanimously.

RESOLUTION 589 – AUTHORIZING THE PROCUREMENT OF A MARINE VESSEL

Chief Pennington read Resolution 589 into record. Commissioner Thompson made a Motion to approve Resolution 589. Motion was seconded by Commissioner Rickert. Commissioner Thompson thanked everyone that has worked on this project, this is a huge asset for our department and our partners in protecting the waterways, it is a great opportunity; good job everyone! Commissioner Gates also thanked everyone that has worked on this project, including the Marine Team. Commissioner Fuller inquired if the Des Moines Marina has a spot large enough for the new boat. AC Mataftin replied that he and Chief Pennington have been in contact with the Harbor Master. Motion passed unanimously. AC Mataftin thanked everyone that assisted with this project. Chief Pennington noted that he appreciates our Legislative Advocate Anthony Helmstead and the work that he did along with AC Mataftin and the Marine Team. Commissioner Berger asked what the timeframe to manufacture the new boat is. AC Mataftin noted they are predicting that once we have a signed contract in place, it will take about 190 days. Legislative Advocate Anthony Helmstead added that the 30th and 33rd Legislative Districts went to bat for us securing the grant for the boat, we couldn't find anywhere that the State has ever funded a boat. Captain Clos from Station 67 thanked everyone on behalf of the Marine Team.

RESOLUTION 590 – AUTHORIZING THE PROCUREMENT OF FIRE ENGINES ENGINE APPARATUS AND EQUIPMENT FROM SPARTAN MOTORS

Chief Pennington read Resolution 590 into record. Commissioner Fuller made a Motion to accept Resolution 590. Motion was seconded by Commissioner Berger. Commissioner Gates asked how old are the engines that we will be replacing. AC Mataftin replied they are 1999 or 2000, they are 20 years old. Commissioner Berger asked what the timeframe for manufacturing and delivery of the new engines is. AC Mataftin noted deliver is about bout 10-12 months. Motion passed unanimously.

RESOLUTION 591 – AUTHORIZING THE PROCUREMENT OF TWO (2) ADDITIONAL FIRE ENGINE APPARATUS AND EQUIPMENT FROM SPARTAN MOTORS

Chief Pennington read Resolution 591 into record. Commissioner Thompson made a Motion to approve Resolution 591. Motion was seconded by Commissioner Fuller. Commissioner Berger mentioned that he had asked Executive Director Ganem for a comparison between each lot of fire engines and what we would otherwise pay to finance them, he hasn't heard back. Chief Pennington noted that Executive Director Ganem is currently on vacation and did not join today's meeting. Commissioner Gates responded that he is positive that the interest that we would be paying is more than we would earn in the King County Investment Pool. Motion passed unanimously.

ADMINISTRATIVE TEAM REPORT

Chief Pennington mentioned that most of the Administration is on vacation, ACs Mataftin, Chaney and Goodsell will be providing reports.

FMO – CAO – AC Goodsell

AC Goodsell reported that in looking back over the past year all of our members have done outstanding work. What a difficult year it has been for our crews, every call that they go on, they have to be fully geared up with masks, eye protection, gowns, its hard work he so appreciates what they are doing, its working we have only had a handful of our members that tested positive for COVID this is mostly due to wearing their PPE. AC Goodsell really appreciates what they are doing day in and day out this past year to protect themselves. The disease has climbed over the holidays, hopefully once the holidays are over the numbers will begin to flatten.

AC Goodsell added some good news, the vaccine has been made available and the majority of our members want to get the vaccine right away. The CDC has modified the timeline for quarantine procedures to allow a return to work with testing in as few as 7 or 8 days. These procedures still require a 14 day quarantine, but responders can work in the last half of their quarantine if they have remained asymptomatic and test negative with a PCR test (test that goes to the lab), and then get a Point of Care Test (POCT) at the station at the beginning of each shift for the balance of the 14 day quarantine. Commissioner Gates asked where our personnel are receiving the vaccine, AC Goodsell replied that they are getting it at the King County Aquatic Center on Sundays, since they aren't doing any public COVID testing on Sundays, there is also a location in Kent and Tukwila that they can register for. Commissioner Fuller asked if we had all of the vaccines that were allocated to us, AC Goodsell replied that he is not aware of the number of vaccines, but it is his understanding that all of the members that have reached out have been able to make appointments. Commissioner Berger asked if AC Goodsell knew when vaccines would be available for 1B, AC Goodsell noted that he did not have any updated information on that.

AC Goodsell added that the CARES team has been vaccinated so they are transitioning to working a little more in the office, Captain Smith is working on that. AC Goodsell noted that he sent a "thank you" to the water districts that are within our fire district, Lakehaven, Water District 54 and Highline Water District as we rely on them for a lot, they are responsible for a large part of our WSRB rating.

CAO – Captain Chaney noted that this has been an interesting year, it has forced us to think outside of the box and use digital and social media. He appreciates the support from AC Goodsell and the IT Division in thinking outside the box, providing the equipment and tools that were needed to be

successful. Last month was the first Santa Parade, we were able to pull this off and collected just over 3,000 pounds of food which was split between the food banks of Federal Way and Des Moines, this was a huge success, special thanks to our communities, Chief Pennington, AC Goodsell and AC Crossen, we look forward to doing it again next year.

FLEET & FACILITIES

AC Chaney reported Fleet has moved into their new shop, they are working on getting everything organized and finishing cleaning up Station 68. They will also move the container out back next week. They have serviced all Aid Cars and are preparing for winter season. Facilities has painted the living quarters at Station 62. Stations 62 and 63 have received new mattresses as part of the mattress replacement schedule, which will be ongoing. We are waiting for bids to come in for training tower electrical, to replace the lighting and electrical in the training tower and probably the lights over the drill court. Logistics has completed the annual inspection and service on the aid car power gurneys, they had to replace two (2) batteries in each one of them and make sure they are mechanically stable, it saves us a huge amount of money doing it ourselves than having the company come out and do it. We are planning on moving into Station 60 in late January. Our PPE cache consists of 37,506 gowns, 29,450 masks, 78,500 pair of gloves and 15,000 pair of glasses we are in really good shape.

SPECIAL OPERATIONS – BOND – EMERGENCY MANAGEMENT – AC Mataftin

AC Mataftin thanked the Board for approving the projects tonight, at Station 60 the Logistics Building, we are running into a little snag the bay doors will be replaced and they are not currently available they have been delayed due to COIVD. The contractors are doing very good work. It should be completed around the end of the month.

Chief Pennington

Chief Pennington reported that there has been a lot of stuff going on this year we are dealing with a worldwide pandemic, economic unpredictability's and social unrest. We had to learn how to adjust and work in that environment. It has taken a lot of folks working in the right direction, some folks had to adjust more, we moved some folks out of the Fire Marshal's Office and out of the Training Division, onto shift work and some people were working on the COVID Task Force, which we started in February we tried to stay ahead of the game as much as we could. Biz Ops had to make adjustments along with Information Systems for us to be able to have the continuity and have the meeting that we are having today.

We accomplished a lot of things in 2020, Chief Pennington will send this out to you; some of the highlights are;

- Worked through a worldwide pandemic
- Continued the continuity of Business Operations
- Passed an M&O Levy, overwhelmingly
- Maintained the ISO Rating and brought the north end of our District in Des Moines up to a Class 2
- We just accepted a Grant from the State of Washington that has never been done before, they have never given that type of money for a Fire Boat
- Ordering new Fire Engines
- Implemented new work flows in Business Operations
- Implemented new work flows in Information Systems

- We have created greater pubic transparency to the budget and website
- Created a collaborating budget process
- Passed another Audit
- We are continuing to remodel fire stations
- Completing the Fleet, Facilities and Logistics Center and moving into those buildings
- Completed the CARES Program relative to Mountain Fire & Rescue and Enumclaw, we have expanded that program and partnership
- Continue to make our connections to the community with video productions and safe distancing events
- Designated Station 67 as the Departments new Emergency Operations Center
- Work with our Zone Partners as far as a hiring group and offer testing, we have been able to remove some of the barriers

A couple of things that we didn't get to do last year due to COVID;

- A Retreat with the Commissioners, now that we have technology, we will look at having a Retreat this year
- Strategic Leadership Plan, we will work through it in 2021
- In 2021 we will begin to explore the Accreditation process
- In 2021, we will look at working collaborately with our Zone Partners for Emergency Operations and training

A lot has happened since 2019, we will bring to the forefront diversity and inclusion. It's important for us to look at who we are as an organization so in 2021 we will begin that process. Chief Pennington has engaged a consultant we will begin to take a look inside, see where we are and see where we stand.

Chief Pennington looks forward to meetings where we can meet in person and sit face to face and not have masks on our face.

Chief Pennington thanked everyone in the organization that has participated and helped.

Commissioner Gates added that in regards to community connections, Chief Pennington will be the speaker at next month's Federal Way Chamber of Commerce meeting.

DECEMBER BUDGET

Finance specialist Kelsey Barrett read into record the list of expenditures for the month of December.

Special Issue Check Warrant #114807	$23,754.41
Mid-Month Utility Warrants (#114808-114830) totaling	$283,383.81
Accounts Payable Warrants (114831-114932) totaling	$1,232,563.05
Payroll Direct Deposit Document for 181 indiv. DD 22193-022373 totaling	$1,255,438.25
Payroll Warrant for 0 individual #	$0
Payroll Electronic Federal Tax Payment totaling	$284,673.84
Medical Claims as of December 18, 2020	$191,610.00
TOTAL approval	$3,271,423.36

Kelsey added that we are at .55% under budget.

APPROVAL OF VOUCHERS

Commissioner Gates noted that since this is a virtual meeting and the Board will not be signing the vouchers tonight, he requested a Motion and a second to approve the vouchers. Commissioner Berger made a Motion to approve the vouchers. Motion was seconded by Commissioner Thompson. Motion passed unanimously.

Commissioner Fuller inquired about the PPE count, is that our PPE or do we have to share the supplies, AC Chaney noted that that is our cache of PPE.

Meeting adjourned at 1800 hours.

_____ _____

COMMISSIONER (CHAIR) COMMISSIONER (VICE CHAIR)

_____ _____

COMMISSIONER COMMISSIONER

_____

COMMISSIONER

_____

BOARD SECRETARY

SOUTH KING FIRE & RESCUE
KING COUNTY, WASHINGTON

RESOLUTION NO. 592

A RESOLUTION of the Board of Commissioners of South King Fire & Rescue, King County, Washington, Establishing Meal Per Diem and Mileage Expenses For District Personnel

WHEREAS, it is sometimes necessary for District Personnel to travel to conduct District business, attending meetings, or attending educational classes, and

WHEREAS, during such travel the individual will incur expenses for meals and, if required to use their own vehicle, mileage expense, and

WHEREAS, if District Personnel are required to use their own vehicle, the District will use actual odometer readings, Mapquest.com and/or AAA to determine the reimbursable mileage, and

WHEREAS, the District has an obligation to reimburse such personnel for reasonable expenses incurred while acting on behalf of the District.

NOW, THEREFORE, BE IT RESOLVED that a reasonable sum to be allowed personnel for mileage and per diem allowances has been established by the District (in accordance with IRS guidelines) and is set forth on the attached schedule, the schedule is updated per the IRS recommended per diem and mileage reimbursement on a yearly basis or a special adjustment.

ADOPTED by the Board of Fire Commissioners of South King Fire & Rescue, King County, Washington, at a regular meeting this 26th day of January 2021, with the following Commissioners being present and voting.

CHAIRMAN/COMMISSIONER	VICE CHAIRMAN/COMMISSIONER
COMMISSIONER	COMMISSIONER
COMMISSIONER	

ATTEST:

Board Secretary

STATE OF WASHINGTON
TRAVEL REIMBURSEMENT RATES

Update to Resolution 592 Effective 1/01/2021

	MILEAGE	MEALS
BASIC RATE	*56*	$55.00

HIGH COST AREAS:

Everett/Lynnwood	$66.00
Ocean Shores	$66.00
Olympia/Tumwater	$66.00
Port Angeles/Port Townsend	$76.00
Richland/Pasco	$66.00
Seattle	$76.00
Spokane	$61.00
Tacoma	$71.00
Vancouver	$66.00

*Meal Rates	TOTAL	Breakfast	Lunch	Dinner
	$55.00	$14.00	$15.00	$26.00
	$56.00	$14.00	$15.00	$27.00
	$61.00	$16.00	$17.00	$28.00
	$66.00	$17.00	$19.00	$30.00
	$71.00	$18.00	$20.00	$33.00
	$76.00	$19.00	$21.00	$36.00

SOUTH KING FIRE & RESCUE

KING COUNTY, WASHINGTON

RESOLUTION NO. 593

A RESOLUTION of the Board of Fire Commissioners of South King Fire & Rescue (aka KCFPD #39), King County, Washington, Authorizing the Sale of Surplus Departmental Equipment

WHEREAS, it has been determined that it is in the best interest of South King Fire & Rescue to declare the following equipment surplus:

- (1) Brake Lathe (exhibit A)
- (1) Metal Lathe (exhibit B)

WHEREAS, the equipment listed is outdated and no longer of serviceable use to South King Fire & Rescue;

NOW, THEREFORE, BE IT RESOLVED that the Board of Fire Commissioners hereby authorizes the South King Fire & Rescue Fire Chief, and/or his designee, to surplus the above listed equipment and proceed with sale or disposal per department policy.

ADOPTED by the Board of Fire Commissioners of South King Fire & Rescue, King County, Washington, at a regular meeting this 26th day of January 2021, with the following Commissioners being present and voting.

_____
CHAIR/COMMISSIONER

_____
VICE CHAIR/COMMISSIONER

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COMMISSIONER

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COMMISSIONER

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COMMISSIONER

ATTEST:

_____
Secretary

Exhibit A

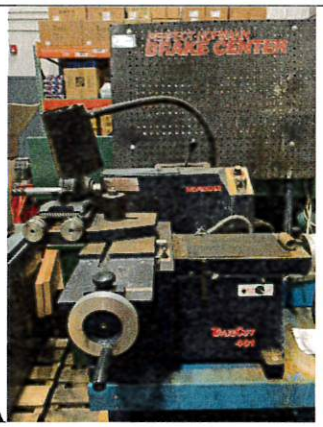


Exhibit B



SOUTH KING FIRE & RESCUE
KING COUNTY WASHINGTON

RESOLUTION NO. 594

A RESOLUTION of the Board of Fire Commissioners of South King Fire & Rescue (aka KCFPD #39), King County, Washington, Authorizes the Fire Chief to execute any necessary documents, including deeds and easements relative to the transaction when the amount in question is $10,000 or less.

WHEREAS, the Board of Commissioners desires to delegate some authority to the Fire Chief to efficiently implement such transactions and conveyances when the amount in question is $10,000 or less;

NOW, BE IT RESOLVED, by the Board of Fire Commissioners of South King Fire & Rescue (aka KCFPD #39) authorizes the Fire Chief to execute any necessary documents, including deeds and easements relative to the transaction.

BE IT FURTHER RESOLVED, that the Board delegates the authority to the Fire Chief to approve any future transactions, involving easements or other conveyances of interest in land or improvements thereon, as to properties owned by the district, or proposed to be owned by the district (whether the District is Grantor or Grantee) and to execute any documents necessary to effectuate any such transactions, provided that this delegation is limited to transactions valued at an estimated $10,000 or less and provided further that it is understood and agreed that the Fire Chief shall thereafter report such transactions to the Board at the next regular meeting subsequent to learning of the proposed transaction. Nothing contained herein shall obviate the need for the Board to declare surplus any fire station or other substantial property prior to sale or offering to sell any such property to any person or entity.

ADOPTED at a Regular Meeting of the Board of Fire Commissioners of South King Fire & Rescue, King County, Washington this 26th day of January 2021, with the following Commissioners being present and voting.

_____
CHAIR/COMMISSIONER

_____
VICE CHAIR/COMMISSIONER

_____
COMMISSIONER

_____
COMMISSIONER

_____
COMMISSIONER

ATTEST:

_____

Secretary

Resolution No. 594

SOUTH KING FIRE & RESCUE
KING COUNTY WASHINGTON

RESOLUTION NO. 595

A RESOLUTION of the Board of Fire Commissioners of South King Fire & Rescue (aka KCFPD #39), King County, Washington, authorizing acceptance of King County's offer of compensation for the conveyance of 132 square feet of district property and for temporary and permanent easements at district property located near the intersection of South 360th Street and 32nd Ave.

WHEREAS, King County has offered approximately $1519.00 for the acquisition from the District of a fee simple interest in 132 square feet of district property, together with temporary and permanent easements, in connection with a road right-of-way project in the vicinity of South 360th Street and 32nd Ave.; and

WHEREAS, the District and its Board are supportive of the project to enhance pedestrian and motorist safety due to the proximity of a school in the vicinity; and

NOW, BE IT RESOLVED, by the Board of Fire Commissioners of South King Fire & Rescue (aka KCFPD #39) that the District shall accept the offer from King County in the amount of the offer.

ADOPTED at a Regular Meeting of the Board of Fire Commissioners of South King Fire & Rescue, King County, Washington this 26th day of January 2021, with the following Commissioners being present and voting.

CHAIR/COMMISSIONER

VICE CHAIR/COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

ATTEST:

Secretary

Perry, Lauri

From:	Pennington, Vic
Sent:	Thursday, January 21, 2021 5:32 PM
To:	Commissioners; Perry, Lauri
Cc:	Ganem, Joe; Chaney, Rick
Subject:	Awarding of emergency contract; sprinkler system incident at Station 60 (Logistics Building)
Attachments:	Attachment-Eric Quinn Legal Opinion.pdf; Station 60 Memo.pdf; Patroit Proposal.pdf

Hello All,

Attached is a letter describing a sprinkler system incident at Station 60 (Logistics Building). I have declared the need for emergency repairs and waiving the competitive bidding process.
At the upcoming commissioner meeting, I will inform the Board of this issue; subsequently, the Board will need to ratify the award of the contract and
confirm that a memo was sent to the Board within two weeks of awarding the emergency contract.
Attached is the Patriot Sprinkler System proposal for work; this cost may vary depending on additional issues that may be found during the system installation. Sales tax will be applied to the total final price.
I approved this proposal on January 19, 2021, with a countersignature by Chief Crossen.

Please read the attached Legal Opinion from Eric Quinn.

Laurie: Please add to the Commissioner packet; I will report on this during my Chief's report and ask for the Board's approval.

Take Care,
Chief Vic

Victor L. Pennington II, CTO, #013 | Fire Chief
South King Fire & Rescue | Administration | CH361
31617 1st Ave S, Federal Way, WA 98003
Business: 253.839.6234 | **Office:** 253.946.7325 | **Mobile:** 206.510.4886

We provide professional fire department services
to safeguard the community and enhance the quality of life.

Join SKFR on: southkingfire.org | Facebook | Twitter | LinkedIn

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Quinn & Quinn, P.S.
PROFESSIONAL SERVICE CORPORATION
ATTORNEY AT LAW
20 Forest Glen Lane SW
Lakewood, WA 98498
253-590-6628
Email: joequinn@firehouselawyer.com
ericquinn@firehouselawyer2.com

January 19, 2021

By Electronic Mail Only

South King Fire and Rescue
Attn: Fire Chief Vic Pennington

Re: Declaring an Emergency to Replace a sprinkler system; waiving comptetitive bidding

Dear Vic:

The purpose of this letter is to enumerate how South King Fire and Rescue (the "District") might award a contract for the repair and replacement of a sprinkler system, a public work exceeding $30,000.00, without engaging in competitive bidding. To answer this question, we shall (1) state the applicable law, (2) enumerate the relevant facts, and (3) apply the law to the facts and give a recommendation. The short answer to this question is that the District may waive competitive bidding under the circumstances and award a contract for replacement of the sprinkler system, without competitive bidding.

Applicable Law

Pursuant to RCW 52.14.110 (2), a fire district must generally engage in competitive bidding for public works projects estimated to cost over $30,000, unless an exception applies. Under RCW 39.04.280 (1)(e), contracts for public works may be awarded without competitive bidding in the event of an emergency. That same law defines an "emergency" as "unforeseen circumstances beyond the control of the municipality 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." (emphasis added).

Procedurally, when waiving competitive bidding due to an emergency, a written finding of an emergency must be made "by the governing body *or its designee* and duly entered *of record*

no later than *two weeks* following the award of the contract." RCW 39.04.280 (2)(b) (emphasis added).

Relevant Facts

Fire Chief Vic Pennington has informed us that a sprinkler system at the District Logistics building, the District's only logistical center, is in serious danger of failure. The Logistics building is home to thousands of units of personal protective equipment (PPE). Because PPE is necessary for District firefighters to safely perform their jobs, and a failure of the sprinkler system would cause irreparable damage to said PPE, then failure of the system would present an immediate threat to the essential functions of the District. Attached to this opinion is a further enumeration of the facts submitted to us by Fire Chief Pennington.

Application of the Law to the Facts and Recommendation

Whether bidding may be waived. The above factual circumstances fall squarely within the "emergency exception" to competitive bidding, set forth above. And Chief Pennington is certainly the "designee" of the Board to declare emergencies and act during emergencies.

Process. Again, the above law states that the written finding of an emergency needs to be entered "on the record" within two weeks of the award of an emergency contract. However, the above law does not define what "the record" means. Consequently, it is *not* my opinion a finding of an emergency needs to be recorded in the *minutes* of the Board within two weeks of award of the contract. We therefore recommend three steps moving forward:

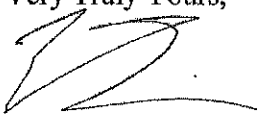
1. Fire Chief Pennington can make a written finding of an emergency in the form of a memo. Within two weeks of awarding the emergency contract, that memo would be sent to the full Board. After setting forth the facts that demonstrate the presence of an emergency, Chief Pennington would inform the Board that the district is waiving competitive bidding and awarding a contract for the necessary repairs and replacement.

2. This memo would be provided to the full Board and the District Secretary (for informational purposes only, not for discussion) within two weeks of the award of the contract. This memo would be subject to public inspection and copying, further satisfying the intent of RCW 39.04.280 (2)(b).

3. Finally, at its next regular meeting, the Board would ratify the award of the contract and confirm that a memo—a public record—was sent to the Board within two weeks of the award of the emergency contract.

Please inform me if you have any questions or concerns pertaining to this opinion.

Very Truly Yours,



Eric T. Quinn

SOUTH KING FIRE & RESCUE

www.southkingfire.org

Date: January 20, 2021

To: South King Fire & Rescue Board of Fire Commissioners:

Bill Gates	Chairman
Mark Thompson	Vice Chair
John Rickert	Commissioner
Bill Fuller	Commissioner
David Berger	Commissioner

From: Victor L. Pennington, Fire Chief

RE: Written finding of Emergency at Station 60 Logistic Center

Hello Chairman Gates and Board of Commissioners,

On Tuesday, January 5th, 2021, the South King Fire & Rescue Logistic building, located at 35100 Pacific Highway South in Federal Way, received damage to the sprinkler system during a construction project—remodeling the office space. This incident resulted in significant flooding, causing water to damage the building and some of its content.

Columbia Fire, a sprinkler system installation and repair company, was called to evaluate the sprinkler system damage and subsequent repair. During this evaluation, it was discovered that the sprinkler system piping was corroded to the point of a probable system-wide failure of the sprinkler pipes, upon them being recharged with water.

This facility is the only logistic center for South King Fire & Rescue. Furthermore, this facility is the regional warehouse for thousands of units of PPE for fire and emergency agencies throughout King County. A sprinkler system failure of this magnitude would cause damage to the building content and the loss of specialized, costly equipment and supplies.

The interruption to the district's logistical supply chain will reduce the district's ability to adequately resupply our emergency service personnel with fire, Emergency Medical, and safety supplies. The impact on emergency service delivery is exacerbated by the current pandemic environment, and the constant need for Personal Protective Equipment (PPE) for our employees to operate in a safe and protected environment. Having an unstable fire protection system puts our PPE at risk of being damaged and not usable.

The sprinkler system damage that occurred during the remodel project subsequently led to discovering the need to replace the failed fire protection system. This discovery is an unforeseen circumstance, beyond the control of the fire district, that presents a real and immediate threat to the proper performance and the essential functions of fire protection, emergency medical and life safety services to the communities the district serves.

The Building and Fire Codes require the fire sprinkler system in the logistics center. Repair or replacement of that system to put it back in service should be made without delay. The system cannot be left inoperable without posing a significant risk to life and property at that location.

As the Fire Chief of South King Fire & Rescue, after reviewing the facts surrounding this event, I have determined there is a direct adverse performance impact on the district's ability to deliver essential emergency services without the timely replacement of essential equipment and supplies located in this facility.

I have determined this fire protection system cannot be repaired and needs to be removed and replaced. I have designated this to be an Emergency replacement project in an essential facility. As authorized under RCW 39.04.280 (1)(e), the district has entered into a contract for public works (replacement of the sprinkler system) in an amount over $30,000. This contract is to be awarded without competitive bidding, as is permitted by law.

Best Regards,

Victor L. Pennington II, Fire Chief

CC: Lauri Perry, Board Secretary
Attachment: Eric Quinn Legal Opinion

PATRIOT FIRE PROTECTION, INC.
Fire Sprinklers Save Lives!

2707 70TH Avenue East
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PROPOSAL

Date: January 14, 2021
To: South King County Fire Station 60
Attention: Lance Boe
From: John Dacca
Regarding: Station 60 - Sprinkler piping Replacement

****Base price for interior work:**	**$70,901.00**
****Base price for Demo of Existing System:**	**$14,949.00**
****Base price for Permit:**	**$ 2,000.00**

Assumptions:

1. Remove existing dry pipe system in fire station and replace existing piping starting at riser in NW Corner of building.
2. Remove existing dry system valve and install new Flow switch, control valve and main drain for new wet system.
3. Install Dry sidewalls in overhangs and under canopies. Owner to provide heat and insulation above exterior canopies to allow for wet pipe installation.
4. Demo of existing system to include removal of old pipe and hauling away off site. There may need to be sheetrock cut and ACT ceiling to be removed to access pipe.
5. Design and Installation per NFPA 13 and City of Federal Way standards.
6. Cores for new dry sidewalls included.
7. City of Federal Way permits, and inspections included.
8. Work to be completed during normal working hours.

Exclusions:

1. Relocation of existing fire sprinkler piping, if required for MEP.
2. **Cutting and patching of walls and ceilings to allow for pipe replacement.**
3. Applicable state and local taxes.
4. Painting of pipe or protection from paint.
5. Modifications to the system other than those described above.

Thank you for the opportunity to provide you this proposal-we look forward to working with you on this project. Please do not hesitate to contact us with any questions.

Sincerely,

John Dacca

Approved: Fire Chief 01-19-2021

1/19/21

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