

**RESOLUTION NO. 2021-17**

**A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON DECLARING AN EMERGENCY AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR PUBLIC WORKS AGREEMENTS TO SECURE EMERGENCY TRAFFIC AND PARKING CONTROL SERVICES AT BLOEDEL DONOVAN PARK**

**WHEREAS**, Bellingham Municipal Code 4.80.010(E)(5), RCW 35.22.620(6), and RCW 39.04.280 authorize the City of Bellingham to waive its normal competitive bidding processes when an emergency requires the immediate execution of a public work; and

**WHEREAS**, if a contract is awarded without competitive bidding due to an emergency, RCW 39.04.280 provides that a written finding of the existence of an emergency must be made by the governing body and duly entered of record no later than two weeks following the award of the contract; and

**WHEREAS**, the term “emergency” is defined in state law, RCW 39.04.280(3), 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; and

**WHEREAS**, on July 2, 2021 the City experienced record-setting warm temperatures along with the installation of a new swimming dock at Bloedel Donovan Park; and

**WHEREAS**, as a result of the extremely warm temperatures and new dock installation, Bloedel Donovan Park, and the surrounding neighborhood, experienced blocked fire lanes, blocked exits, blocked entrances, trapped cars, and fights that endangered pedestrians, staff and visitors; and

**WHEREAS**, in order to protect public health and safety, which is an essential function of the City, public safety measures had to be put in place as quickly as possible to prevent hazardous traffic conditions; and


**WHEREAS**, the time associated with standard procurement and purchasing process increases the risk to the public health and safety by increased possibility of hazardous traffic conditions at Bloedel Donovan Park and the surrounding neighborhood; and

**WHEREAS**, in order to quickly implement overflow parking and traffic control measures a contract was awarded and executed on an emergency basis without soliciting competitive bids, requests for proposals or qualification-based selection process.

**NOW THEREFORE, BE IT REOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM AS FOLLOWS:**

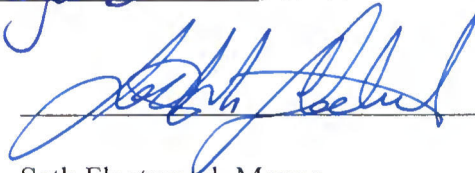
Having reviewed the facts described in the recitals to this Resolution and having heard from staff during the open public meeting on this matter, City Council hereby finds that the hazardous traffic and parking issues at Bloedel Donovan Park and the surrounding neighborhood was an emergency situation requiring immediate action and authorizes execution of all contracts and purchasing agreements necessary to restore full functionality with following normal competitive bidding procedures.

**PASSED** by the Council this 26<sup>th</sup> day of July, 2021.



Hannah Stone, Council President

**APPROVED** by me this August 5 day of August 5, 2021.

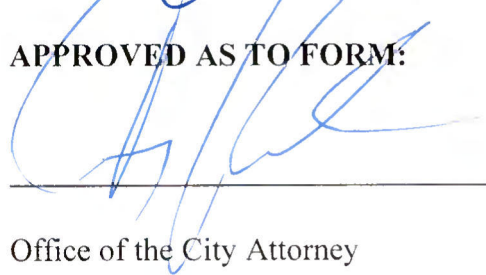


Seth Fleetwood, Mayor

**ATTEST:** 

Andy Asbjornsen, Finance Director

**APPROVED AS TO FORM:**

  
Office of the City Attorney

Published:

July 30, 2021

RESOLUTION – EMERGENCY ORDER HAZAROUS CONDITIONS  
BLOEDEL DONOVAN PARK