

RESOLUTION NO. 2021-27

A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON, DECLARING AN EMERGENCY AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR REPLACEMENT OF THE ROOF AND GENERATOR CONTROLS SERVING THE CITY'S POST POINT WASTEWATER TREATMENT PLANT

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, the emergency generator building caught on fire at the Post Point Resource Recovery Plant; and

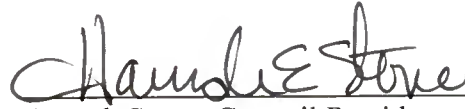
WHEREAS, it was determined multiple control issues that lead to high exhaust temperatures causing the wooden roof to catch on fire. Without emergent repairs to the generator controls and roof there is a strong potential for a catastrophic failure of the generators and the roof reigniting, which poses a significant health risk to staff and further risk reliable of operations at the treatment plant; and

WHEREAS, Staff awarded an emergency contract to Colacurcio Brothers Inc to repair the generators and replace the roof on an emergency basis without soliciting competitive bids.

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

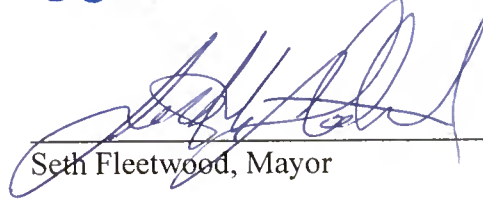
Having reviewed the facts described in the recitals to this Resolution, and having heard from staff during the open public meeting on this matter, City Council hereby finds that the gas leak at the City's Post Point Wastewater Treatment Plant created an emergency situation that required immediate repair without following normal competitive bidding procedures.

PASSED by the Council this 11th day of October, 2021.



Hannah Stone, Council President

APPROVED by me this 15 day of October, 2021.



Seth Fleetwood, Mayor

ATTEST:



Andy Asbjornsen, Finance Director

APPROVED AS TO FORM:



Office of the City Attorney