

RESOLUTION NO. 806

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DECLARING THE EXISTENCE OF AN EMERGENCY NECESSITATING THE WAIVER OF COMPETITIVE BIDDING REQUIREMENTS TO ADDRESS THE EMERGENCY INSTALLATION OF BARB WIRE AND RAZOR RIBBON TO THE EXISTING FENCE AT THE NORTH WATER TANK LOCATED OFF BORGEN BOULEVARD AFTER A RECENT VANDALISM INCIDENT; RATIFYING THE CONTRACT FOR SUCH PUBLIC WORK; AND, WAIVING THE REQUIREMENTS OF RCW 39.04.190, RCW 39.04.155, AND CITY OF GIG HARBOR RESOLUTION NO. 797, AS ALLOWED BY RCW 39.04.280.

WHEREAS, RCW 39.04.280(1)(c) authorizes the City to waive competitive bidding and professional selection requirements in the event of an emergency; and

WHEREAS, RCW 39.04.280(3) defines an emergency as an unforeseen circumstance beyond the control of the municipality that either (a) presents a real, immediate threat to the proper performance of an essential function; 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 August 10, 2009, during a routine cleaning and inspection of the North Water Tank, Public Works staff found that the top of an electrical junction box fitting on top of the 152 foot tall tank had been pried off by unauthorized persons allowing access to the inside of the water tank; and

WHEREAS, the Public Works Director and Public Works Operations Superintendent inspected the damage and concluded from their inspections that the tank was susceptible to being compromised and that additional protection measures were in order to secure the safety of the water supply and public health; and

WHEREAS, because of this emergency, the City is unable to comply with the City's resolution applicable to bidding procedures; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Finding and Declaration of Emergency. The City Council hereby declares that an emergency exists requiring the immediate action by the Public Works Director in order to preserve the public health, safety, property and welfare. The Council further declares that the delay necessitated by compliance with the procedures for procurement of equipment and construction of public works found in City Resolution No.

797, RCW 39.04.190 and RCW 39.04.155, prevent the City from coping with the emergency in time to minimize impact to the City's vital infrastructure. This declaration of emergency is based upon the following findings of fact:

- A. On August 19, 2009 Public Works requested a quote and schedule from Viking Fence to perform the installation of barb wire and razor ribbon to the existing fence at the North Water Tank.
- B. On September 17, 2009, Viking Fence performed the installation of barb wire and razor ribbon to the existing fence at the North Water Tank for a lump sum cost of \$2,369.62.
- C. Council ratification of the utilization of Viking Fence to perform the installation of the fencing material to further protect the North Tank water quality is appropriate given the immediate need to protect vital city infrastructure.

Section 2. Authorization to Contract. The City Council hereby ratifies and approves the Public Works Director contracting with Viking Fence Company for a lump sum cost of \$2,369.62 for the installation of barb wire and razor ribbon to the existing fence at the North Water Tank.

RESOLVED by the City Council this 13 day of October, 2009.

APPROVED:



MAYOR CHUCK HUNTER

ATTEST/AUTHENTICATED:



CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: Angel Belben

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.