

RESOLUTION NO. 857

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 REPLACEMENT OF A DAMAGED CULVERT LOCATED APPROXIMATELY 900 FEET NORTH OF ROSEDALE STREET UNDER CUSHMAN TRAIL; 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; AND AUTHORIZING THE EMERGENCY REPAIRS.

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, a severe and intense rain event occurred on December 12, 2010, which resulted in the embankment fill wall located over the top of this culvert adversely settling due to the water scour and the resulting loss of wall backfill occurring through broken portions of the culvert pipe and displaced pipe sections; and

WHEREAS, it is the opinion of the City Engineer, the Public Works Superintendent, and the City's contracted Geotechnical engineer, that a catastrophic wall failure could occur should the damaged culvert become plugged in a future rain event as the stream would have no place to outlet to; and

WHEREAS, the proper function of the drainage systems within the limits of this pedestrian facility, whose location is depicted on Exhibit A, is critical to the preservation of the environment, public and private property as well as the safety of the citizens of Gig Harbor and the trail users; and

WHEREAS, the City Administrator concluded that the broken culvert required emergency repairs in order to secure the public health, safety, property and welfare; and

WHEREAS, because of this emergency, the City is unable to comply with the City's Resolution 797 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. Based upon the WHEREAS clauses above, which are incorporated as findings, the City Council hereby declares that an emergency exists requiring the immediate action by the City 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 construction of public works found in City Resolution No. 797, RCW 39.04.190 and RCW 39.04.155, prevents the City from coping with the emergency in time to minimize impact to the City's vital infrastructure.

Section 2. Authorization of Repairs. The City Council hereby authorizes expenditures necessary for the emergency repairs and authorizes the Mayor to execute contracts necessary to complete the work.

RESOLVED by the City Council this 14th day of March, 2011.

APPROVED:



MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:



CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



FILED WITH THE CITY CLERK: 03/09/11
PASSED BY THE CITY COUNCIL: 03/15/11
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EXHIBIT A

