

RESOLUTION NO. 2010-12

A RESOLUTION OF THE CITY OF BELLINGHAM DECLARING THAT AN EMERGENCY EXISTED JUSTIFYING AN EXEMPTION FROM THE FORMAL BID PROCESS WITH REGARD TO EMERGENCY REPAIRS DUE TO WIND DAMAGE ON THE RG HALEY SITE.

WHEREAS, Bellingham Municipal Code section 4.80.010(E)(5), RCW 35.22.620(6) and RCW 39.04.280 authorize the City of Bellingham to dispense with formal bid processes when an emergency requires the immediate execution of a public works; and,

WHEREAS, on February 12, 2010, warehouses and fencing on the RG Haley Site, a contaminated site listed with the Washington State Department of Ecology as a Model Toxics Control Act site, were severely damaged by high winds ; and,

WHEREAS, immediate and emergent repairs to the RG Haley Site were required to protect human health and safety and to protect the health of the environment: and,

WHEREAS, the emergent nature of the work to be done on the site could not be performed quickly enough if normal bidding processes were followed; and,

WHEREAS, the City contracted with a contractor with the skill and experience necessary to perform the required work at the RG Haley site and at a cost that was reasonable and fair; and,

WHEREAS, it is in the City of Bellingham's and its citizens' best interests to have entered into the contract to secure the RG Haley site and protect human health and the environment on an emergency basis;

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

Section 1. Findings.

1.1 The City Council finds that the failure to conduct emergent work at the RG Haley site posed a potential threat to individuals and property by way of health and safety issues to Bellingham residents and the environment.

1.2 The nature of the contamination on the site and the fact that it is listed as a Model Toxics Control Act site make immediate security of the site essential for human health and the environment.

1.3 Work was undertaken at the soonest opportunity.

1.4 The problem was an unforeseen circumstance.

1.5 The costs were fair and reasonable.

Section 2. Conclusion.


Based upon the foregoing, City Council concludes that the high wind event at the RG Haley site created an unforeseen emergency, not of the City's making, of such nature as to allow the City of Bellingham to dispense with the formal bid requirements and to contract for certain public works necessary avoid potential threats to the public health, safety, and welfare.

PASSED BY COUNCIL THIS 29th DAY OF March, 2010.



COUNCIL PRESIDENT

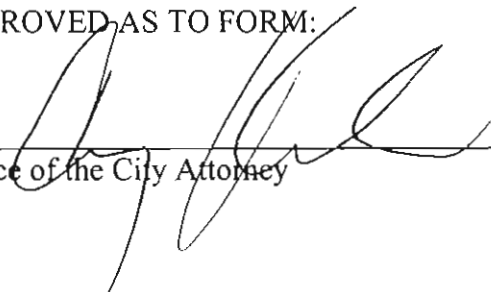
APPROVED BY ME THIS 6th DAY OF April, 2010.



MAYOR

ATTEST 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney