

RESOLUTION NO. 2016-28

**A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING
THE BIO SOLIDS DEWATERING CENTRIFUGE EQUIPMENT PURCHASE
FROM FORMAL COMPETITIVE BIDDING REQUIREMENTS
PURSUANT TO OAR 137-047-00280 AND LCMC 2.05.080.A.**

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5 WHEREAS, under the City's public contracting code, which implements State Of
6 Oregon contracting requirements, the City Council may declare an emergency and
7 enter into a public contract without first obtaining competitive bids or proposals; and

8 WHEREAS, at the regular City Council meeting on August 8, 2016, pursuant to
9 LCMC 2.05.080.A(2), the City Manager, through the Public Works Director, has
10 presented the prerequisite report with the Council describing the proposed contract
11 and explaining the circumstances that create the emergency, said report and selected
12 minutes of such meeting incorporated herein by this reference; and

13 WHEREAS, the circumstances creating the emergency include: (1) the complete
14 unavailability of suitable fields for land application of bio solids this year; (2) an excess
15 inventory of sewage bio solids in the City plant's holding lagoons; (3) the unavailability
16 of funds for contracted sludge removal (approximately \$1,000,000 per year); and

17 WHEREAS, the time constraints associated with the emergency procurement
18 make formal competitive bidding processes impossible and necessitates an emergency
19 procurement;

20 WHEREAS, City and Consultant Kennedy/Jenks used a selection process which
21 was reasonable and appropriate under the circumstances, negotiating with two
22 equipment suppliers for the best price during the time constraints presented by the
23 emergency;

24 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
25 LINCOLN CITY, AS FOLLOWS:

26 Section 1. The Council finds that the facts as stated in the recitals to this
27 Resolution and the Report of the City Manager/Public Works Director, together with

1 the discussion at Council on August 8, 2016, are true and correct and support this
2 Resolution and are incorporated herein by this reference; and

3 Section 2. The Council finds that an emergency as defined in OAR 137-0280-
4 0150 and LCMC 2.05.080.A exists in that there is a substantial risk of loss, damage, or
5 unnecessary or undesirable disruption or interruption of public facilities and services, or
6 a threat to health and safety (namely overflow of solids and loss of all available storage
7 capacity for sewage bio solids at the plant), which loss may be avoided by an
8 emergency procurement of equipment for dewatering of bio solids; and

9 Section 3. The Council authorizes the City Manager to purchase the dewatering
10 equipment from the vendor most able to meet the timeframe for the procurement; the
11 Manager need not solicit additional offers and may directly award the procurement to
12 a qualified vendor as soon as possible.

13 Section 4. The scope of this Procurement is limited to identified equipment
14 purchase necessary to remedy the conditions creating the Emergency; the Council
15 authorizes the expenditure of up to \$375,000.00, with a five percent contingency. The
16 award of this emergency contract shall occur as soon as possible after the August 8,
17 2016 Council meeting, but in no event more than thirty days after approval of this
18 resolution;

19 Section 5. The Council further finds the emergency contract/procurement
20 specifically authorized by this Resolution will result in substantial cost savings to the
21 City, given the competing vendors ultimately settled on the same price for the
22 equipment, and it is unlikely that awarding the contract based on the above-described
23 emergency process, given the time constraints, will encourage favoritism in the
24 awarding of the contract/procurement or substantially diminish competition.

25 Section 6. This resolution shall be effective *nunc pro tunc* as of the date of City
26 Council's action by motion on August 8, 2016, but all timeframes in this Resolution shall
27 run from the date of approval of this resolution.

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22nd
2 day of August, 2016.

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DON WILLIAMS, MAYOR

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7 ATTEST:

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CATHY STEERE, CITY RECORDER

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