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RESOLUTION NO. 2021 – 41

**A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING
THE NW JETTY SEWER FORCE MAIN REPAIR PROJECT
FROM FORMAL COMPETITIVE BIDDING REQUIREMENTS
PURSUANT TO OAR 137-049-0150 AND LCMC 2.05.080.A.**

WHEREAS, on September 13, 2021 the City Council approved Resolution 2021-41 declaring an emergency and exempting the above-referenced NW Jetty Sewer Force Main Repair Project from competitive bidding; and

WHEREAS, under the City’s public contracting code., which implements State contracting requirements, the City Council may declare an emergency and enter into a public contract without first obtaining competitive bids or proposals; and

WHEREAS, pursuant to LCMC 2.05.080.A(2), the City Manager, through the Public Works Director, has filed the prerequisite written report with the Council describing the proposed contract and explaining the circumstances that create the emergency, said report and modification incorporated herein by this reference; and

WHEREAS, the circumstances creating the emergency includes the increased frequency of failures (breaks involving sanitary sewage) on this force main line, as well as the aggressive corrosion of this line, consisting of approximately 1,400 feet of Ductile Iron Sewer Force Main pipe: and

WHEREAS, the time constraints associated with this repair work, make a formal competitive bidding process impossible given the upcoming rainy season, the severity of the line deterioration, and the risk of contamination, necessitates an emergency procurement;

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

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

1 correct and support this Resolution and are incorporated herein by this reference; and

2 Section 2. The Council finds that an emergency as defined in OAR 137-049-0150
3 and LCMC 2.05.080.A exists in that there is a substantial risk of loss, damage, or
4 unnecessary or undesirable disruption or interruption of public facilities and services, or
5 a threat to health and safety (namely sanitary sewer overflow and sewage
6 contamination and damage to NW Jetty Ave.), which loss may be avoided by an
7 emergency procurement of construction services; and

8 Section 3. The Council authorizes the City Manager to directly award such
9 emergency contract to a contractor experienced with sewer force main construction
10 and by-pass pumping; the Manager need not solicit written or oral requests for offers;
11 the Manager may directly award the Contract to a qualified contractor available to be
12 on-site within sixty days of approval of this Resolution and to make the award as soon
13 as possible.

14 Section 4. The scope of this Contract must be limited to Work that is necessary
15 and appropriate to remedy the conditions creating the Emergency; the Council
16 authorizes the expenditure of up to \$650,000.00. The award of this emergency contract
17 shall occur within 10 days of this Resolution, unless an extension is awarded by the City
18 Manager, but in no case more than fifty days; performance and payment bonds may be
19 waived by the Manager.

20 Section 5. This resolution shall be effective as of the date of its adoption by the
21 City Council.

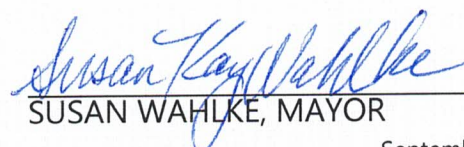
22 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 13th_
23 day of September, 2021.

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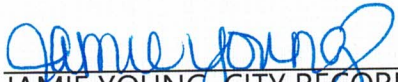
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SUSAN WAHLKE, MAYOR

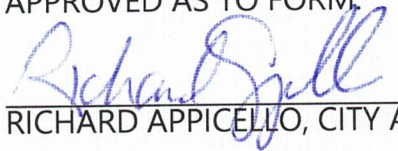
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ATTEST:



JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:



RICHARD APPICELLO, CITY ATTORNEY