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RESOLUTION NO. 2023 - 09

**A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING
THE NE 29th & 101 WATER RELOCATION PROJECT
FROM FORMAL COMPETITIVE BIDDING REQUIREMENTS
PURSUANT TO OAR 137-049-0150 AND LCMC 2.05.080.A.**

WHEREAS, on May 22, 2023 the City Council approved Resolution 2023- 09 declaring an emergency and exempting the above-referenced NE 29th & 101 Water Relocation 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 a narrow project window, substantial pending project cost increase, and potential for high cost water main failure: and

WHEREAS, the time constraints associated with the emergency work make formal competitive bidding processes impossible and 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 correct and support this Resolution and are incorporated herein by this reference; and

Section 2. The Council finds that an emergency as defined in OAR 137-049-0150 and LCMC 2.05.080.A exists in that there is a substantial risk of loss, damage, or

1 unnecessary or undesirable disruption or interruption of public facilities and services, or
2 a threat to health and safety, which loss may be avoided by an emergency procurement
3 of construction services; and


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

10 Section 4. The scope of this Contract must be limited to Work that is necessary
11 and appropriate to remedy the conditions creating the Emergency; the Council
12 authorizes the expenditure of up to \$125,000. The award of this emergency contract
13 shall occur within 10 days of this Resolution, unless an extension is awarded by the City
14 Manager, but in no case more than fifty days; performance and payment bonds may be
15 waived by the Manager.

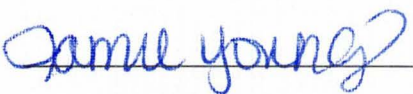
16 Section 5. This resolution shall be effective as of the date of its adoption by the
17 City Council.

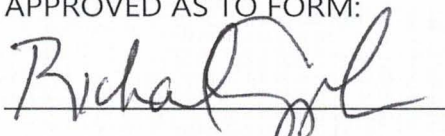
18 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22nd
19 day of May, 2023.

20

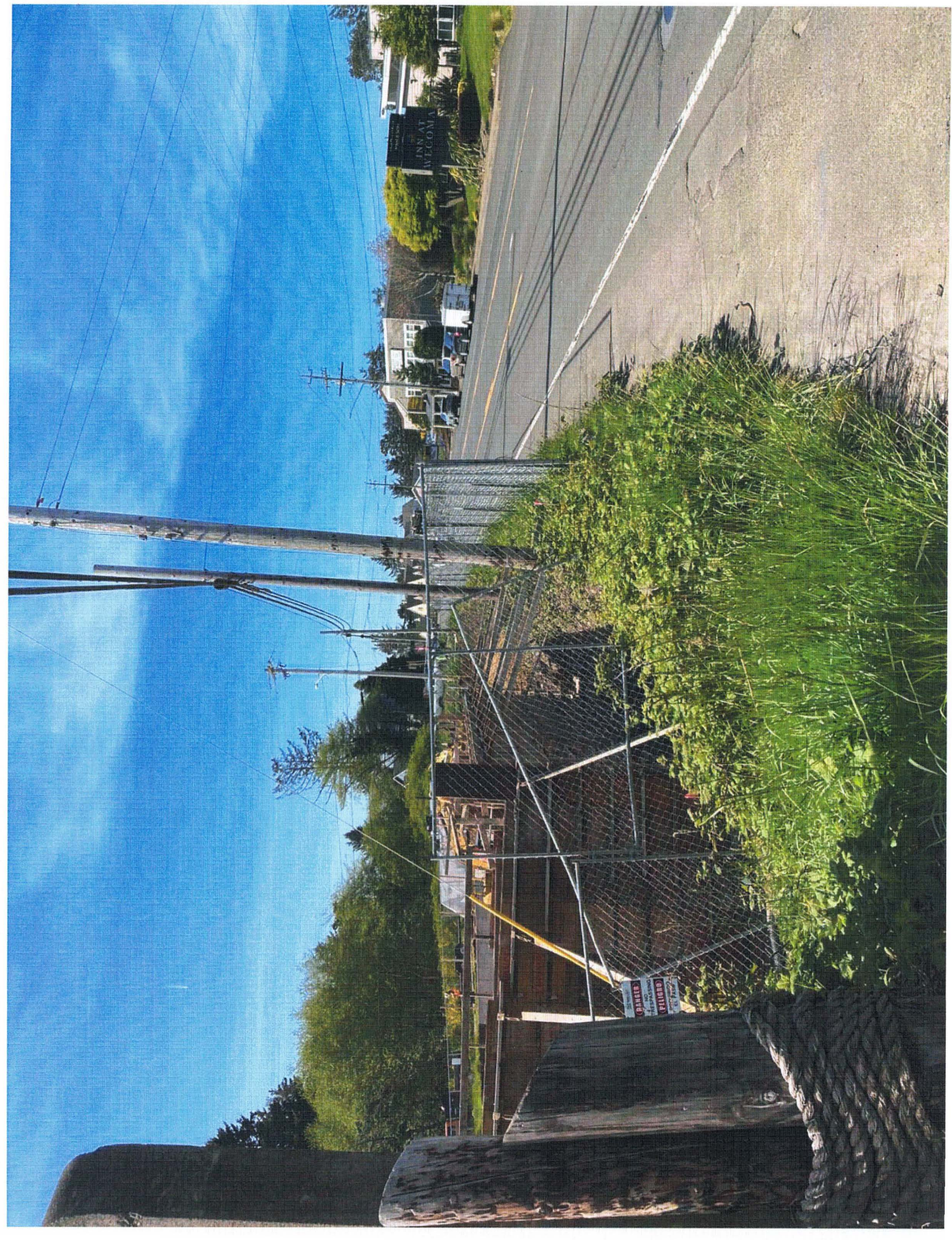
21 
22 _____
SUSAN WAHLKE, MAYOR

23

24 ATTEST:
25 
26 _____
27 JAMIE YOUNG,
CITY RECORDER

APPROVED AS TO FORM:


RICHARD APPICELLO,
CITY ATTORNEY





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