

1 WHEREAS, the time constraints associated with the emergency work make formal
2 competitive bidding processes impossible and necessitates this emergency procurement;

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

6 Section 1. The Council finds and determines that the facts as stated in the recitals to
7 this Resolution and in the Report of the City Manager, are true and correct and support this
8 Resolution and are incorporated herein by this reference; and

9 Section 2. The Council finds that an emergency exists as defined in OAR 137-049-
10 0150 and LCMC 2.05.080. The emergency exists in that there is a substantial risk of loss,
11 damage, or unnecessary or undesirable disruption or interruption of public facilities and
12 services, or a threat to health and safety (namely overflow of the sewer), which loss may be
13 avoided by an emergency procurement of construction services; and

14 Section 3. The Council authorizes the City Manager to directly award such
15 emergency contract to a contractor experienced with sewer line repair in difficult conditions
16 (high groundwater); the Manager need not solicit written or oral requests for offers; the
17 Manager may directly award the Contract to a qualified contractor on-site or available to be
18 on-site within ten days of approval of this Resolution and to make the award as soon as
19 possible.

20 Section 4. The scope of this Contract must be limited to Work that is necessary and
21 appropriate to remedy the conditions creating the Emergency; the Council authorizes the
22 expenditure of \$224,500.00 with a 20% contingency (\$269,400.00). The award of this
23 emergency contract shall occur within 10 days of this Resolution, unless an extension is
24 awarded by the City Manager, but in no case more than twenty days; performance and
25 payment bonds may be waived by the Manager.

26 Section 5. The Council further finds that the emergency contract specifically
27 authorized by this Resolution will result in substantial cost savings to the City, and it is
unlikely that awarding the contract based on the above-described emergency process,

1 given the time constraints, will encourage favoritism in the awarding of the contract or
2 substantially diminish competition.

3 Section 6. This resolution shall be effective as of the date of its adoption by the City
4 Council.

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6 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 15th day of
7 October, 2018.

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DON WILLIAMS, MAYOR

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11 ATTEST:

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CATHY STEERE, CITY RECORDER

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