1	RESOLUTION NO. 2018 - 20
A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING FROM FORMAL COMPETITIVE BIDDING THE EMERGENCY SEWER LINE REPAIR PROJECT UNDER SCHOONER CREEK PURSUANT TO OAR 137-049-0150 AND LCMC 2.05.080.A.	
	PROJECT UNDER SCHOONER CREEK
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6	contracting requirements, the City Council may declare an emergency and enter into a
7	public contract without first obtaining competitive bids or proposals; and
8	WHEREAS, pursuant to LCMC 2.05.080.A(2), the City Manager has filed the
9	prerequisite written report with the Council describing the proposed contract and
10	explaining the circumstances that create the emergency, said report incorporated herein by
11	this reference; and
12	WHEREAS, on September 21, 2018 a leak was detected in the 24 inch sewer main
13	running underneath Schooner Creek to the City's wastewater plant. The resulting spill of
4	sewage into Schooner Creek resulted in contamination of the waterway and closure of
15	beaches and shorelines; and
6	WHEREAS, earlier this year the City had completed construction of two 14 inch sewe
17	pipes for system redundancy and to handle high winter flows caused by infiltration of wate
8	into the sewer lines. The additional 14 inch pipes were intended to prevent overflows of
9	sewage caused by infiltration; and
20	WHEREAS, after the leak in the 24 inch line was discovered the line was shut down
21	and the 14 inch lines are now being used exclusively. These lines do not contain adequate
22	capacity, especially with water infiltration in the winter season. In addition at least one
23	access to the 24 inch sewer line is located in a wetland area, which will only make repair
24	more difficult in the winter season. The 24 inch line must be repaired immediately to
25	restore the capacity of the system ahead of the winter season; and
26	WHEREAS, City has sufficient resources to fund an emergency procurement of
27	construction services to repair the 24 inch sewer line as set forth in the Report of the City
	Manager entered into the record; and
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WHEREAS, the time constraints associated with the emergency work make formal 1 competitive bidding processes impossible and necessitates this emergency procurement; 2 3 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN 4 CITY, AS FOLLOWS: 5 Section 1. The Council finds and determines that the facts as stated in the recitals to 6 this Resolution and in the Report of the City Manager, are true and correct and support this 7 Resolution and are incorporated herein by this reference; and 8 Section 2. The Council finds that an emergency exists as defined in OAR 137-049-9 0150 and LCMC 2.05.080. The emergency exists in that there is a substantial risk of loss, 10 damage, or unnecessary or undesirable disruption or interruption of public facilities and 11 services, or a threat to health and safety (namely overflow of the sewer), which loss may be 12 avoided by an emergency procurement of construction services; and 13 Section 3. The Council authorizes the City Manager to directly award such 14 emergency contract to a contractor experienced with sewer line repair in difficult conditions 15 (high groundwater); the Manager need not solicit written or oral requests for offers; the 16 Manager may directly award the Contract to a qualified contractor on-site or available to be 17 on-site within ten days of approval of this Resolution and to make the award as soon as 18 19 possible. Section 4. The scope of this Contract must be limited to Work that is necessary and 20 appropriate to remedy the conditions creating the Emergency; the Council authorizes the 21 expenditure of \$224,500.00 with a 20% contingency (\$269,400.00). The award of this 22 emergency contract shall occur within 10 days of this Resolution, unless an extension is 23 awarded by the City Manager, but in no case more than twenty days; performance and 24 25 payment bonds may be waived by the Manager. Section 5. The Council further finds that the emergency contract specifically 26 authorized by this Resolution will result in substantial cost savings to the City, and it is 27 unlikely that awarding the contract based on the above-described emergency process,

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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 15 <sup>th</sup> day of
7	October, 2018.
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9	DON WILLIAMS, MAYOR
10 11	ATTEST:
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13	CATHY STEERE, CITY RECORDER
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