

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON DECLARING AN EMERGENCY AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR REPAIR OF PAVEMENT ON HENDERSON BOULEVARD SE**

**WHEREAS**, City staff recently encountered delamination of the pavement, caused by cold temperatures, snow, and then rain, on Henderson Boulevard SE between Plum Street and North Street, and the failure of the road could result in threats to public safety and property damage, including further damage to the pavement that could necessitate costly repairs; and

**WHEREAS**, RCW 39.04.280 defines an emergency as “unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken;” and

**WHEREAS**, the City Engineer determined that the situation on Henderson Boulevard SE constituted an emergency as defined in RCW 39.04.280 and thereafter entered into a contract without calling for bids with Lakeside Industries for emergency repairs of the road; and

**WHEREAS**, RCW 39.04.280 provides for an exemption from competitive bidding requirements for public works in the event of an emergency; and

**WHEREAS**, RCW 39.04.280 requires that, “if a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record;”

**NOW, THEREFORE, BE IT RESOLVED** that the Olympia City Council finds and declares that the repairs to the pavement on Henderson Boulevard SE between Plum Street and North Street constituted an emergency as defined in RCW 39.04.280 because the risk of further deterioration to the road and the associated unsafe driving conditions presented a real, immediate threat to public safety and property.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_ 2022.

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MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

*Michael M. Young*  
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DEPUTY CITY ATTORNEY