

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 A SINKHOLE AND HOLE IN SEWER LATERAL NEAR CARLYON AVENUE SE**

WHEREAS, City staff recently encountered a sinkhole and hole in the sewer lateral near 1113/1117 Carlyon Avenue SE, and the failure of the lateral and sinkhole could result in threats to public safety and property damage; 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, RCW 39.04.280 provides for an exemption from competitive bidding requirements for public works in the event of an emergency; and

WHEREAS, the City Engineer determined that the situation on Carlyon Avenue SE constituted an emergency as defined in RCW 39.04.280 and thereafter entered into a contract without calling for bids with Insta-Pipe, Inc., for emergency repairs of the sewer lateral; 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 sewer lateral on Carlyon Avenue SE constituted an emergency as defined in RCW 39.04.280 because the risk of raw effluent emerging from the sinkhole presented a real and immediate threat to public health, safety, and property, as did the development of the sinkhole in the vehicle travel lane.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY