

**RESOLUTION NO. 1301**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE MAYOR AND STAFF TO WAIVE COMPETITIVE BIDDING REQUIREMENTS IN ORDER TO ENTER INTO CONTRACTS WITH EARTHWORK ENTERPRISES, INC. AND LAKESIDE INDUSTRIES, INC. TO COMPLETE CONSTRUCTION OF THE WATERMAIN REPLACEMENT AND TEMPORARY ASPHALT OVERLAY ON 76<sup>TH</sup> AVE W BETWEEN 18223 76<sup>TH</sup> AVE W AND 17410 76<sup>TH</sup> AVE W

---

**WHEREAS**, based upon the presentation of staff and the information contained in the public record, the City Council finds that the need to complete the construction of the watermain replacement and temporary asphalt overlay on 76<sup>th</sup> Ave W between 18223 76<sup>TH</sup> AVE W and 17410 76<sup>TH</sup> AVE W, constitutes an emergency within the meaning of RCW 39.04.280(1); and

**WHEREAS**, RCW 39.04.280(1) authorizes the City to waive competitive bidding requirements in the event of an emergency; and

**WHEREAS**, an emergency is defined by RCW 39.04.280(3) to mean an unforeseen circumstance beyond the control of the municipality that either: (a) presents a real immediate danger to the proper performance of an essential function; 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 Council has received the staff report of the Public Works Director and staff describing the need to complete construction of the watermain replacement and temporary asphalt overlay on 76<sup>th</sup> Ave W between 18223 76<sup>TH</sup> AVE W and 17410 76<sup>TH</sup> AVE W; and

**WHEREAS**, the City Council finds and concludes that the immediate restoration of city utility systems and street pavement on 76<sup>th</sup> Ave W by Earthworks Enterprises, Inc. and Lakeside Industries, Inc. through negotiation rather than competitive bidding or selection is in the public interest; and

**WHEREAS**, the City Council finds and concludes that the proposed terms under which the City intends to enter into contracts with Earthworks Enterprises, Inc. and Lakeside Industries, Inc. are acceptable; now, therefore,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

1. The Edmonds City Council hereby authorizes the Mayor and his designees to waive competitive bidding requirements in order to contract with Earthworks Enterprises, Inc. and Lakeside Industries, Inc. to complete construction of the watermain replacement and temporary asphalt overlay on 76<sup>th</sup> Ave W between 18223 76<sup>TH</sup> AVE W and 17410 76<sup>TH</sup> AVE W; and

2. The Edmonds City Council hereby authorizes the Mayor to execute contracts with Earthworks Enterprises, Inc. and Lakeside Industries, Inc. on behalf of the City for the performance of this construction work pursuant to the proposed terms outlined by the Public Works Director and staff..

**RESOLVED** this 12th day of November, 2013.

APPROVED:



MAYOR, DAVE EARLING

ATTEST/AUTHENTICATED:



CITY CLERK, SCOTT PASSEY

FILED WITH THE CITY CLERK: 11-08-13  
PASSED BY THE CITY COUNCIL: 11-12-13  
RESOLUTION NO. 1301