

RESOLUTION NO. 1410

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, accepting findings that an emergency existed on December 20, 2019, which justified the City's entering into emergency contracts to repair and remediate the effects of a landslide that compromised Marine View Drive, Woodmont Beach Drive, and private property; and to ratify the actions taken and the waiver of the competitive bid laws pursuant to state law and the December 20, 2019 Proclamation of Emergency.

WHEREAS, on Friday, December 20, 2019, the City experienced heavy rainfall causing a landslide in the Woodmont Beach neighborhood which undermined Marine View Drive, blocked Woodmont Beach Road South, and completely obstructed the only road access to approximately 100 homes, and

WHEREAS, the landslide represented a real and immediate threat to life and property and a threat to the proper performance of essential functions, and

WHEREAS, RCW 39.04.280(1)(e) allows for the waiver of competitive bidding for contracts for emergency expenditures caused by unanticipated occurrences for the restoration to a condition of usefulness of any public property which has been damaged or destroyed or for public relief from an unanticipated emergency, and

WHEREAS, on December 20, 2019, a Proclamation of Emergency was issued by the City Manager, thereby waiving competitive bidding requirements and awards for any emergency related work, and

WHEREAS, emergency-related work included efforts to secure and stabilize the landslide area and storm water facilities downstream, and

WHEREAS, the City entered into emergency professional services and public works contracts to respond to the remediation of the site and the emergency stabilization of the hillside and storm water facilities to their previous condition prior to the storm, and

WHEREAS, The City Council was formally briefed on the situation on January 9, 2020; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. The foregoing recitals are adopted as findings of fact.

Sec. 2. The City Council finds that, under these circumstances, an emergency existed as defined by RCW 39.04.280(3), justifying execution of construction contracts and professional services contracts without compliance with competitive bidding requirements of state law, including an emergency contract with **Scarsella Bros, Inc.** for landslide debris removal, traffic control, storm drainage repair, roadway repair, roadway embankment repair, guardrail repair, tree removal, and all other incidental work to reopen public Rights-of-Way.

Sec. 3. The Des Moines City Council does hereby ratify the actions taken and the waiver of the competitive bid laws pursuant to state law and the December 20, 2019 Proclamation of Emergency.

ADOPTED BY the City Council of the City of Des Moines, Washington this 9th day of January, 2020 and signed in authentication thereof this 9th day of January, 2020.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk