

RESOLUTION 2023

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, RATIFYING THE PAYMENT TO KEITHLY ELECTRIC IN THE AMOUNT OF \$5,239.63 AND AUTHORIZING THE MAYOR TO PURCHASE A SINGLE- PHASE SPARE PUMP AND MOUNTING EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$5,792.26

WHEREAS, on April 6, 2022, the City executed a work order with Keithly Electric, the City's on-call electrician, in an amount not to exceed \$7,000 to diagnose an electrical malfunction in the Snoqualm Lift Station ("Lift Station"), and Keithly Electric invoiced the City for \$5,239.63 under the work order; and

WHEREAS, the City discovered additional equipment failures within the Lift Station requiring the City to purchase replacement parts in an amount of \$5,792.26 from a sole source supplier, PumpTech, LLC; and

WHEREAS, the cost to the City of electrical work performed by Keithly Electric combined with the cost of the PumpTech, LLC parts (hereafter "Lift Station Repair") totals \$11,031.89, which exceeds the contract signing authority of the Mayor; and

WHEREAS, pursuant to chapter 39.04 RCW, a project constitutes a public work when the cost of the work performed including equipment procured in connection with a public works project is performed under contract; and

WHEREAS, chapter 39.04 RCW is inapplicable to the Lift Station Repair because RCW 70A.140.030 – .070 provides an alternative and additional means by which a city can operate and maintain water pollution control facilities without complying with chapter 39.04 RCW; and

WHEREAS, RCW 70A.210.110 states in part:

[Pollution control] facilities shall be constructed, reconstructed, and improved . . . in the manner determined by the governing body in its sole discretion and any requirement of competitive bidding, lease performance bonds or other restriction imposed on the procedure for the award of contracts for such purpose . . . is not applicable to any action taken under authority of this chapter.

WHEREAS, the Lift Station meets the definition of a pollution control "facility" in RCW 70A.210.020 which states as follows:

The term “facility” is defined to mean “any land, building, structure, machinery, system, fixture, appurtenance, equipment or any combination thereof . . . which is used or to be used . . . in furtherance of the purpose of abating, controlling, or preventing pollution.” “**Pollution**” is defined broadly to include water pollution, land pollution, solid waste disposal, thermal pollution, radiation contamination, or noise pollution. [Emphasis added].

WHEREAS, RCW 70A.210.110 notwithstanding, the purchase of Lift Station equipment from PumpTech, LLC constitutes a sole source purchase exempt from the bidding laws set forth in RCW 39.04.280(1)(a); and

WHEREAS, the City desires to create a record herein of the cost to the City for the Lift Station Repairs and the City’s process for completing Lift Station Repairs under the applicable laws and regulations of the State of Washington;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council’s initial findings of fact in support of the Lift Station Repair herein.

Section 2. Sole Source Purchase. The City Council finds that the purchase of a single-phase spare pump and mounting equipment from PumpTech, LLC constitutes a sole source purchase exempt from the public works bidding laws set forth in RCW 39.04.280(1)(a).

Section 3. Ratification of Keithly Electric Work Order and Authorization to Mayor to Purchase Sole Source Lift Station equipment from PumpTech, LLC. The City Council ratifies the payment to Keithly Electric in the amount of \$5,239.63 and authorizes the Mayor to purchase equipment from PumpTech, LLC in the amount of \$5,792.26 for Lift Station Repairs.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 3RD DAY OF MAY, 2022.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Effective: May 3, 2022
Posted: May 4, 2022

Susie Oppedal, City Clerk