

**RESOLUTION 2009-19**

**A RESOLUTION MAKING A SPECIFIC EXEMPTION OF THE GARIBALDI PUBLIC CONTRACTING ORDINANCE ON BEHALF OF THE GARIBALDI CONTRACT REVIEW BOARD TO THE COMPETITIVE BID REQUIREMENTS OF THE GARIBALDI MUNICIPAL CODE SECTION 3.10. PUBLIC CONTRACTS, AND GRANTING BAYVIEW TRANSIT MIX, INC. AN AGREEMENT TO PAVE BIRCH AVE. BETWEEN 2<sup>ND</sup> STREET AND 3<sup>RD</sup> STREET IN GARIBALDI.**

**WHEREAS**, The City has budgeted funds from Water, Sewer and Street funds for the purpose of improving and maintaining infrastructure in Garibaldi; and

**WHEREAS**, state law provides that repair and maintenance of a public improvement is not considered a "public improvement" for purposes of state contracting requirements; and

**WHEREAS**, state law and Garibaldi Municipal Code authorize use of an alternate contracting method of requesting quotes for a contract less than \$150,000; and

**WHEREAS**, Garibaldi Municipal Code (GMC) 3.10.090, Public Contracts, allows for specific exemptions when the method of awarding such a bid is unlikely to encourage favoritism or substantially diminish competition for public contracts; and

**WHEREAS**, Garibaldi Municipal Code (GMC) 3.10.090, Public Contracts, allows for specific exemptions when the method of awarding such a bid will result in substantial savings to the City, in this case, through immediate action based on current prices of paving materials, and savings associated with direct contact of service providers instead of a request for proposal advertisement in trade journals; and

**WHEREAS**, the GMC 3.10.090(B) states that a Specific Exemption may be made by the Contract Review Board (City Council) for contracts more than \$5,000 and less than \$150,000 and that such an exemption shall be made by resolution; and

**WHEREAS**, Bayview Transit Mix, Inc. has submitted the lowest quote among three other informally solicited quotes for paving; and

**WHEREAS**, the City Council determines that completing the paving for the lowest available cost will benefit the public good; NOW, THEREFORE,

**THE COMMON COUNCIL OF THE CITY OF GARIBALDI RESOLVES AS FOLLOWS:**

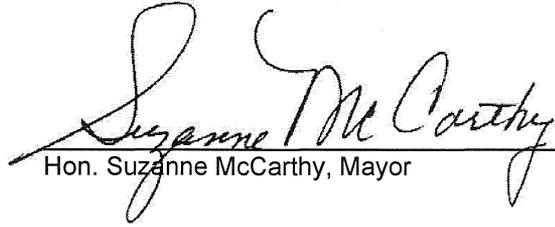
**Section 1.** The Garibaldi Contract Review Board hereby approves the use of an alternate contracting method as a specific exemption to public contracting competitive bid requirements, pursuant to GMC 3.10.090(E).

**Section 2.** The Garibaldi Contract Review Board authorizes staff to obtain at three informally solicited competitive quotes for materials and services associated with the paving of Birch Ave. from 2<sup>nd</sup> Street to 3<sup>rd</sup> Street ("Project"). A written record of at least three quotes shall be included in subsequent staff reports to the Council.

**Section 4.** The Garibaldi Contract Review Board will authorize the City Administrator to sign an agreement with Bayview Transit Mix, Inc. upon acceptable documentation associated with recitals of this resolution.

**Section 3.** The recitals of this resolution are incorporated herein by reference and adopted as findings in support of this approval of exemption.

**PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR**, this 17<sup>th</sup> Day of August, 2009.

  
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Hon. Suzanne McCarthy, Mayor

ATTEST:   
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John O'Leary, Interim City Administrator