

Ordinance No. 119280

The City of Seattle
Council Bill/Ordinance

Council Bill No. 112385

Law Department

AN ORDINANCE amending SMC 3.24.040S; authorizing the Executive Services Director to act in the event of an emergency requiring the immediate award of public works contracts.

12-2-98 Pass
12-7-98 Full C

CF No. _____

Date Introduced: <u>SEP 28 1998</u>	
Date 1st Referred: <u>SEP 28 1998</u>	To: (committee) Finance & Budget Committee
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>12-7-98</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>12-7-98</u>	Date Approved: <u>DEC 10 1998</u>
Date Returned to City Clerk: <u>DEC 14 1998</u>	Date Published: <u>2pp.</u> T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Voted by Mayor:	Date Vote Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

CHOE

Councilmember

Department

Committee Action:

2-2-98 Pass

2-7-98 Full Council: Passed 9-0

This file is complete and ready for presentation to Full Council.

Committee:



Law Dept. Review

OHP
Review

City Clerk
Review

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Full Text

ORDINANCE 119280

AN ORDINANCE amending SMC 3.24.040S; authorizing the Executive Services Director to act in the event of an emergency requiring the immediate award of public works contracts.

WHEREAS, the Washington State Legislature has amended Chapter 39.04 of the Revised Code of Washington to allow a first class city's governing body to designate persons who may declare an emergency situation exists, waive competitive bidding requirements, and award public works contracts necessary to address the emergency situation; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.24.040S of the Seattle Municipal Code, is hereby amended as follows:

3.24.040 Director—Functions, powers, and duties.

The Executive Services Director shall manage the Executive Services Department and shall have the following powers and perform the following functions:

* * *

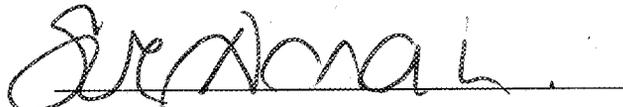
S. In the administration of public works contracting processes, require that all public works activities and contracts for public works projects are developed and carried out in a manner consistent with applicable state law and City ordinances; In case of an emergency requiring public works contracts, the Executive Services Director or his/her designee(s) is authorized to declare the existence of an emergency situation, waive competitive bidding requirements, and award public works contracts necessary to address the emergency;

Section 2. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

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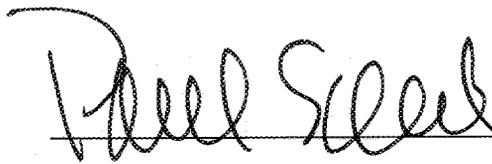
Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of December 1998, and signed by me in open session in authentication of its passage this 7th day of December, 1998.



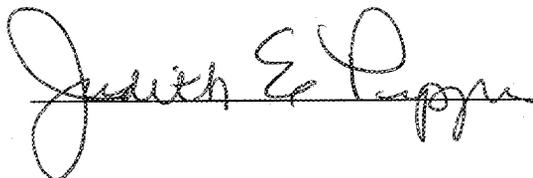
President _____ of the City Council

Approved by me this 10th day of December, 1998.



Mayor

Filed by me this 14th day of December, 1998.



City Clerk

(Seal)



City of Seattle

Paul Schell, Mayor

Executive Services Department

Dwight D. Dively, Director

RECEIVED

SEP 22 1998

4:19 PM
SEATTLE CITY COUNCIL

MEMORANDUM

Date: September 22, 1998

To: Sue Donaldson, President
Seattle City Council

From: Dwight Dively, Director *[Signature]*
Executive Services Department

Subject: Proposed legislation amending SMC 3.24.040S, authorizing the Executive Services Director to act in the event of an emergency requiring the immediate award of public works contracts.

Under current City policy, the Executive Services Director has the responsibility for emergency public works, declaring the existence of the emergency situation; waiving competitive bidding requirements; and awarding a contract. Under former state law, a first-class city's ability to waive competitive bidding requirements in an emergency situation was conditioned upon a subsequent passage of a resolution by the City Council within fourteen days, certifying the existence of the emergency situation, as well as publication requirements.

The 1998 Washington State Legislature passed Substitute House Bill 2077 (Chapter 278, Laws of 1998) which, in part, amends the Revised Code of Washington (RCW) as it pertains to the procedure by which first-class cities may waive competitive bidding requirements for public works under emergency situations. These changes to the RCW went into effect on June 11, 1998.

The new state law eliminates the need for the subsequent resolution, provided that a written record of the emergency situation is on record within two weeks following the public works project award, and that the governing body has designated personnel who are authorized to declare the existence of an emergency, waive competitive bidding, and award the contract. Other provisions in RCW Ch. 39.04 still require the City to publish notice of emergency public works within seven days of commencement of the work. For the purpose of these the new statutes,

“emergency” means unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper

Dively/Donaldson
Emergency Public Works
September 22, 1998
Page 2

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.

The attached ordinance codifies the City's current practices in the Seattle Municipal Code, in order to meet the requirements of the new state statute. Pursuant to the new requirements of RCW Chapter 39.04, this proposed ordinance will continue to authorize the Executive Services Director to decide when it is appropriate to waive competitive bidding requirements in an emergency situation. These changes to the procedures for emergency public works contracting will keep the City current with state law, and ensure that the City's response to such emergencies continues to be prompt and effective.

I look forward to your consideration and passage of this ordinance. If you have any questions, or would like a briefing regarding this matter, please feel free to call Contracting Services Director Rod Brandon at 684-0324.

cc: Martha Choe, Councilmember
Maud Daudon, Mayor's Office
Rodrick Brandon, Director of Contracting Services
Mike Purdy, Contracting Manager
Barbara Gangwer, City Budget Office

TIME  DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Matthew Cioce

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

100420
City of Seattle, City Clerk

-ss.

No. FULL ORDINAN

City of Seattle

ORDINANCE 119280

AN ORDINANCE amending SMC 3.24.040S, authorizing the Executive Services Director to act in the event of an emergency requiring the immediate award of public works contracts.

WHEREAS, the Washington State Legislature has amended Chapter 39.04 of the Revised Code of Washington to allow a first class city's governing body to designate persons who may declare an emergency situation exists, waive competitive bidding requirements, and award public works contracts necessary to address the emergency situation; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 3.24.040S of the Seattle Municipal Code, is hereby amended as follows:

3.24.040 DIRECTOR -- FUNCTIONS, POWERS, AND DUTIES.

The Executive Services Director shall manage the Executive Services Department and shall have the following powers and perform the following functions:

5. In the administration of public works contracting processes, require that all public works activities and contracts for public works projects are developed and carried out in a manner consistent with applicable state law and City ordinances. (b) In case of an emergency requiring public works contracts, the Executive Services Director or his/her designee is authorized to declare the existence of an emergency situation, waive competitive bidding requirements, and award public works contracts necessary to address the emergency.

SECTION 2. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of December, 1998, and signed by me in open session in authentication of its passage this 7th day of December, 1998.

SUE DONALDSON,
President of the City Council.
Approved by me this 10th day of December, 1998.

PAUL SCHELL,
Mayor.
Filed by me this 14th day of December, 1998.

(Seal) JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH PIPPIN,
City Clerk.

((Boldface denotes deletion.))
Date of official publication in Daily Journal of Commerce, Seattle, December 22, 1998.
12/22(100420)

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119280

was published on

12/22/98

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

K. Patterson

Subscribed and sworn to before me on

12/22/98

McChunick

Notary Public for the State of Washington, residing in Seattle