

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2022 - 25**

**A RESOLUTION OF THE CITY OF ORTING, WASHINGTON, APPROVING
AERIAL TITAN AS A SOLE SOURCE SUPPLIER OF THE NIFTYLIFT TM42
(BI-ENERGY) TRAILER MOUNTED BOOM, AND AUTHORIZING A
WAIVER OF BIDDING REQUIREMENTS DUE TO MARKET CONDITIONS;
SETTING AN EFFECTIVE DATE.**

WHEREAS, the City's Purchasing Policy, consistent with Chapter 39.04, requires competitive bidding when the City is awarding contracts for public works and for purchases; and

WHEREAS, RCW 39.04.280, incorporated into the City's Purchasing Policy, provides limited exceptions to the bidding requirements where the purchase is in response to an emergency, is clearly and legitimately limited to a single source of supply for the purchase, or where the purchase involves special facilities or market conditions; and

WHEREAS, the City of Orting Purchasing Policy, Part IX, Section 2 requires Council to approve sole source suppliers and those purchases subject to special facilities or market conditions by Resolution; and

WHEREAS, this City of Orting's Public Works team requires a Lift to trim both regular and at-risk, hazardous and potentially dangerous trees, to perform outdoor maintenance at the Water Recovery Resource Facility, to perform indoor maintenance at Well #4, and the ability to install decorations and street banners; and

WHEREAS, the funds are available in the current budget for this boom to replace the 1995 Bucket truck that has reached it's end of life cycle; and

WHEREAS, the City utilized competitive bidding to solicit suppliers of the equipment and received only one responsive vendor who could provide the specific equipment sought and, due to market conditions arising from the current global financial crisis and associated supply-chain issues, could provide the equipment to the City within the next calendar year; and

WHEREAS, due to the City's urgent need to replace a piece of equipment that has reached its end of life cycle, and due to the current market conditions, the City desires to purchase the item from the sole vendor who can provide the item without substantial (more than a years' time) delivery delay; and

WHEREAS, pursuant to RCW 39.04.280(1)(b), the City Council finds the purchase from this vendor is clearly and legitimately limited to a single source, and is appropriate due to the current special market conditions that exist;

NOW, THEREFORE, the City Council of the City of Orting, Washington do resolve as follows:

Section 1. Findings. It is the intent of the Orting City Council that the recitals set forth above are hereby adopted and incorporated as findings in support of this Resolution.

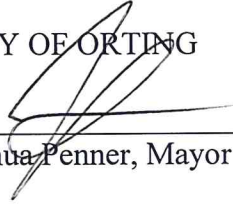
Section 2. Sole Source Supplier due to Special Market Conditions, Authorization. The Orting City Council hereby waives the bidding requirements set out in the City's Purchasing Policy, and approves Aerial Titan as the sole source supplier of the NiftyLift TM42 (bi-energy) Trailer Mounted Boom for this purchase only. The above-described circumstance is justification for the waiver of bidding requirements under the authority of RCW 35.23.352(9) and pursuant to RCW 39.04.280(1) and RCW 39.04.280(1)(a), due to special market conditions. The Mayor is hereby authorized to execute all documents necessary to effectuate this purchase.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately upon its passage and signature hereof.

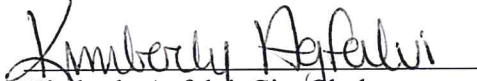
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26TH DAY OF OCTOBER, 2022.

CITY OF ORTING




Joshua Penner, Mayor

ATTEST/AUTHENTICATED:



Kimberly Agfalvi, City Clerk

APPROVED AS TO FORM:



Charlotte Archer, City Attorney
Inslee, Best, Doezie & Ryder, P.S.