

Port of Port Angeles

Port Angeles, Washington

Commissioner's Resolution No.

25-1320

**A RESOLUTION OF THE PORT OF PORT ANGELES WASHINGTON
WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR CERTAIN PUBLIC WORKS
SPECIAL FACILITIES AND FOR POLLUTION CONTROL FACILITIES & CERTAIN PURCHASES
AND CONTRACTS AS ALLOWED BY RCW 39.04.280(1)(b) and RCW 70A.210.110 &
ADOPTING FINDINGS OF FACT IN SUPPORT**

WHEREAS, pursuant to provisions of RCW 53.12.270, the Port Commission is authorized to delegate to the managing official of a port district such administrative powers and duties as it may deem proper for the efficient and proper management of port district operations, and

WHEREAS, the Executive Director derives authority from the Port Commission acting as the governing body and is responsible for carrying out Port Commission policies.

WHEREAS, the Port's Delegation of Authority Resolution includes the Port's policies governing contracts for performance of public works, for purchasing and for personal services contracts.

WHEREAS, RCW 70A.210.110 (recodified in 2020; previously RCW 70.95A.090) authorizes a competitive bidding exemption for pollution control facilities constructed or improved by cities, towns, counties, or port districts, specifically stating, that 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 on the procedure for the award of contracts for such purpose ... is not applicable."

WHEREAS, RCW 70A.210.020 defines pollution broadly to include "any form of environmental pollution, including but not limited to water pollution, air pollution, land pollution, solid waste disposal, thermal pollution, radiation contamination, or noise pollution," and defines "facility" as "any land, building, structure, machinery, system, fixture, appurtenance, equipment or any combination thereof, or any interest therein ... to be used ... in furtherance of the purpose of abating, controlling, or preventing pollution."

WHEREAS, RCW 39.04.280(1)(b) also authorizes the governing body of a public agency to waive the competitive bidding requirements for certain public works special facilities, upon finding a factual basis for doing so

WHEREAS, the Washington state legislature found when adopting Chapter 70A.210 RCW, which contains the exemption found that, amongst other things:

- (1) That environmental damage seriously endangers the public health and welfare;
- (2) That such environmental damage results from air, water, and other resources pollution and from solid waste disposal, noise and other environmental problems;
- (3) That to abate or control such environmental damage antipollution devices, equipment, and facilities must be acquired, constructed and installed;
- (4) That encouraging and accelerating the installation of facilities for abating or controlling and preventing environmental damage is in the public interest and serves a public purpose in protecting and promoting the health and welfare of the citizens of the cities, towns, counties, and port districts and of this state; and
- (5) That Chapter 70A.210 RCW shall be liberally construed to accomplish these intentions expressed in the "Legislative Purpose" section, RCW 70A.210.010.

WHEREAS, the Port Commission of the Port of Port Angeles adopts these same factual findings in support of this Resolution waiving the competitive bidding requirements for construction contracts, purchasing and personal services contracts for certain public works special facilities and for pollution control facilities.

NOW THEREFORE BE IT RESOLVED that:

1. Waiver of Competitive Bidding Requirements for Certain Public Works Special Facilities and for Pollution Control Facilities Contracts.

Pursuant to RCW 39.04.280(1)(b) and RCW 70A.210.110 and this Port Resolution 25-1320 which contains the findings of fact in support, the Commission waives competitive bidding requirements for public works contracts for certain public works special facilities and for pollution control facilities as defined in RCW 70A.210.020. The Executive Director is authorized to carry out all procedures for the letting of said contracts for public works special facilities and for pollution control facilities exempted herein preliminary to the acts and approvals required to be performed by the Commission at an open meeting.

2. Waiver of Competitive Bidding Requirements for Certain Purchases.

Pursuant to RCW 39.04.280(1)(b) and RCW 70A.210.110 and this Port Resolution 25-1350, which contains the findings of fact in support, the Commission waives competitive bidding requirements for purchases related to certain public works special facilities and for pollution control facilities as defined in RCW 70A.210.020. The Executive Director is authorized to carry out all procedures for purchases listed below and exempted herein preliminary to the acts and approvals required to be performed by the Commission at an open meeting.

1. Purchases that are clearly and legitimately limited to a single source of supply;
2. Purchases involving special facilities or market conditions;
3. Purchases in the event of an emergency.
4. Purchases of insurance or bonds;
5. Purchases for pollution control facilities as defined in RCW 70A.210.020, and
6. Public works in the event of an emergency.

3. Waiver of Competitive Bidding Requirements for Certain "Personal Services."

Pursuant to RCW 53.19.020 and RCW 70A.210.110 and this Port Resolution 25-1320, which contains the findings of fact in support, all personal service contracts will be entered into pursuant to competitive solicitation, except for:

- A. Emergency contracts,
- B. Sole source contracts; provided however, that sole source service contracts, regardless of the amount, shall be filed with the Commission and made available to the public prior to starting the work.
- C. Personal Services Contracts related to pollution control facilities as defined in RCW 70A.210.020
- D. Any other specific contracts or classes as exempted by 53.19 RCW.
- E. Other specific contracts or classes or groups of contracts exempted from the competitive solicitation process by the Commission when the Commission has determined that a competitive solicitation process is not appropriate or cost-effective.

The Executive Director is authorized to carry out all procedures for purchases listed below and exempted herein preliminary to the acts and approvals required to be performed by the Commission at an open meeting.

Adopted by the Port Commission of the Port of Port Angeles at a regular meeting thereof held this 11th day of March, 2025.

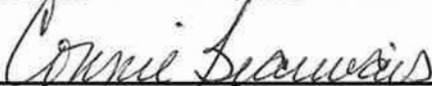
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