

RESOLUTION No. 538

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORKS, WASHINGTON, declaring an emergency and waiving state competitive bidding requirements for the repair of the Forks Industrial Park fire suppression system, pursuant to RCW 39.04.280.

WHEREAS, RCW 39.04.280 provides that the City, by resolution, may waive competitive bidding requirements for public works in the event of an emergency. For purposes of RCW 39.04.280, an "emergency" is any unforeseen circumstance beyond the control of the municipality that either (a) presents a real, immediate threat to the proper 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; and

WHEREAS, on Thursday, May 7, 2026, damaged components were discovered during an inspection of the fire suppression system at the Forks Industrial Park. It was found that several components require repair before the system can be brought online to complete the inspection; and

WHEREAS, the tenant at the Forks Industrial Park is building a lumber mill and the lack of a functioning fire suppression system poses an immediate threat to both the premises and human life; and

WHEREAS, an emergency repair is needed to quickly repair the fire suppression system to restore it to service; and

WHEREAS, repair of fire suppression system is "public work" as defined by RCW 39.04.010(4);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Forks, Washington as follows:

Section 1. The City Council of the City of Forks, Washington finds that the facts set forth in the recitals of this Resolution are true, and hereby declares and certifies that failure of the fire suppression system at the Forks Industrial Park constitutes an emergency under RCW 39.04.280.

Section 2. The City Council of the City of Forks, Washington hereby waives the bidding requirements and authorizes staff to contract without solicitation of bids for the public work project titled Forks Industrial Park Fire Suppression System Repairs, and to take such actions as necessary to carry out the intent and direction of this Resolution.

Section 3. Any actions of the City or its officers prior to the date hereof and consistent with the terms of this Resolution are ratified and confirmed.


Section 4. This Resolution shall be in full force and effect after its adoption and approval.

The foregoing Resolution was ADOPTED by the City Council of the City of Forks, Washington, at a regular, open public meeting thereof this 11th day of May, 2026



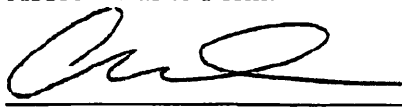
Tim Fletcher
Mayor

Attested to:



Caryn DePew
Clerk/Treasurer

Approved as to Form:



Charlotte A. Archer
Attorney

RCW 39.04.280

Competitive bidding requirements—Exemptions.

*** CHANGE IN 2026 *** (SEE [6076-S.SL](#)) ***

This section provides uniform exemptions to competitive bidding requirements utilized by municipalities when awarding contracts for public works and contracts for purchases. The statutes governing a specific type of municipality may also include other exemptions from competitive bidding requirements. The purpose of this section is to supplement and not to limit the current powers of any municipality to provide exemptions from competitive bidding requirements.

(1) Competitive bidding requirements may be waived by the governing body of the municipality for:

- (a) Purchases that are clearly and legitimately limited to a single source of supply;
- (b) Purchases involving special facilities or market conditions;
- (c) Purchases in the event of an emergency;
- (d) Purchases of insurance or bonds; and
- (e) Public works in the event of an emergency.

(2)(a) The waiver of competitive bidding requirements under subsection (1) of this section may be by resolution or by the terms of written policies adopted by the municipality, at the option of the governing body of the municipality. If the governing body elects to waive competitive bidding requirements by the terms of written policies adopted by the municipality, immediately after the award of any contract, the contract and the factual basis for the exception must be recorded and open to public inspection.

If a resolution is adopted by a governing body to waive competitive bidding requirements under (b) of this subsection, the resolution must recite the factual basis for the exception. This subsection (2)(a) does not apply in the event of an emergency.

(b) If an emergency exists, the person or persons designated by the governing body of the municipality to act in the event of an emergency may declare an emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the municipality to address the emergency situation. If a contract is awarded without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the governing body or its designee and duly entered of record no later than two weeks following the award of the contract.

(3) For purposes of this section "emergency" means unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper 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.

[[1998 c 278 s 1.](#)]