

**FERRY COUNTY
RESOLUTION NO. 2007-12**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FERRY COUNTY, WASHINGTON, DISPENSING WITH ADVERTISEMENT AND COMPETITIVE BIDDING FOR EMERGENCY PURCHASES AND PUBLIC WORKS AND PURCHASES BETWEEN TWO THOUSAND FIVE HUNDRED AND TWENTY FIVE THOUSAND DOLLARS BY THE MARTIN HALL JUVENILE FACILITY BOARD (CREATED PURSUANT TO THE AMENDED AND RESTATED INTERLOCAL JUVENILE DETENTION FACILITY AGREEMENT (MARTIN HALL)); AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

FERRY COUNTY, WASHINGTON

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FERRY COUNTY, WASHINGTON, as follows:

WHEREAS, Ferry County, Washington (the "County") is a political subdivision duly organized and existing under and by virtue of the Constitution and laws of the State of Washington;

WHEREAS, the County is required by Chapter 13.16 RCW to acquire, construct and maintain juvenile detention facilities for dependent, wayward and delinquent children;

WHEREAS, under Section 802(9) of Chapter 16, Laws of 1995, 2nd sp. sess., the Washington State Treasurer is authorized to enter into a financing contract for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of counties in the lease/purchase of leasehold improvements to Martin Hall on the Eastern State Hospital campus, and the renovation of said facility for use as a juvenile rehabilitation center;

WHEREAS, Chapter 309, Laws of 1995, authorizes cities and counties, or any combination thereof, to participate in agreements, pursuant to Chapter 39.34 RCW, to jointly expend funds for criminal justice purposes of mutual benefit, which include, but are not limited to, the construction, improvement and expansion of jails, court facilities and juvenile justice facilities;

WHEREAS, the County and eight other counties entered into an Amended and Restated Interlocal Juvenile Detention Facility Agreement (Martin Hall) ("the Amended and Restated Agreement") executed by each County on the following dates:

Douglas County - August 26, 1996
Stevens County - August 20, 1996
Pend Oreille County - July 22, 1995
Spokane County - August 13, 1996
Adams County - July 22, 1996
Asotin County - August 19, 1996

Lincoln County - July 15, 1996
Whitman County - July 15, 1996
Ferry County - July 15, 1996

under the authority granted by Chapter 39.34 RCW, Chapter 309, Laws of 1995, and Chapter 10, Laws of 1995, 2nd sp. sess., to provide for the joint operation and maintenance of Martin Hall for use as a "juvenile rehabilitation center" as amended from time to time;

WHEREAS, RCW 36.32.245 makes provisions to dispense with advertisement and formal sealed bidding on purchases of equipment, materials, supplies and services between two thousand five hundred and twenty-five thousand dollars; and

WHEREAS, RCW 39.04.280 makes provisions to waive competitive bidding requirements for purchases and public works projects in the event of an emergency; and

WHEREAS, it would be beneficial and efficient for the County as a Member of the consortium to authorize the Martin Hall Juvenile Facility Board to, in the course of its operation and maintenance of Martin Hall under the Amended and Restated Agreement, dispense with advertisement and formal sealed bidding on purchases of equipment, material, supplies and services between two thousand five hundred and twenty-five thousand dollars and waive competitive bidding requirements for purchases and public works in the event of an emergency.

NOW THEREFORE, IT IS HEREBY FOUND, RESOLVED, DETERMINED AND ORDERED as follows:

Section 1. The Board of County Commissioners ("Board") hereby authorizes the Martin Hall Juvenile Facility Board, acting under the Amended and Restated Agreement, in the course of operating and maintaining Martin Hall, to dispense with advertisement and formal sealed bidding on purchases of equipment, material, supplies and services between two thousand five hundred and twenty-five thousand dollars, so long as the following terms and conditions are met:

- a. Lincoln County shall, at least twice per year, publish in a newspaper of general circulation within the County a notice of the existence of vendor list(s) and solicit the names of vendors for such list(s). The Clerk of the Board of Lincoln County Commissioners shall maintain the Vendor List;
- b. The purchase price, including sales taxes and freight, shall not exceed \$25,000.00;
- c. The purchase is within Martin Hall Juvenile Facility Board's current budget;
- d. Purchases of multiple items shall not be segregated or invoiced separately in order to fall within the bidding exception provided by this section;

- e. A written description shall be drafted by Lincoln County of the specific materials, supplies, equipment or services to be purchased, including quantity, quality, and type desired, the proposed delivery data and any other significant terms of purchase;
- f. Lincoln County shall make a good faith effort to contact at least three (3) of the vendors on the list to obtain telephone solicitation quotations from the vendor(s) or a written bid from the vendor(s) for the required supplies, materials, equipment or services;
- g. Lincoln County shall not share telephone quotations from one vendor with other vendors solicited for the bid on supplies, materials, equipment or services;
- h. A written record shall be made by Lincoln County of each vendor's bid on the supplies, materials, equipment or services, and any conditions imposed on the bid by such vendor and it shall also be noted when a vendor contacted declines to provide a quotation;
- i. Lincoln County shall present to the Martin Hall Juvenile Facility Board all telephone and/or written quotations and a recommendation for award of the contract to the lowest responsible bidder;
- j. The Martin Hall Juvenile Facility Board shall purchase the materials, supplies, equipment or services from the lowest responsible bidder, provided that whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the Martin Hall Juvenile Facility Board may call for new bids. The Martin Hall Juvenile Facility Board, in determining the lowest bidder may take the following factors, in addition to price, into account:
 - 1. Any preferences provided by law to Washington products and vendors;
 - 2. The quality of the materials, supplies, equipment, or services;
 - 3. The conformity of the materials, supplies, equipment, or services to the specifications;
 - 4. The purposes for which the materials, supplies, equipment, or services are required;
 - 5. The times for delivery of the materials, supplies, equipment, or services;
 - 6. The character, integrity, reputation, judgment, experience, capability, and efficiency of the bidder, and,
 - 7. Such other information as may have a bearing on the decision to purchase the materials, supplies, equipment, or services.

- k. The Martin Hall Juvenile Facility Board shall review quotations and recommendations from Lincoln County and award the contract to the lowest responsible bidder, with the contract to be executed by the Martin Hall Juvenile Facility Board Chairman;
- l. Immediately after the award is made, the quotations obtained shall be recorded with the Clerk of the Board of County Commissioners of Lincoln County, open to public inspection, and available by telephone inquiry; and
- m. A list of all contracts awarded under these procedures shall be posted at the Lincoln County Courthouse once after each contract is entered into. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased and the date of award.

Section 2. The Board hereby authorizes Martin Hall Juvenile Facility Board, acting under the Amended and Restated Agreement, in the course of operating and maintaining Martin Hall, to waive competitive bidding requirements for purchases and public works in the event of an emergency, so long as the following terms and conditions are met:

- a. "Emergency" means unforeseen circumstances beyond the control of the Martin Hall Juvenile Facility Board 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;
- b. The Martin Hall Juvenile Facility Board will prepare and pass a resolution on each occasion in which competitive bidding requirements are waived in the event of an emergency;
- c. The Martin Hall Juvenile Facility Board shall declare the emergency situation exists, waive competitive bidding requirements, and award all necessary contracts on behalf of the member Counties to address the emergency situation;
- d. Any resolution shall contain a written finding of the existence of an emergency;
- e. The contract is within Martin Hall Juvenile Facility Board's current budget; and
- f. The Martin Hall Juvenile Facility Board approves and authorizes the Board Chairman to execute the contract.

Section 3. All other resolutions of the Board that are inconsistent with the provisions of this Resolution are hereby repealed to the extent of such inconsistency.

Section 4. This Resolution shall take effect immediately upon its adoption.

* * * * *

C E R T I F I C A T E

I, the undersigned, the Clerk of the Board of County Commissioners of _____ County, Washington, hereby certify that the foregoing resolution is a full, true and correct copy of a resolution duly adopted at the regular meeting of said Board held on _____, of which meeting all commissioners had due and lawful notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES, and in favor thereof:

NOES:

ABSENT:

ABSTAIN:

I further certify that I have carefully compared the same with the original resolution on file and of record in my office; that said resolution is a full, true and correct copy of the original resolution adopted at said meeting; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Board on _____, 20____.

_____ COUNTY, WASHINGTON

Commissioners Clerk of the Board of County

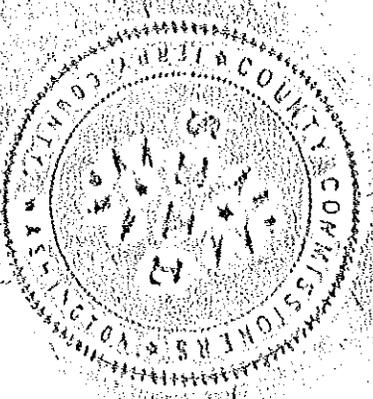
(S E A L)

034381

034381

ADOPTED by the Board of County Commissioners of Ferry County, Washington, at a regular meeting thereof held on March 12, 2007.

BOARD OF FERRY COUNTY COMMISSIONERS



Brad L. Miller

BRAD L. MILLER, Chairman

Mike L. Blankenship

MIKE L. BLANKENSHIP, Vice Chairman

Ronald J. Bond

RONALD J. BOND, Member

ATTEST:

Joy Osterberg

for Joy Osterberg, Clerk of the Board