

RESOLUTION NO. 2025-05

DECLARATION OF EMERGENCY WAIVER OF COMPETITIVE BIDDING REQUIREMENTS

WHEREAS, RCW 39.04.280 provides for the waiver of competitive bidding requirements under enumerated conditions;

WHEREAS, the primary purpose of the Des Moines Pool Metropolitan Park District (the “District”) is to provide for a safe and pleasant indoor aquatic facility, the Mt. Rainier Pool, located at 22722 19th Ave, Des Moines WA 98198;

WHEREAS, an essential function of the District is to provide a safe environment for swim lessons which are scheduled to occur now through August 1, 2025, and which offer water-safety education now through summer when drownings are most likely to occur;

WHEREAS, District staff has identified structural failure of the surge pit that requires immediate repairs as it presents an immediate threat to the proper performance of essential functions of the District, and the failure to undertake immediate repairs will result in an immediate threat to the proper performance of the District’s essential function of providing a facility for summer swimming lessons;

WHEREAS, This District has determined, under Washington state law and District policy, that this situation includes unforeseen circumstances beyond the control of the District that (i) present a real, immediate threat to the proper performance of essential functions of the District and/or (ii) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken;

WHEREAS, by declaring this emergency situation, the District is permitted to waive the procurement requirements for selecting an engineering firm;

WHEREAS, District staff determined that an emergency condition existed and proceeded with the necessary steps to repair the damages;

WHEREAS, District staff contracted with MLA Engineering LLC to perform such tasks as condition assessment and preparation of construction documents.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Des Moines Pool Metropolitan Park District as follows:

1. The Board hereby adopts the above recitals as findings of the Board;
2. The Board hereby ratifies the staff’s determination and declaration of an emergency under RCW 39.04.280 as detailed above and ratifies the waiver of competitive bidding requirements for the procurement of professional engineering services and other contracts as needed, in connection with the emergency situation; and
3. The Board hereby further ratifies the Professional Services Agreement with MLA Engineering LLC for the purpose of providing engineering services in connection with the emergency.

ADOPTED at regular meeting of the Board of Commissioners of Des Moines Pool Metropolitan Park District on June 6, 2025, the following Commissioners being present and voting:

Signed by:

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Commissioner

Signed by:

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Commissioner

Signed by:

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Commissioner

Secretary