

**CITY OF GIG HARBOR
RESOLUTION NO. 426**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DECLARING THE PURCHASE OF A BIG BOAT TOY FOR A CITY PARK TO BE LIMITED TO A SOLE SOURCE, AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR PURCHASE OF THE BIG BOAT TOY.

WHEREAS, on January 1, 1994, the City Council included in the Parks Department budget, an allocation for the purchase of a big boat toy to be placed in City Park; and

WHEREAS, in order to determine whether there were manufacturers of a big boat toy suitable for the City's purposes, the Public Works Director assigned an employee to call distributors in six states, including Washington; and

WHEREAS, such telephone survey disclosed that only two manufacturers made a big boat toy which resembled the type of boat toy by the City; and

WHEREAS, on May 18, 1994, the Public Works Department competitively bid the proposed purchase of the big boat toy; and

WHEREAS, on June 1, 1994, the Public Works Department received bids from two suppliers for the big boat toy; one of which from Pacific Playground, manufactured by Kompan for a toy which most nearly resembled the boat toy sought by the City, met the Department's specifications and was the most aesthetically acceptable. The other bid received was distributed by Recreational Resources, manufactured by Landscape Structures, Inc., respectively. In addition, the City decided to obtain the opinions of children who would be using the toy, and the toy distributed by Pacific Playground was unanimously approved by these children for installation in the park; and

WHEREAS, the difference in purchase price of the big boat toys described on the bids received by the City was \$1,328.25; and

WHEREAS, on June 13, 1994, the City Council determined to reject the bids on the big boat toy, for the reason that the Recreation Resource Bid envelope was opened prior to the scheduled time; and

WHEREAS, since the Council's rejection of the bids, the Public Works Department has attempted to obtain additional information to determine whether there are other manufacturers of the type of big boat toy which most nearly resembles the toy supplied by Pacific Playground, and

WHEREAS, the Public Works Department has been able to locate no manufacturer, other than Kompan, who makes a similar big boat toy, and has determined that this purchase is limited to a sole source; and

WHEREAS, the City Council may waive the requirements of advertisement and formal sealed bidding of purchases if the Council declares that the proposed purchase is clearly and legitimately limited to a single source or supply within the near vicinity, and recites why this situation exists (RCW 35.23.352);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council declares that purchase of the big boat toy for the City park is clearly and legitimately limited to a single source or supply within the near vicinity, because only the big boat toy manufactured by Kompan is the most aesthetically acceptable and because it is was unanimously chosen by the children who would be using the park. Therefore, the City Council waives all competitive bidding requirements for this sole source purchase.

Section 2. The Public Works Director is hereby authorized to purchase the big boat toy as described in the specifications submitted by Pacific Playground, in the amount of \$13,805.81, for placement in the City park.

Resolved by the City Council this 12th day of September , 1994.

APPROVED:

Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

Mark E. Hoppen, City Administrator
City Clerk

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:
BY:

Filed with City Clerk: 8/30/94
Passed by City Council: 9/12/94