

**Resolution #473**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AUTHORIZING THE PURCHASE OF A USED WOOD CHIPPER, AND DECLARING THE EQUIPMENT TO BE SUBJECT TO SPECIAL MARKET CONDITIONS, AND CIRCUMSTANCES CLEARLY AND LEGITIMATELY LIMITED TO A SINGLE SOURCE OF SUPPLY, AND AUTHORIZING A SOLE SOURCE BID OR DIRECT NEGOTIATION WITH THE SUPPLIER OF THE EQUIPMENT AND THE WAIVER OF COMPETITIVE BIDDING PURSUANT TO RCW 39.04.280.**

Whereas, the Town of Yacolt is identified as an urban growth area where it is illegal for residents to burn outdoors;

Whereas, the Town Council desires to provide to residents an alternative to outdoor burning of organic matter by establishing a 'chipping program' to be implemented by the Town's Public Works Department, which will schedule times during which Yacolt residents may transport their woody debris to the back portion of the Little League Facility for chipping on a regular basis and following storm events;

Whereas, the Town intends to use the chips created by the chipping program for landscaping and other beautification projects, or in the course of day-to-day operations and in accordance with local and state rules and laws;

Whereas, the Town desires to purchase a wood chipper for the program, and has budgeted \$2,500.00 of the Town's 2012 fiscal budget toward the costs of equipment acquisition, licensing and related costs of program development;

Whereas, the Town has acquired a grant through the State of Washington, Department of Ecology, Grant Number G1200376, through which the State will reimburse 75% of the purchase price of the chipping equipment and other program development costs up to a maximum eligible total cost of \$13,750.00, (maximum state grant share of \$10,312.50);

Whereas, the Public Works Department has researched prices for new and used diesel engine 9" wood chippers in Washington and Oregon, and determined that the prices for new equipment are beyond the budget abilities of the Town. The Public Works Department has contacted a number of rental and sales yards to obtain quotes on used chippers available for sale. The Public Works Department contacted equipment dealers for Vermeer and Brush Bandit chippers to determine whether they had used 9" chippers available for sale. Pricing for available working used 9" chippers currently ranges from \$10,900.00 to \$13,525.00 and higher. The Public Works Department conducted online searches for used 9" chippers around the nation, and discovered that the pricing was at or higher than comparable machines available within driving distance of the Town. The Public Works Department also searched the equipment trade magazine Machinery Trader, and searched online equipment auction sites as well as government surplus sites for chippers as well. The Public Works Department's research indicates that the market demand for 9" chipping machines is currently high, and availability is limited;

Whereas, the Public Works Department has identified a used diesel-engine Vermeer 1997 BC935 9" wood chipper available for sale from Northwest Landscape Care, VIN #1VRD10156V1002569. The chipper has 1,550+/- engine hours and is being sold with two extra sets of chipper blades. The Public Works Department believes that this article of equipment would provide the best value for the Town given the Town's budget constraints and the fact that the equipment appears to be well cared for;

Whereas, the Public Works Department offered a presentation to the Town Council on March 5, 2012, regarding the general availability and pricing of used diesel-engine 9" wood chippers, and the specific opportunity to purchase a used 9" chipper "as-is" from Northwest Landscape Care, at a negotiated price of \$9,000.00. After the presentation was made, the matter was referred to the Town Council which concluded that the price for this used wood chipper is a highly favorable price. The Public Works Department informed the Council that the seller of the chipper had applied for an Oregon title to convey to the Town, and that this process might take a few weeks to complete. The Council expressed a desire to allow the public additional opportunity to review and comment upon the proposed transaction. Given the time required for the seller of the equipment to complete his titling work, and the Council's desire for additional public disclosure before final action, the Council tabled further consideration of the Resolution until the next scheduled Council meeting.

Whereas, the Town Council agrees that the item of equipment under consideration would likely be sold to another party before the Town would have time to comply with formal bidding requirements; and,

Whereas, the Town Council of the Town is in regular session this 19<sup>th</sup> day of March, 2012, and all members of the Town Council have had notice of the time, place, and purpose of said meeting:

**NOW THEREFORE, be it Resolved by the Town Council of the Town of Yacolt, Washington, as follows:**

**Section 1 – Purchase of Chipper Authorized:**

The Town Clerk is authorized to purchase the chipper identified above and to pay all related costs of acquisition and licensing, and to then seek reimbursement from the State of Washington Department of Ecology as provided in the Grant Agreement described above.

**Section 2 – Competitive Bidding Requirements Waived:**

The purchase of a used 9" Vermeer 1997 wood chipper from Northwest Landscape Care shall not be subject to the requirements of competitive bidding under the exemptions provided by RCW 39.04.280(1)(a) and (1)(b), based on the findings above indicating that the purchase of the chipper is clearly and legitimately limited to a single source of supply and that the purchase of the equipment is subject to special market conditions.

**Section 3 – Severability:**

If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Resolution shall remain in full force and effect.

**Section 4 - Effective Date:**

This Resolution shall take effect immediately upon adoption. If published, the Town Clerk/Treasurer may use the following summary:

**Town of Yacolt - Summary of Resolution #473**

The Town Council of the Town of Yacolt adopted Resolution #473 at its regularly scheduled Town Council meeting held on March 19, 2012. The content of the Resolution is summarized in its title as follows:

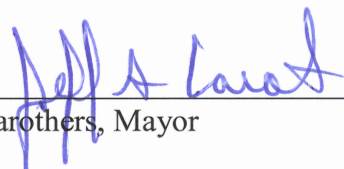
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AUTHORIZING THE PURCHASE OF A USED WOOD CHIPPER, AND DECLARING THE EQUIPMENT TO BE SUBJECT TO SPECIAL MARKET CONDITIONS, AND CIRCUMSTANCES CLEARLY AND LEGITIMATELY LIMITED TO A SINGLE SOURCE OF SUPPLY, AND AUTHORIZING A SOLE SOURCE BID OR DIRECT NEGOTIATION WITH THE SUPPLIER OF THE EQUIPMENT AND THE WAIVER OF COMPETITIVE BIDDING PURSUANT TO RCW 39.04.280. The effective date of the Ordinance is March 19, 2012.

A copy of the full text of the Resolution will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

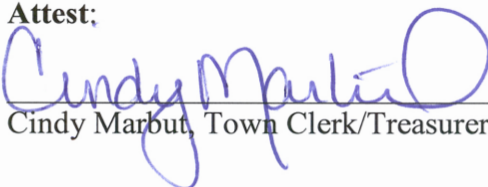
Published this 28<sup>th</sup> day of March, 2012.  
Cindy Marbut, Town Clerk/Treasurer

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 19<sup>th</sup> day of March, 2012.

**TOWN OF YACOLT**

  
\_\_\_\_\_  
Jeff Carothers, Mayor

**Attest:**

  
\_\_\_\_\_  
Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

\_\_\_\_\_  
David W. Ridenour, Town Attorney

Ayes: Hall, Newell, Holyk, Myers  
Nays: Ø  
Absent: Urias  
Abstain: \_\_\_\_\_

**TOWN CLERK'S CERTIFICATION**

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution #473 of the Town of Yacolt, Washington, entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, AUTHORIZING THE PURCHASE OF A USED WOOD CHIPPER, AND DECLARING THE EQUIPMENT TO BE SUBJECT TO SPECIAL MARKET CONDITIONS, AND CIRCUMSTANCES CLEARLY AND LEGITIMATELY LIMITED TO A SINGLE SOURCE OF SUPPLY, AND AUTHORIZING A SOLE SOURCE BID OR DIRECT NEGOTIATION WITH THE SUPPLIER OF THE EQUIPMENT AND THE WAIVER OF COMPETITIVE BIDDING PURSUANT TO RCW 39.04.280" as approved according to law by the Town Council on the date therein mentioned. The Resolution has been published or posted according to law.

Attest:

\_\_\_\_\_  
Cindy Marbut, Town Clerk/Treasurer

Published: 3/28/2012  
Effective Date: 3/19/2012  
Resolution Number: #473