

**Resolution #592**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, APPROVING THE PURCHASE OF A USED 1996 TYMCO MODEL 600 STREET SWEEPER; WAIVING COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO RCW 39.04.280(1)(b); AND AUTHORIZING SUCH CONTRACTS AS MAY BE NECESSARY TO COMPLETE THE PURCHASE.**

**Whereas**, the Town of Yacolt, (hereafter “*Town*” or “*Yacolt*”), is a Washington Municipality as defined in RCW 39.04.010, and is subject to the requirements of RCW 39.04 and RCW 35.23.352 with respect to procurement practices;

**Whereas**, the Town maintains vehicles and equipment used by the Public Works Department for the maintenance of streets, roads, drainage and stormwater facilities;

**Whereas**, the Town’s Public Works Department maintains and cleans these facilities by frequently removing litter, dirt, grime, debris, and the seasonal accumulation of leaves;

**Whereas**, all of the work performed by the Town’s employees to maintain the streets and stormwater facilities is performed by hand or with the aid of basic hand tools;

**Whereas**, the Public Works Director has identified the benefits to the Town of owning a street sweeper, but the Town Council has determined the cost of new street sweepers, which are typically more than \$300,000, to be much higher than the Town can afford;

**Whereas**, the Public Works Director has researched the availability and prices of used street sweepers that would potentially be affordable by the Town and in reasonably good condition, with features and specifications that would allow the maintenance and cleaning of the Town’s streets, roads, sidewalks, and stormwater facilities in a more effective and efficient manner;

**Whereas**, the Town Public Works Director identified a used street sweeper for sale in Arizona as being a favorable opportunity for the Town. The street sweeper is a 1996 Tymco Model 600 that was offered at an asking price of roughly \$30,000. The tractor/truck engine has 83,000 original miles and the sweeper engine has 5,300 hours. The unit appears to have been well maintained by its one owner, the United States Air Force. The street sweeper has been used primarily for the periodic cleaning of a military runway in Arizona. The Public Works Director has personally inspected the street sweeper and determined that it runs well, appears to be in generally good condition, and appears likely to provide trouble-free service to the Town for years to come;

**Whereas**, the Public Works Director, after a diligent nationwide search of affordable street sweepers, concluded that street sweepers with comparable specifications routinely cost more than \$300,000 when new, and when used typically cost between \$60,000 and \$80,000. Thus, the Arizona Tymco Model 600 is the only used street sweeper available that met all specifications that the Town has regarding this purchase, including the ability to sweep and clean streets, curbs

and sidewalks; the ability to vacuum culverts; the ability to vacuum leaves; the ability to vacuum accumulated debris and vegetative waste that accumulates in the Town's stormwater dry wells; all at a price deemed to be affordable by the Town;

**Whereas**, the Public Works Director has exercised diligence that included reviewing the purchase prices for new and used street sweepers with similar capabilities to determine market prices, searching and inquiring about the availability of similar used equipment, and contacting numerous dealers and sellers of such equipment to ultimately determine that the purchase price of the Arizona 1996 Tymco Model 600 Street Sweeper is substantially below market value;

**Whereas**, pursuant to RCW 35.23.352(7), Washington State law requires the Town to engage in competitive bidding for the purchase of equipment where the cost exceeds \$7,500.00;

**Whereas**, pursuant to RCW 35.23.352(10), the Town may waive competitive bidding requirements if an exemption contained in RCW 39.04.280 applies to the purchase;

**Whereas**, RCW 39.04.280(1)(b) allows municipalities to waive competitive bidding procedures by resolution for purchases involving special facilities or market conditions, which are typically limited to good deals that are available for a short time, such as a very good price on an exceptional piece of used equipment;

**Whereas**, due to market conditions for new and used street sweepers, conducting an open competitive bidding process would require the Town to expend considerable time and expense to develop and implement significant bidder qualification and evaluation criteria with little likelihood that the bidder criteria and equipment specifications would result in the most qualified vendors being a low bidder for a used street sweeper at a price, with the features, and in a condition that would be acceptable to the Town Council;

**Whereas**, the Town Council finds it necessary and beneficial to purchase the 1996 Tymco Model 600 Street Sweeper to further the best interests of the Town by more frequently, efficiently and effectively cleaning the Town's streets, curbs, sidewalks, culverts and stormwater facilities, and performing other essential public services;

**Whereas**, the Town Council, at its public Council meeting held on February 3, 2020, directed the Public Works Director to negotiate for the purchase of the Street Sweeper for up to \$27,000.00, subject to final approval by the Council at its next public Council meeting when an appropriate resolution approving the purchase, and an ordinance to appropriate funds needed to pay for the equipment, could be prepared and presented;

**Whereas**, the Town Council will provide appropriations for this purchase by separate ordinance; and,

**Whereas**, the Town Council of the Town of Yacolt is in regular session this 18<sup>th</sup> day of February, 2020, 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 – Recitals:** Each and every recital set forth above is adopted as a legislative finding of the Town Council for purposes of this Resolution and the authorizations described herein.

**Section 2 – Special Market Conditions:** In addition to the legislative findings described above, the Town Council hereby finds the following facts relating to the special market conditions that exist for the purchase of the specified Street Sweeper:

- a). The United States Air Force is willing to sell to the Town of Yacolt one (1) used 1996 Tymco Model 600 Street Sweeper for the price of \$24,000.00, and will contribute \$1,300.00 toward the cost of shipping the Street Sweeper to Yacolt;
- b). The price of the Street Sweeper is extremely favorable to the Town of Yacolt in light of the functions and condition of the equipment;
- c). The Street Sweeper is intended to address a number of specific ongoing projects within the Town, and is suitable to the unique needs of the Town’s Public Works Department;
- d). The Street Sweeper may be sold by the seller to another purchaser before the Town could complete a formal competitive bidding process;
- e). No other Street Sweeper has been found that meets the needs and budget of the Town at this time; and,
- f). The Town Council finds that special market conditions under RCW 39.04.280(1)(b) exist with respect to the Street Sweeper.

**Section 3 – Waiver of Competitive Bidding Requirements:** Based upon its findings, and pursuant to RCW 39.04.280(1)(b), any competitive bidding requirements of the Town of Yacolt that may apply are hereby waived with respect to the acquisition of the Street Sweeper from the United States Air Force. The Town Council finds such waiver is reasonable and necessary due to the market conditions set forth above.

**Section 4 – Purchase Approved:** The Town Council hereby approves the purchase of one (1) used 1996 Tymco Model 600 Street Sweeper from the United States Air Force in the amount of \$24,000.00 or less, with \$1,300.00 to be contributed by the seller toward the cost to transport the equipment to Yacolt. The Town Clerk and Public Works Director are hereby directed to consummate the purchase, and the Mayor is authorized to sign any title or contract documents necessary to complete the purchase.

**Section 5 – Ratification and Confirmation:** Any actions of the Town Council and of the Town’s officers prior to the date of this Resolution and consistent with the terms of this Resolution are hereby ratified and confirmed. The Council’s prior actions approving the Public Work Director’s travel to inspect the equipment and negotiations for the purchase and transportation of the equipment are hereby specifically ratified and confirmed.

**Section 6 – 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 7 – Effective Date:** This Resolution shall take effect immediately upon adoption.

RESOLVED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 18<sup>th</sup> day of February, 2020.

**TOWN OF YACOLT**

  
\_\_\_\_\_  
Katie Listek, Mayor

**Attest:**

  
\_\_\_\_\_  
Dawn Salisbury, Town Clerk

Approved as to Form:

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

Ayes: Boget, Dawson, Moseley, Noble, Viray  
Nays: \_\_\_\_\_  
Absent: 0  
Abstain: 0

**TOWN CLERK'S CERTIFICATION**

I hereby certify that the foregoing Resolution is a true and correct copy of Resolution #592 of the Town of Yacolt, Washington, entitled "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YACOLT, WASHINGTON, APPROVING THE PURCHASE OF A USED 1996 TYMCO MODEL 600 STREET SWEEPER; WAIVING COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO RCW 39.04.280(1)(b); AND AUTHORIZING SUCH CONTRACTS AS MAY BE NECESSARY TO COMPLETE THE PURCHASE" as approved according to law by the Town Council on the date therein mentioned.

The Resolution [ ] has / [X] has not been published.

Attest:

  
\_\_\_\_\_  
Dawn Salisbury, Town Clerk

Published: \_\_\_\_\_  
Effective Date: February 18, 2020  
Resolution Number: 592