

RESOLUTION NO. 2020-12

RESOLUTION OF THE CITY OF HEYBURN, AUTHORIZING THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO SAFEGUARD LIFE, HEALTH, AND PROPERTY, DECLARING SOLE SOURCE PROVIDER, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the World Health Organization declared a pandemic on 11 March 2020, United States Department of Health and Human Services declared a public health emergency, and Donald J Trump on 13 March 2020 issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, Brad Little on 13 March 2020 pursuant to Idaho Code 46-1008 proclaimed and declared a state of emergency and which has been extended until the present; and

WHEREAS, Idaho Code 46-1008(3) provides that an executive order or proclamation of a state of disaster emergency activates disaster response and recovery aspects of state, local, and intergovernmental disaster emergency plans applicable to political subdivisions or areas in question for furnishing of aid and assistance; and

WHEREAS, Idaho Code 46-1008(4) provides that to the greatest extent practicable the governor shall delegate or assign authority in appropriate executive orders or regulations; and

WHEREAS, Brad Little, as recommended by the Coronavirus Financial Advisory Committee to utilize CARES Act funds to meet COVID-19 emergency criteria have made funds available through the Idaho Department of Commerce for improving broadband infrastructure and service; and

WHEREAS, Idaho Code 67-2808(a) authorizes after a declaration of an emergency and that the public interest and necessity demand the immediate expenditure of public money without compliance with formal bidding procedures, and

WHEREAS, Idaho Code 67-2808(b) authorizes sole source expenditures upon a declaration pursuant to that section, and

WHEREAS, an emergency exists because a health disaster is imminent and threatens life and property of the City of Heyburn and requires state emergency assistance to supplement local efforts to protect life and property, now

BE IT RESOLVED by the Mayor and City Council of City of Heyburn as follows:

1. Relying on Governor Brad Little's declaration and proclamation of a state of emergency which continues until this date, an emergency exists and provides for activation of local emergency plans and state emergency assistance.
2. Such emergency shall continue until Governor Brad Little's declaration and proclamation is discontinued.

3. City of Heyburn may be, and is anticipated will be, awarded a broadband grant to construct new broadband infrastructure pursuant to the criteria of the grant and for those purposes.

4. Delaying the award of the contract to construct will decrease in public and staff safety and may result in the inability to complete the project due to the fact that funding is contingent upon having the project complete and operational by 15 December 2020 and delays may prevent the receipt of components and performance of the construction in time to complete the project by the deadline.

5. City of Heyburn is not required to comply with formal bidding procedures pursuant to Idaho Code 67-2808(a).

6. City of Heyburn declares ETS to be a sole source provider for constructing the project as the applicable competitive solicitation procedure would be impractical, disadvantageous, and unreasonable under the circumstances, and the project is required for a life-threatening situation or a situation that is immediately detrimental to the public welfare or property.

7. ETS is the current provider of internet support and maintenance for the City and provided similar services to the City for related prior projects. The current contract with ETS also provides for service requests for unscheduled projects which may include emergency situations. The City also approves the proposed contract with ETS and authorizes signatures of the City if the grant is awarded to Heyburn.

PASSED and ADOPTED by the City Council of City of Heyburn, State of Idaho.

DATED 26 August 2020

THE CITY OF HEYBURN



MAYOR
MARK ROSA

ATTEST



CITY CLERK
ASHLEE LANGLEY