

CITY OF DILLINGHAM, ALASKA
RESOLUTION NO. 2025-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DILLINGHAM, ALASKA,
WAIVING COMPETITIVE BIDDING PROCEDURES AND AUTHORIZING SOLE-
SOURCE PROCUREMENT OF PROFESSIONAL SERVICES FROM PND
ENGINEERS FOR THE PORT OF DILLINGHAM IMPROVEMENTS PROJECT**

WHEREAS, the City of Dillingham has been awarded a \$5 million appropriation from the State of Alaska in 2023 for the Port of Dillingham Improvements Project under Grant Agreement No. 24-DC-015; and

WHEREAS, the project requires professional engineering services including permitting assistance to reach agreement with the Maritime Administration (MARAD) for the Port Infrastructure Development Program (PIDP) Grant, as well as engineering design and project management services; and

WHEREAS, Dillingham Municipal Code Section 4.30.130.B permits the City Council to waive competitive bidding procedures where the Council determines that the public interest would best be served by such waiver; and

WHEREAS, Dillingham Municipal Code Section 4.30.130.B.4 specifically allows waiver of competitive bidding for "services of a professional nature requiring specialized knowledge and judgment"; and

WHEREAS, the engineering, design, permitting, and project management services required for this project constitute professional services as defined in Dillingham Municipal Code Section 4.30.030.D, being "predominantly intellectual in character" and including "analysis, evaluation, prediction, planning or recommendations"; and

WHEREAS, PND Engineers prepared the original grant application for the Port of Dillingham Improvements Project on behalf of the City and possesses unique institutional knowledge of the project scope, requirements, and technical specifications; and

WHEREAS, PND Engineers has demonstrated specialized technical expertise in marine engineering, port development, and federal permitting processes required for MARAD compliance; and

WHEREAS, PND Engineers has established working relationships with the City of Dillingham, MARAD, and relevant regulatory agencies that will facilitate efficient project completion; and

WHEREAS, the Maritime Administration (MARAD) has provided written approval for the City to sole-source PND Engineers for the purposes described herein; and

WHEREAS, the State of Alaska, through the Designated Legislative Grant Program's Grantee Handbook, Part V – Project Management, Procurement, has directed the City to follow its own procurement policy, which allows for the waiver provisions contained in this resolution; and

WHEREAS, sole-sourcing PND Engineers will avoid duplication of effort, reduce project costs, minimize delays in the permitting process, and ensure continuity of project knowledge and approach; and

WHEREAS, the City Council finds that waiving competitive bidding procedures and sole-sourcing PND Engineers serves the public interest by ensuring efficient and cost-effective completion of this critical infrastructure project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dillingham, Alaska, as follows:

Section 1. Findings of Public Interest. The City Council hereby finds and determines that the public interest would best be served by waiving the competitive bidding procedures established in Dillingham Municipal Code Chapter 4.30 for the procurement of professional services for the Port of Dillingham Improvements Project, based upon the finding that the services are of a professional nature requiring specialized knowledge and judgment as provided in Dillingham Municipal Code Section 4.30.130.B.4.

Section 2. Waiver of Competitive Bidding. The competitive bidding procedures required under Dillingham Municipal Code Sections 4.30.090 and 4.30.100 are hereby waived for the procurement of professional engineering, design, permitting assistance, and project management services for the Port of Dillingham Improvements Project.

Section 3. Authorization for Sole-Source Procurement. The City Manager is hereby authorized to negotiate and enter into a professional services contract with PND Engineers for the following services related to the Port of Dillingham Improvements Project:

a) Permitting assistance to reach agreement with MARAD for the PIDP Grant; b) Engineering and design services; and c) Project management services.

Section 4. Funding Source. The professional services authorized herein shall be funded through the \$5 million State of Alaska appropriation awarded in 2023 under Grant Agreement No. 24-DC-015, with costs to be reported and reimbursed by the State of Alaska in accordance with grant requirements.

Section 5. Contract Terms. Any contract entered into pursuant to this resolution shall:

a) Comply with all applicable provisions of Dillingham Municipal Code Chapter 4.30; b) Include appropriate contract clauses as required by Section 4.30.110 if the contract value exceeds \$20,000; c) Have a term not exceeding two years as required by Section

4.30.040.C; d) Be subject to available appropriations and grant funding; and e) Include appropriate performance standards and deliverables.

Section 6. Compliance with Grant Requirements. The City Manager shall ensure that all procurement actions taken pursuant to this resolution comply with the requirements of the State of Alaska Designated Legislative Grant Program and applicable federal regulations.

Section 7. Supporting Documentation. The MARAD approval letter and other supporting documentation referenced in the staff memorandum are hereby incorporated by reference and made part of the official record of this resolution.

Section 8. Emergency Clause. This resolution is necessary for the immediate preservation of the public peace, health, safety, and welfare, and shall take effect immediately upon passage and approval.

PASSED and ADOPTED and ENACTED by the Dillingham City Council on June 19th, 2025.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, Acting City Clerk