

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING AN EXCEPTION TO FORMAL BIDDING PROCEDURES AND AWARD A SOLE SOURCE SIGNAL RELOCATION AGREEMENT WITH BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY

WHEREAS, City Charter section 1208(a) requires advertised competitive bidding for expenditure of City monies in excess of \$158,000; and,

WHEREAS, City Charter Section 1208(a)(5)(iv) states Section 1208(a) shall not apply when Council determines the public work of improvement can only be provided by one source and the purchase is authorized by resolution of Council containing a declaration of the facts constituting the sole source; and

WHEREAS, the public work of improvement identified is the relocation of existing Burlington Northern Santa Fe Railway Company (BNSF) signal equipment, which conflict with the proposed City of Fresno sewer main realignment on North Avenue; and,

WHEREAS, BNSF must self-perform any relocation of their signal equipment, for which the City must reimburse BNSF; and,

WHEREAS, the estimated cost of the signal equipment relocation is \$379,906; and

WHEREAS, should the costs exceed the original estimate, the City shall seek additional funding through an amendment; and

WHEREAS, the Director of Public Utilities has approved the proposed work and now seeks Council approval.

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

The Council has received and considered the report and recommendations of City Staff.

1. Due to utility ownership, BNSF is the only vendor permitted to perform the signal equipment relocation.

2. An award to any other source will not be permitted by BNSF.

3. Staff proposes to award the signal relocation agreement to BNSF in the amount of \$379,906.00.

4. Council hereby finds it is appropriate and necessary for the City to dispense with the competitive bidding requirement in this instance and to authorize the Purchasing Manager to award the signal relocation agreement under the sole source exception.

5. This resolution shall be effective upon final approval.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Date

APPROVED AS TO FORM:  
RINA GONZALES  
Interim City Attorney

By: \_\_\_\_\_  
Pauline Brickey Date  
Deputy City Attorney