

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH, PROPERTY; AND AUTHORIZING THE PURCHASING MANAGER OF THE FINANCE DEPARTMENT OR DESIGNEE TO CONTRACT WITH AIR LIQUIDE INDUSTRIAL U.S. LP WITHOUT ADVERTISED COMPETITIVE BIDDING FOR THE PURCHASE AND DELIVERY OF BULK CARBON DIOXIDE USED FOR SURFACE WATER TREATMENT IN AN AMOUNT NOT TO EXCEED \$200,000.

WHEREAS, the City of Fresno (City) owns and operates three surface water treatment facilities in Northeast (NESWTF), Southeast (SESWTF) and East Central Fresno (T-3); and

WHEREAS, the surface water treatment facilities have the capacity to produce up to half of the City's potable water supply annually; and

WHEREAS, these facilities utilize a variety of chemicals to treat surface water to provide reliable, safe, clean drinking water for the community; and

WHEREAS, Carbon Dioxide (CO₂) is used in the post-treatment process at the NESWTF, SESWTF, and T-3 for corrosion control in the distribution system; and

WHEREAS, the Water Division previously advertised for bid a requirements contract for the purchase of Bulk Liquefied CO₂ and the bid opening was on July 7, 2020, with three bids being received; and

WHEREAS, after the bids were opened, two of the bidders took exceptions that were either material in terms or would materially alter the terms of the contract resulting in their bids being considered non-responsive; and

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

WHEREAS, on December 3, 2020, City Council approved staff's recommendation to reject all bids; and

WHEREAS, successful rebid of this contract has been prolonged and with the operation of three surface water treatment facilities, the use of CO2 has not diminished; and

WHEREAS, the invoiced amounts have exceeded the formal bid amount of \$143,000 as codified by the City of Fresno Charter Section 1208; and

WHEREAS, the continued operation of the NESWTF, SESWTF, and T-3, is essential for the health and safety of the community to provide reliable, safe, clean drinking water; and

WHEREAS, a disruption in the delivery of Bulk Liquefied CO2 could prevent the safe operation of the NESWTF, SESWTF, and T-3 or have a detrimental effect on water quality; and

WHEREAS, staff will return to City Council within 180 days with a recommendation to award a requirements contract for the purchase and delivery of Bulk Liquefied CO2.

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

1. The foregoing facts constitute an urgent necessity for the preservation of life, health, or property,
2. The requirements of advertising for bids is hereby waived pursuant to Charter Section 1208(a),
3. The Purchasing Manager of the Finance Department or designee is authorized to enter into and execute contracts, documents, and instruments with Air

Liquide Industrial U.S. LP, providing for the purchase and delivery of Bulk Liquefied Carbon Dioxide, at a cost not to exceed \$200,000, subject to prior approval as to form by the City Attorney's Office.

* * * * *

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

I, YVONNE SPENCE, 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 _____, 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

By: _____

Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Jennifer M. Quintanilla Date
Deputy