

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 PRODUCT PURCHASE CONTRACT WITH
AFFECT INDUSTRIES, INC.

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 annual purchase of Vaporooter® herbicide, to be applied Citywide in identified City sanitary sewer mainlines as part of the Department's root control program; and

WHEREAS, the product purchase contract is for three years, with provisions for three one-year extensions thereafter; and

WHEREAS, efforts to locate all possible suppliers of Vaporooter® were unsuccessful as Duke's Root Control, Inc., (Duke's) is the EPA registrant for and sole manufacturer of Vaporooter®; and

WHEREAS, Affect Industries, Inc., (Affect) is the manufacturer's representative for Duke's; and

WHEREAS, the estimated annual cost of the Vaporooter® chemical component of the Department's root control program is \$180,000, totaling an estimated \$540,000 over

three years with provisions for three one-year extensions thereafter, totaling an estimated \$1,080,000 if fully realized; and

WHEREAS, there is no impact to the General Fund; and

WHEREAS, appropriations for this purchase are included in the Fiscal Year 2026 Wastewater Management Division Operations and Maintenance Budget within the Sewer Enterprise Fund (4500-4501), and appropriations for each future annual purchase will be included in the appropriate future fiscal year budget; and

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

WHEREAS, the City Manager and Director of Public Utilities have approved the proposed work and now seek Council approval.

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

1. The Department has determined through in situ testing that Vaporooter® is the most effective and most efficient chemical product available on the market to control root intrusions in City sanitary sewer mainlines.
2. The Department owns and operates two jet rodders, specialized vehicles outfitted with Vaporooter® machinery.
3. Affect, the manufacturer's representative for Duke's, is the sole source of Vaporooter®.
4. Staff proposes to award the three-year sole source product purchase contract to Affect Industries, Inc., with provisions for three one-year extensions thereafter.

5. 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 Vaporooter® agreement under the sole source exception.

6. 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 _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, MMC
City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Daniel E. Casas
Senior Deputy City Attorney