

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 TELECOMMUNICATIONS ADJUSTMENT AGREEMENT WITH CENTURYLINK COMMUNICATIONS, LLC

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 CenturyLink Communications, LLC, (Lumen) telecommunications facilities, which conflict with the proposed City of Fresno sewer main realignment on North Avenue; and,

WHEREAS, Lumen must self-perform any relocation of their telecommunications facilities, for which the City must reimburse Lumen; and,

WHEREAS, the estimated cost of the telecommunications equipment relocation is \$675,081.78; 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, Lumen is the only vendor permitted to perform the telecommunications facilities relocation.
2. An award to any other source will not be permitted by Lumen.
3. Staff proposes to award the relocation agreement to Lumen in the amount of \$675,081.78.
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 relocation agreement under the sole source exception.
5. Upon award, the Director of Public Utilities shall be executing the agreement.
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 _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Pauline Brickey Date
Deputy City Attorney