

RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, APPROVING AN EXCEPTION TO  
FORMAL BIDDING PROCEDURES AND AWARDING A  
SOLE SOURCE CONTRACT FOR NO-DES, INC.

WHEREAS, the Water Division, under the Department of Public Utilities wishes to purchase a Neutral Output Discharge Elimination System (NO-DES) Water Main Flushing System over the formal bid limit from a "sole source" without competitive bidding; and

WHEREAS, the Water Division endeavors to maintain a good public perception of "water conservation", and this NO-DES unit will help achieve that goal; and

WHEREAS, the NO-DES system is unique in its ability to flush water lines and return potable water back into the system with minimal loss; and

WHEREAS, both the Fleet Management and Water Divisions have researched alternative products and have come to the conclusion that this is the only system of its kind and is the best value over the other possible options; and

WHEREAS, key benefits include: saving money, conserving water by returning potable water back into the system, eliminating National Pollutant Discharge Elimination System (NPDES) fees, and preventing damage common to conventional water main flushing; and

WHEREAS, this unit will save 133 million gallons of water annually that would otherwise be lost to traditional open hydrant flushing; and

WHEREAS, through extensive internet research and reaching out to industry leaders, both the Water Division and the Fleet Division have determined that the NO-DES Patented Water Main Flushing System is only available through the manufacture; and

WHEREAS, City Charter Section 1208 requires advertised competitive bidding for equipment involving the expenditure of City monies in excess of \$133,000, unless Council determines the goods to be supplied 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 City Manager has approved the proposed sole source purchase of one NO-DES unit from NO-DES, Inc., and the Department of Transportation now seeks Council approval of such purchase.

1 of 3

Date Adopted:  
Date Approved:  
Effective Date:  
City Attorney Approval:



Resolution No.

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

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

2. Purchase one NO-DES unit from NO-DES, Inc.

3. In spite of our efforts, the Fleet Division and the Water Division have been able to locate only one supplier of the product in question. NO-DES Inc., is the sole source manufacturer of this product.

3. This resolution finds proper for the City to suspend the competitive bidding requirement in this instance and to authorize the purchase of the NO-DES Patented Water Main Flushing System and accompanying chassis under the sole source exception.

5. The Director of Transportation or designee is hereby authorized to purchase one NO-DES unit from NO-DES, Inc.

\* \* \* \* \*

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 \_\_\_\_\_, 2017.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2017  
Mayor Approval/No Return: \_\_\_\_\_, 2017  
Mayor Veto: \_\_\_\_\_, 2017  
Council Override Vote: \_\_\_\_\_, 2017

YVONNE SPENCE, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Brandon M. Collet                      Date  
Deputy City Attorney