

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 UNIVAR USA, INC. WITHOUT ADVERTISED COMPETITIVE BIDDING FOR THE PURCHASE AND DELIVERY OF BULK CALCIUM HYDROXIDE USED FOR SURFACE WATER TREATMENT IN AN AMOUNT NOT TO EXCEED \$400,000

WHEREAS, the City of Fresno (City) owns and operates three (3) surface water treatment facilities in Northeast (NESWTF), Southeast (SESWTF) and East Central (T-3) Fresno; 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, Bulk Calcium Hydroxide is used in the post-treatment process at the NESWTF and SESWTF for corrosion control in the distribution system; and

WHEREAS, the Water Division previously advertised for bid a requirements contract for the purchase of Bulk Calcium Hydroxide and the bid opening was on May 22, 2018, with two bids being received; and

WHEREAS, after the bids were opened, both 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

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Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

WHEREAS, On September 27, 2018, City Council approved staff's recommendation to reject all bids; and

WHEREAS, successful rebid this contract has been prolonged and with the operation of the new SESWTF, currently rated at 54 million gallons per day, the usage of Bulk Calcium Hydroxide has significantly increased; and

WHEREAS, the invoiced amounts have exceeded the formal bid limit of \$138,000 as codified the City of Fresno Charter Section 1208; and

WHEREAS, the continued operation of the NESWTF and SESWTF, 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 Calcium Hydroxide could prevent the safe operation of the NESWTF and SESWTF 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 Calcium Hydroxide.

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 requirement 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 Univar USA, Inc., providing for the purchase and delivery of Bulk Calcium Hydroxide, at a cost not to exceed \$400,000, 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 \_\_\_\_\_, 2019.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, CRM MMC  
City Clerk

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

Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Brandon Collet  
Senior Deputy City Attorney