

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING A SOLE-SOURCE CONTRACT WITH R.F. MACDONALD CO., LLC, A LIMITED LIABILITY COMPANY, FOR THE WWTF – BOILER REPLACEMENT, PROJECT NO. 24-07 FOR FY24/25, IN AN AMOUNT NOT TO EXCEED \$545,153 (FUNDED FROM THE WASTEWATER ENTERPRISE FUND)

WHEREAS, bidding requirements for the purchase of supplies, equipment and non-personal contractual services and the sale of personal property are set forth in Chapter 5 of Title 3 of the Watsonville Municipal Code; and

WHEREAS, subdivision (c) of § 3-5.210 exempts equipment that is unique, available only from one source, or sought to match existing equipment or supplies already in use (also known as a sole source purchase); and

WHEREAS, subdivision (b) of § 3-5.210 makes an exemption when reasonable attempts have been made to obtain informal bids or proposals, and less than three (3) proposals can be obtained (also known as a sole source purchase); and

WHEREAS, a source of thermal energy is needed to adequately heat the anaerobic digesters at the wastewater treatment facility in order to produce Class B biosolids is consistent with federal regulations; and

WHEREAS, the digester primary and secondary heating systems are significantly impaired and operating beyond their useful lives; and

WHEREAS, R.F. MacDonald Co., LLC. is the only responsive company that can supply a boiler that meets the City's needs and is the only vendor for the required type of boiler in the State of California; and

WHEREAS, the City Charter of the City of Watsonville requires the City Council of the City of Watsonville to approve any purchasing agreement in excess of \$100,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. Adopting a Resolution approving a Contract for the purchase and installation of a boiler does not meet CEQA's definition of a "project", because of replacement of equipment in-kind does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

2. The Council finds that R.F. MacDonald Co., LLC., a limited liability company, is the only local company that supplies boilers that meet the City's needs.

3. This purchase is exempt from the purchasing procedures of Chapter 5 of Title 3 of the Municipal Code as a sole source purchase under subdivisions (b) and (c) of § 3-5.210 of the Municipal Code.

4. That this purchase from R.F. MacDonald Co., LLC., a limited liability company, in an amount not to exceed \$545,153 for FY24/25, is hereby authorized.

5. That the Contract between the City of Watsonville and R.F. MacDonald Co., LLC, for the WWTF – Boiler Replacement, Project No. WW-24-07, in an amount not to exceed \$545,153, a copy of which Contract is attached hereto and incorporated herein by this reference, is hereby approved.

6. The City Manager is hereby authorized and directed to execute said contract for and on behalf of the City of Watsonville with minor revisions that may be approved by the City Manager and the City Attorney.
