

RESOLUTION NO. \_\_\_\_\_ (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING SOLE SOURCE PURCHASE FROM DURAMAX HOLDINGS LLC DBA OTTO ENVIRONMENTAL SYSTEMS, FOR RESIDENTIAL REFUSE AND RECYCLING ROLL-OUT CARTS, IN AN AMOUNT NOT TO EXCEED \$163,260; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE SAME (FUNDED FROM SOLID WASTE 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 Municipal Code; and

**WHEREAS**, subdivision (c) of § 3-5.210 exempts supplies and materials which are 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**, the Solid Waste Division currently utilizes Otto Environmental Systems refuse and recycling roll-out carts and inventory spare parts including lids, wheels and axels that fit exclusively on Otto Environmental Systems brand carts.

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

1. This action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that adopting a Resolution authorizing a purchase order to Otto Environmental Systems for the purchase of refuse and recycling carts does not meet CEQA's definition of a "project," because the action 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, and if a "project," is exempt under the "common sense" exception (14 Cal.

Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

2. The Council finds that the purchase of refuse and recycling carts is available from one source that meets the needs of the City (also known as a sole source purchase).

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 subdivision (c) of § 3-5.210 of the Watsonville Municipal Code.

4. The Council hereby authorizes this purchase from Duramax Holdings LLC dba Otto Environmental Systems, in an amount not to exceed \$163,260 for refuse and recycling roll-out carts.

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