

## **RESOLUTION NO. 2009 - 12**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AUTHORIZING SOLE SOURCE PURCHASE OF A PELLET WATER SOFTENING SYSTEM**

WHEREAS, this Council previously has reviewed and approved the Pellet Water Softener Project Report, dated February 12, 2009, including the Report's recommendation to install a city-wide pellet water softening system as a cost-effective solution and response to City's wastewater effluent chloride concentration violation, and as a preferred method of improving the quality of water used for drinking as well as for landscape irrigation; and

WHEREAS, it is of paramount concern to this Council and the users of City water that City water be brought to a level of quality that will result in a rescission of the violation, thereby avoiding significant monetary penalties and assuring a safe water supply; and

WHEREAS, City engineering and administrative staff advise that only a pellet water softening system is capable of effecting a correction of City's alleged violation of wastewater effluent chloride limits; and

WHEREAS, staff also advise that a system known as Crystalactor, available only from Procorp Enterprises LLC ("Procorp"), of Milwaukee, Wisconsin, is the single pellet water softening system that, based on proven test-based and system-based performance, and based on comparison with other pellet softening systems, clearly has the capability of providing the treatment efficiency required to correct the aforescribed violation; and

WHEREAS, the Acting City Manager has determined from a price proposal from Procorp that the cost of purchase and installation of the required size (750,000 gallons per day) of Crystalactor system, including tax and freight, will not exceed \$995,000.00; and

WHEREAS, Chapter 2-8 of the San Juan Bautista Municipal Code provides that while the City should discourage noncompetitive bidding and endeavor to obtain full competition on bids for supplies, services, and equipment, the City may also dispense with open market procedures when supplies, services, and/or equipment can be obtained from only one vendor;

NOW, THEREFORE, the City Council of the City of San Juan Bautista does hereby resolve as follows:

SECTION 1. This Council has fully reviewed and considered the February 2009 Report described above, and well as reports and comments received from City engineering and administrative staff, summarized above.

SECTION 2. Based on the recitals set out above, and the reports and comments that those recitals summarize, this Council finds that the Crystalactor system is the only system that will satisfactorily meet City's need to correct alleged water quality violations, and will provide a healthy and safe supply of water for City's users.

SECTION 3. The finding made in Section 2, immediately above, clearly supports dispensing with open market purchasing procedures.

SECTION 4. All procedures, set out in the San Juan Bautista Municipal Code Chapter 2-8, for open market purchases as applied to a pellet water softening treatment system, hereby are dispensed with and waived.

SECTION 5. The Acting City Manager hereby is authorized to enter into a contract with Procorp for the purchase and installation of a Crystalactor pellet water softening treatment system for an amount not to exceed \$995,000.00 including tax and freight, an amount that has been appropriated by this Council for such purchase, and the amount described in Procorp's proposal.

PASSED AND ADOPTED this 26<sup>th</sup> day of May, 2009, at a duly noticed meeting of the City Council of the City of San Juan Bautista, by the following vote:

AYES: Edge, Laverone, Hill, Bilich, Moore

NOES: None

ABSTAIN: None

ABSENT: None

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Rick Edge, Mayor

ATTEST:

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Linda G. McIntyre, City Clerk

APPROVED AS TO FORM:

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George Thacher, City Attorney