



RESOLUTION NO. 2016-138

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE PURCHASING MANAGER OF THE FINANCE DEPARTMENT OR DESIGNEE TO AWARD A RULE 16 POWER EXTENSION AGREEMENT WITH PACIFIC GAS & ELECTRIC WITHOUT ADVERTISED COMPETITIVE BIDDING UTILIZING THE SOLE SOURCE EXCEPTION IN THE FRESNO CITY CHARTER

WHEREAS, the City of Fresno ("City") entered into a contract for the construction of the Southeast Surface Water Treatment Facility ("Facility"); and

WHEREAS, the Facility's electrical system design was completed by Pacific Gas & Electric ("PG&E") on April 17, 2016; and

WHEREAS, upon completion of the PG&E substation at the Facility, the contractor will coordinate with PG&E for the delivery of power; and

WHEREAS, it has been determined that PG&E is the only entity in the area that can complete installation of the electrical service components required to operate the Facility;

WHEREAS, the Director of the Department of Public Utilities represents that the cost to provide electrical power to the Facility is \$993,448.70; and

WHEREAS, City of Fresno Municipal Code Section 4-102 requires advertised competitive bidding for materials, supplies, equipment or any public work of improvement involving the expenditure of City monies in excess of \$133,000, unless Council determines, in accordance with Charter Section 1208(a)(5)(iv), that the work to be done or the goods to be supplied can be provided



by one source, and the purchase is authorized by resolution of the Council containing a declaration of facts constituting the sole source.

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 by City staff.
2. Providing electricity to the Facility is necessary to operate the Facility.
3. The only entity in this area that can provide electricity to the Facility is available from a single source, PG&E.
4. Advertised competitive bidding for the above-referenced extension of electricity to the Facility is suspended under the sole source exception.
5. The Director of the Department of Public Utilities or designee is authorized to sign the Rule 16 Power Extension Service Agreement with PG&E subject to prior approval by the City Attorney's office.

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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 28th day of July, 2016.

AYES : Brand, Brandau, Olivier, Quintero, Soria, Caprioglio
NOES : None
ABSENT : Baines
ABSTAIN : None

YVONNE SPENCE, CMC
City Clerk

By: *Yvonne Spence*
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: *Brandon M. Collet* *8/9/16*
Brandon M. Collet Date
Deputy