

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING PURCHASE AND INSTALLATION OF SMART PUMP CONTROL SYSTEMS

WHEREAS, Section I-2-3.09 of the Milpitas Municipal Code authorizes the City Council to award contracts without competition when the Purchasing Agent determines that there is only one source for the required supply or service; and

WHEREAS, the Smart Pump Control System is a fully self-contained closed locked system that uses patent pending "Flow Control" technology with constant digital feedback flow rate monitoring to maintain a given flow rate in the pool; and

WHEREAS, by adding the control systems to the existing pool pumps, the flow rates will be reduce during non-peak use and unoccupied hours while still maintaining water quality and clarity and the energy savings associated with the addition of the new equipment is estimated to be 71,887 kilowatt hours or approximately \$10,064.00 per year; and

WHEREAS, after conducting a good faith review of the available sources and pursuant to Milpitas Municipal Code Section I-2-3.09, the City's Purchasing Agent has determined that Knorr Systems, Inc. is the only source for the Smart Pump Control System by H2O Technologies, the only digital feedback flow rate monitoring system for public pools that is approved by the Santa Clara County Environmental Health Department.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The recitals set forth above are true and correct and incorporated by reference.
2. Authorize the City Manager to execute a contract as a sole source for the procurement and installation of three Smart Pump Control Systems from H2O Technologies, not-to-exceed \$42,241.00 and subject to approval as to form by the City Attorney.

PASSED AND ADOPTED this ____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney