

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING PURCHASE OF SELF-CONTAINED BREATHING APPARATUS FROM DRAGER, INC.

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, on January 11, 2008, the Fire Department received notification from the Federal Emergency Management Agency that the Department’s grant application requesting funds for the purchase of new self contained breathing apparatus (SCBA) had been awarded. The total program (SCBA replacement) cost will be \$225,000 with a Federal share amount of \$180,000.00 (80%) and a local cost match of \$45,000 (20%); and

WHEREAS, SCBA are an integral component of the firefighters personal protective equipment ensemble and failures during suppression operations could lead to serious injury or death. SCBA replacement was identified by line and administrative staff as a priority resulting from factors that include the age (15+ years) and unreliability of the units currently in use; and

WHEREAS, the SCBA currently used by the Fire Department do not comply with any of the latest standards issued by the National Fire Protection Association and continued costs associated with mandatory upgrades, repairs and maintenance are significant; and

WHEREAS, the Fire Department staff conducted extensive fit and function test of SCBA equipment from five different manufacturers and analyzed 18 different fit and function criteria; and

WHEREAS, Drager Safety, Inc. (“Drager”) is the only manufacturer and distributor of SCBA equipment that includes the cylinder quick connect/disconnect, which allows the firefighter to change cylinders in less than half the time required for changes using a traditional screw fitting/adaptor in order for the faster return of suppression personnel to the immediately dangerous environment; and

WHEREAS, the Drager equipment is the only product that offers adjustable pack sizing to accommodate the height variation in personnel and provide a proper fit to reduce firefighter injury and fatigue, allowing for more effective and efficient delivery of service.; and

WHEREAS, after conducting a good faith review of the Fire Department’s testing, available sources and pursuant to Milpitas Municipal Code Section I-2-3.09, the City’s Purchasing Agent has determined that Drager Safety, Inc. is the only source for SCBA equipment that meet the Fire Department’s safety standards due to the cylinder quick connect/disconnect and adjustable pack sizing.

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 of forty-five (45) Self Contained Breathing Apparatus (SCBA) from Drager Safety, Inc., not-to-exceed \$224,972.51 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