

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING PURCHASE OF METAL DRAIN MARKERS FROM ALMETAK, 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, pursuant to the NPDES permit, the Regional Water Quality Control Board (“RWQCB”) requires cities to mark curb drains to notify the public that the facility drains to the creek or bay in order to inform and discourage the public from disposing pollutants into the storm drain collection system; and

WHEREAS, currently the Department of Public Works for the City of Milpitas fulfills the RWQCB’s requirement by stenciling “No Dumping – Drains to Bay” above curb drains with pavement paint, which lasts one to two years; and

WHEREAS, the City’s current practice is labor intensive and the appearance becomes objectionable once the paint deteriorates; and

WHEREAS, embossed stainless steel storm drain markers meet the RWQCB requirements, have a 30-year warranty and are superior to plastic markers, which are applied with pavement adhesive, laminated and domed to sit higher off the pavement and thus more easily dislodged; and

WHEREAS, metal markers will reduce the City’s maintenance costs and provide long- term signage that will not wear off; and

WHEREAS, Almetak, Inc. is the only manufacturer and distributor of metal drain markers; and

WHEREAS, after conducting a good faith review of the available sources for embossed metal markers and pursuant to Milpitas Municipal Code Section I-2-3.09, the City’s Purchasing Agent has determined that Almetak, Inc. is the only source for metal drain markers.

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

1. That the recitals set forth above are true and correct and incorporated herein by reference.
2. That the City Manager is authorized to execute a contract with Almetak, Inc., as a sole source for the procurement of metal drain markers embossed with “No Dumping – Drains to Bay”, for an amount not-to-exceed \$23,907.77 and subject to approval as to form by the City Attorney.

PASSED AND ADOPTED this ____ day of _____, 2009, 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