

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE REDEVELOPMENT AGENCY AND THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS AND DESIGNATING SPECIFIC EQUIPMENT, AUTHORIZING THE NEGOTIATION OF A FIXED PRICE OPTION CONTRACT, AND APPROVING PLANS AND SPECIFICATIONS FOR THE DEPARTMENT OF ENERGY FEDERAL GRANT, PROJECT NO. 8198 (SPECIALIZED HEATING, VENTILATION, AND AIR CONDITIONING CHILLER UNITS)

WHEREAS, pursuant to Public Contract Code section 3400(c), the Redevelopment Agency and the City of Milpitas (“City”) may make findings and designate certain products or equipment by specific brand or trade name in order to match other products and equipment already in use in the City and/or to obtain a necessary item that is only available from one source; and

WHEREAS, City staff has found that the use of different types of indoor facility chillers and heating, ventilation and air conditioning (HVAC) equipment for the unique housing confines and operational needs of the emergency response and communications facilities of the Public Works/Police Department Building to be technically infeasible and believes it necessary to designate the McQuay International Turbocor Chiller units as the required equipment for “Department of Energy (DOE) Federal Grant, Project No. 8198,” in order to avoid incompatibility issues, durability and reliability shortcomings, and the increased costs associated with experimenting and maintaining varied and incompatible HVAC products; and

WHEREAS, the City Engineer has reviewed technical reports and information on the Public Works/Police Department Building’s general plans, operations, and environmental conditions in order to evaluate the City’s need for a complete and compatible indoor environment cooling system; and

WHEREAS, the City Engineer has concluded that use of the McQuay International Turbocor Chiller units would best conserve precious City funds; and

WHEREAS, the use of McQuay International equipment in the Public Works/Police Department Building brand would also ensure compatibility and reliability with the existing duct and air pump systems; and

WHEREAS, City staff has also reviewed the publicly available technical information and field data on McQuay International equipment and have determined in good faith that McQuay International equipment best serves the needs of City services and functions in terms of reliability, high performance, ease of maintenance, quality, price, noise and vibration minimization, and confined space functionality; and

WHEREAS, City staff also requests the approval of plans and specifications, the authority to negotiate and assign a fixed price purchase option for chiller equipment, and the advertisement of an invitation for bid proposals for Project No. 8198.

NOW, THEREFORE, the Board of Directors of the Redevelopment Agency of the City of Milpitas and the City Council of the City of Milpitas hereby find, determine, and resolve as follows:

1. The Board and the City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to them. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. That the sole source designation of McQuay International Turbocor Chiller units for Project No. 8198 would ensure compatibility with and match the existing air duct and pump equipment in the Public Works/Police Department Building and avoid future system and maintenance incompatibility issues and replacement and maintenance problems. Furthermore, the sole source designation is necessary due to the physical design, system and space constraints of the HVAC unit housing area and the vibration, noise, reliability, and performance requirements of the sensitive equipment and operations housed within the Public Works/Police Department Building.
3. That McQuay International Turbocor Chiller units are therefore declared to be the sole source, designated brand for use in Project No. 8198, pursuant to the product matching and compatibility requirements and the design and functional necessity standards set forth in Public Contract Code Section 3400(c)(2),(3).
4. That the plans and specifications for Project No. 8198 are approved.
5. That City staff is authorized to negotiate a fixed price purchase option for chiller equipment that may be assigned to the approved lowest successful bidder for the installation work for Project No. 8198 and to take other steps necessary to secure the supply rights thereto.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, Agency Secretary/City Clerk

Robert Livengood, Chair/Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, Agency Counsel/City Attorney