

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING PURCHASE OF A TORO GROUNDMASTER MOWER AND LEAF MULCHING KIT FROM TURFSTAR, 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**, the City mower fleet consists of only Toro mowers, which offer the benefit of standardization for the drivers and maintenance staff and provide economy of scale for parts and service costs; and

**WHEREAS**, TurfStar, Inc. is the only distributor of Toro Company products in California; 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 TurfStar, Inc. is the only source for Toro Company products, including the Toro Groundmaster mower, and that a contract of purchase may be awarded without competition under the provisions of that Section.

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

1. 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 it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager is authorized to execute a contract as a sole source for the procurement of a Toro Groundmaster 5910 diesel 99hp mower and Leaf Mulching Kit from TurfStar, Inc., for the not-to-exceed amount of \$92,513.37.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 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