

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AWARDING TO AND APPROVING A CONTRACT WITH ALPHA ANALYTICAL LABS, INC., A CALIFORNIA CORPORATION, FOR BACTERIOLOGICAL LABORATORY ANALYSIS SERVICES FROM APRIL 1, 2014 TO JUNE 30, 2015 IN THE AMOUNT NOT TO EXCEED \$22,380 AND AUTHORIZING THE PURCHASING AGENT TO EXERCISE UP TO FOUR (4) ANNUAL RENEWAL OPTIONS IN THE ANNUAL AMOUNT NOT-TO-EXCEED \$22,380, SUBJECT TO APPROPRIATION OF FUNDS AND WITHOUT FURTHER CITY COUNCIL APPROVAL

WHEREAS, on February 14, 2014 the City of Milpitas (“City”) staff released Invitation For Bid (“IFB”) No. 2063 soliciting bids for Bacteriological Laboratory Analysis Services, which was published in the *Milpitas Post*, on the City website and through the *Public Purchase* website; and

WHEREAS, on February 28, 2014 four (4) bids were received in response to the IFB and Alpha Analytical, Inc., a California corporation, was deemed the lowest responsible and responsive bidder; and

WHEREAS, the City’s Purchasing Agent recommends the City Council award to and approve the contract between the City and Alpha Analytical, Inc., for the period from April 1, 2014 to June 30, 2015 in the amount not to exceed Twenty-Two Thousand Three Hundred Eighty Dollars (\$22,380) and authorize the City’s Purchasing Agent to exercise up to four (4) annual options in the annual not-to-exceed amount of Twenty-Two Thousand Three Hundred Eight Dollars (\$22,380), subject to appropriation of funds and without further City Council approval.

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 Council approves the Contract for Bacteriological Laboratory Analysis Services with Alpha Analytical Labs, Inc., a California corporation, a copy of which is attached hereto as **Exhibit A**.
3. The City Council authorizes the Purchasing Agent to extend the term of the Contract by exercising up to four (4) annual renewal options in the annual not-to-exceed amount of Twenty-Two Thousand Three Hundred Eight Dollars (\$22,380), subject to appropriation of funds and without further City Council approval.

PASSED AND ADOPTED this ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

CONTRACT

Project: Bacteriological Laboratory Analysis Services

Bid No: 2063

Initial Amount of Contract: \$22,380

THIS CONTRACT, made this 19th day of March, 2014, by and between the City of Milpitas, hereinafter referred to as "City" and **Alpha Analytical Labs, Inc.**, a California Corporation, hereinafter referred to as "Contractor",

WITNESSETH:

A. WHEREAS, the City of Milpitas has caused specifications, drawings and other contract documents, hereinafter referred to as "Specifications", to be prepared for certain work on the referenced project; and

B. WHEREAS, said Specifications include:

- a. Invitation For Bids and all Addenda
- b. Instructions To Bidder
- c. Terms and Conditions
- d. Special Provisions For Services
- e. Scope of Work
- f. Bid Form
- g. Non-Collusion Affidavit
- h. Bidder's Statement Regarding Insurance Coverage
- i. Worker's Compensation Insurance Certificate
- j. Bidder's Nondiscriminatory Employment Certificate
- k. Local Purchasing Preference Certification

C. WHEREAS, Contractor has offered to perform the proposed work in accordance with the terms of said Specifications as set forth by submission of the Contractor's Bid and further as agreed upon by the parties as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained in said Specifications and Contractor's Bid as attached hereto as **Exhibit A**, which are made a part hereof as though fully set forth, Contractor hereby agrees to complete the work at the prices and on the terms and conditions therein contained, and City of Milpitas hereby employs the Contractor and agrees to pay the Contractor the contract prices therein provided for the fulfillment of the work and the performance of the covenants therein set forth.

The initial term of this Contract is from April 1, 2014 to June 30, 2015 (the "Initial Term") in the amount of Twenty-Two Thousand Three Hundred Eighty Dollars (\$22,380.00). The City reserves the right at its sole discretion to extend this Contract on an annual basis for up to an additional four (4) years (with the final option year automatically expiring no later than March 31, 2019) and in the annual amount of up to Twenty-Two Thousand Three Hundred Eighty Dollars (\$22,380.00) by providing written notice to Contractor prior to the expiration of the then applicable term and in the form attached hereto as "Notice of Exercise of Option to Extend Agreement". A copy of the Notice

of Exercise of Option to Extend Agreement is attached to this Contract as **Exhibit B** and incorporated fully herein. City will make monthly payments within thirty (30) days of receipt of each approved invoice.

IN WITNESS WHEREOF, this contract has been executed on the day and year first above written.

CITY OF MILPITAS,
A Municipal Corporation

CONTRACTOR: Alpha Analytical Labs, Inc.

Thomas C. Williams, City Manager

Robbie Phillips, President

6398 Dougherty Road
Dublin, CA 94568
Telephone: (925) 828-6226

ATTEST:

By: _____
Mary Lavelle, City Clerk

Robbie@alpha-labs.com
Business Tax Compliance Certificate No. _____

FEIN: _____

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

APPROVED AS TO CONTENT:

City Project/Contract Manager

EXHIBIT A
SPECIFICATIONS

EXHIBIT B

NOTICE OF EXERCISE OF OPTION TO EXTEND AGREEMENT

AGREEMENT TITLE and DATE:	<u>Bacteriological Laboratory Analysis Services</u> <u>March 19, 2014</u>
CONTRACTOR Name and Address:	Alpha Analytical Labs, Inc. 6398 Dougherty Road Dublin, CA 94568
DATE OF OPTION:	

(date the notice is sent must be consistent with the time for exercise set forth in Agreement)

Pursuant to Section ____ of the Agreement referenced above, the City of Milpitas hereby exercises its option to extend the term under the following provisions:

OPTION NO.	
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NEW OPTION TERM

Begin date:	
End date:	

CHANGES IN RATE OF COMPENSATION

Percentage change in CPI upon which adjustment is based:	
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Pursuant to Section ____ of the Agreement the Rates of Compensation are hereby adjusted as follows:
(use attachment if necessary)

MAXIMUM COMPENSATION for New Option Term:	
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For the option term exercised by this Notice, City shall pay Contractor an amount not to exceed the amount set forth above for Contractor's services and reimbursable expenses, if any. The undersigned signing on behalf of the City of Milpitas hereby certifies that an unexpended appropriation is available for the term exercised by this Notice, and that funds are available as of the date of this signature.

CITY OF Milpitas a municipal corporation By _____ Name: Title:
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