

RESOLUTION NO. 2015-08

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN BENITO COUNTY WATER DISTRICT RE WEST HILLS WATER TREATMENT PLANT PROCUREMENT DOCUMENTS

RECITALS:

A. On April 30, 2014, the San Benito County Water District (District) certified a final EIR and approved the West Hills Water Treatment Plant Project (the Project). The Project involves the construction and operation of a new raw water treatment plant, a raw water pump station, and raw and treated water transmission pipelines in order to provide high quality water to the western area of the Hollister Urban Area.

B. The District now wishes to start the process of acquisition and construction of the Project facilities.

C. The District and its consultants studied the pretreatment technology available in the marketplace for the water treatment plant and have determined that Actiflo-Carb equipment (high rate clarification with powdered activated carbon recirculation) manufactured by I. Kruger, Inc., a subsidiary of Veolia Water, is the recommended treatment technology. This recommendation is based upon findings made in memoranda including “Draft Alternatives Screening Evaluation Technical Memorandum” dated August 24, 2010, “Process Update for New WTP Based on Palmdale WTP Site Visit Technical Memorandum” dated November 16, 2010, and “Process Alternatives Screen Evaluation Update” dated January 22, 2014, all of which confirm that Actiflo-Carb is the recommended technology based upon field visits, test results and pricing.

D. The Actiflo-Carb equipment must be acquired using the sole source procurement process in that the Actiflo-Carb is proprietary and has a uniquely engineered and patented process that is not replicable or reproducible by other equipment suppliers. Therefore, competitive pricing is not possible.

E. The District wishes to use the sole source procurement process to acquire the Actiflo-Carb equipment subject to the award of a contract to a responsible bidder for the acquisition and installation of the equipment.

F. I. Kruger, Inc. submitted a proposal to the District to supply the Actiflo-Carb equipment for the Project. The District wishes to approve of the proposal and authorize that it be included in the bid documents, subject to the award of a contract to a responsible bidder for the acquisition and installation of the equipment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Benito County Water District as follows:

1. **Sole source determination:** Public Contracts Code Section 3400(b) provides that specifications for bids in connection with the construction of public works shall not be drafted calling for a designated material or product by a specific brand or trade name unless the specification is followed by the words “or equal.” Section 3400(c) provides an exception to the rule in Section 3400(b) if the Board makes a finding which is described in the bid invitation that a particular product is designated by a specific brand or trade name in order to obtain a necessary item that is “only available from one source.” (Public Contracts Code Section 3400(c)(3))

The District hereby finds and determines, based upon the information stated above, that the only source available in the marketplace for the desired and recommended treatment technology for the West Hills Treatment Plant is the Actiflo-Carb system manufactured by I. Kruger, Inc. Actiflo-Carb is a brand that is only available from one source. This finding shall be recited in the invitation for bids to install the equipment.

2. **Authorization to include sole source procurement language in bid documents:** The District hereby authorizes its consultants to include sole source procurement language in bid documents when the District advertises for bids to retain a contractor to install the equipment.

3. **Actiflo-Carb Proposal:** I. Kruger, Inc. submitted a proposal to the District to supply the Actiflo-Carb equipment for the West Hill Treatment Plant. The District hereby approves of the proposal and authorizes the proposal to be incorporated into the bid documents, subject to a successful award to a responsible low bidder.

PASSED AND ADOPTED by the San Benito County Water District Board of Directors at the regular meeting of said Board held on the 29th day of April, 2015, by the following vote:

AYES: DIRECTORS: Tonascia, Flores & Tobias
NOES: DIRECTORS: None
ABSENT: DIRECTORS: Bettencourt
ABSTAIN: DIRECTORS: Huenemann

/s/ Joseph A. Tonascia
Joseph Tonascia
President

ATTEST: /s/ Sara Singleton
Sara Singleton
Assistant Manager