

RESOLUTION NO. OCSD 20-XX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ORANGE COUNTY SANITATION DISTRICT, MAKING FINDINGS PURSUANT TO PUBLIC CONTRACT CODE SECTION 3400 IN SUPPORT OF THE SOLE SOURCE SPECIFICATION OF SUEZ WATER TECHNOLOGIES & SOLUTIONS FOR REFURBISHING FOUR EXISTING BAR SCREENS AND FOR FURNISHING TWO NEW BAR SCREENS FOR HEADWORKS REHABILITATION AT PLANT NO. 1, PROJECT NO. P1-105

WHEREAS, the Orange County Sanitation District (Sanitation District) is a duly organized County Sanitation District existing pursuant to the County Sanitation District Act, California Health and Safety Code Section 4700, et seq., providing for the ownership, operation, and maintenance of wastewater collection, treatment, and disposal facilities within Orange County, California; and

WHEREAS, Public Contract Code Section 3400 provides that local agencies may describe in the invitation for bids or request for proposals that a particular material, product, thing or service is designated by specific brand or trade name if the awarding authority, or its designee, finds that the product is designated "in order to obtain a necessary item that is only available from one source"; and

WHEREAS, Public Contract Code Section 3400 establishes that an item is available from only one source if there is not an "equal" product, meaning a product that will "function as well, in all essential respects" as the designated product; and

WHEREAS, Carollo Engineers, Inc., the Sanitation District's Design Consultant, has completed the plans and specifications for the Headworks Rehabilitation at Plant No. 1, Project No. P1-105 ("Project"); and

WHEREAS, the Project includes refurbishing four existing bar screens and furnishing two new bar screens; and

WHEREAS, the four bar screens to be refurbished were manufactured by a Infilco Degremont, Inc., which has since been acquired by SUEZ Water Technologies & Solutions; and

WHEREAS, commonality of functions, performance, parts, training, and controls among all bar screens is a compelling need to effectively operate and maintain the bar screens, and

WHEREAS, based on extensive research and investigation, Sanitation District staff has determined that SUEZ Water Technologies & Solutions is the only manufacturer of equipment suitable for refurbishing four existing bar screens and for

furnishing two new bar screens that match the existing four bar screen while being cost effective and meeting the Sanitation District's needs.

NOW, THEREFORE, in consideration thereof, the Board of Directors of the Orange County Sanitation District, does hereby resolve, declare, determine, and order as follows:

Section 1: All of the recitals herein contained are true and correct.

Section 2: SUEZ Water Technologies & Solutions is the "like for like" replacement of the bar screens due to technology and space requirements and is the only manufacturer meeting the Sanitation District's needs.

Section 3: SUEZ Water Technologies & Solutions with 5/8-inch screens is a necessary component of the Project design and is only available from one source.

Section 4: The SUEZ Water Technologies & Solutions bar screens meeting the Sanitation District's needs shall be specified by name in the invitation for bids for the Project.

Section 5: This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Directors held on July 22, 2020.

David John Shawver
Board Chairman

ATTEST:

Kelly A. Lore, MMC
Clerk of the Board

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OCSD 20-XX was passed and adopted at a regular meeting of said Board on the 22nd day of July 2020, by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 22nd day of July 2020.

Kelly A. Lore, MMC
Clerk of the Board of Directors
Orange County Sanitation District