

RESOLUTION NO

RESOLUTION OF THE BOARD OF PUBLIC UTILITIES WAIVING THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO COUNCIL POLICY 600-01 AND CITY CODE CHAPTER 3-44.080 DUE TO THE VENDOR BEING THE SOLE PROVIDER OF THE SOFTWARE, APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH E&M ELECTRICAL AND MACHINERY, INC. dba WONDERWARE CALIFORNIA (AGREEMENT NO. F001496) IN THE AMOUNT OF \$259,631 AND AUTHORIZING THE CHAIR TO SIGN THE AGREEMENT

WHEREAS, the City has a requirement for software for the Supervisory Control and Data Acquisition (SCADA) systems located at the Laguna Wastewater Treatment Plant; and

WHEREAS, Wonderware California, as the manufacturer of the Wonderware software, has appointed E&M Electrical and Machinery, Inc. dba Wonderware (E&M) as the sole western United States provider of the Wonderware software and support services; and

WHEREAS, the software is proprietary in nature and can only be obtained from E&M; and

WHEREAS, City Council Policy 600-01 provides for waiving the request for proposal procedures if it is in the best interest of the City and City Code Chapter 3-44.080 – *Exceptions to competitive bidding* provides for sole source procurement free of competitive bidding if limitations on the source are such that no more than one contractor is available to meet the specifications, quality or other valid considerations; and

WHEREAS, in compliance with Council Policy 600-01 and City Code Chapter 3-44.080, the City executed Professional Services Agreement (PSA) number F001496 with E&M in the amount of \$64,471.30 to provide license and support of the software; and

WHEREAS, City staff solicited a proposal from E&M for a 5-year term of support for the Wonderware software; and

WHEREAS, City staff has thoroughly analyzed the proposal submitted by E&M and has determined the price proposal for Wonderware software and support is the lowest negotiated cost, and recommends it would be in the City's best interests to accept the proposal amending the PSA; and

WHEREAS, the Board of Public Utilities has considered the report of City staff and has concluded that the proposal submitted by E&M would be in the City's best interests to accept the proposal and amend PSA F001496.

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Utilities waives the competitive procurement process in accordance with Council Policy 600-01, pursuant to its authority under City Charter Section 25(c), approves a first amendment to the Professional Services Agreement with E&M Electrical and Machinery, Inc., dba Wonderware (Agreement F001496) to provide software and support in the amount of two hundred fifty nine thousand six hundred thirty one dollars (\$259,631.00) for a total not to exceed amount of three hundred twenty four thousand one hundred and two dollars and thirty cents (\$324,102.30), and authorizes the Chair to sign the agreement.

DULY AND REGULARLY ADOPTED this 16th day of August, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Daniel J. Galvin III, Chair

ATTEST: _____
Gina Perez, Recording Secretary

APPROVED AS TO FORM:

City Attorney