

RESOLUTION NO. _____

A RESOLUTION DETERMINING THAT BIOXIDE, A CHEMICAL FOR SEWER ODOR CONTROL AND REDUCTION OF SULFIDE GAS LEVELS, CANNOT BE REASONABLY OBTAINED THROUGH THE USUAL BIDDING PROCEDURES AND AUTHORIZING THE FINANCE DIRECTOR TO DISPENSE WITH BIDDING THEREFOR, FOR A PERIOD OF ONE YEAR NOT TO EXCEED \$1,000,000.

WHEREAS, some areas of southwest, northwest and northeast Bakersfield were experiencing continuous odor problems from the Sewer Trunk Lines, which led to a finding of high levels of sulfide gas in the sewer system;

WHEREAS, nuisance odors are a violation of the San Joaquin Valley Unified Air Pollution Control District (District) Policies and can be punishable by a fine; and

WHEREAS, the City was warned by the District to alleviate the nuisance odors and reduce the high levels of sulfide gas within the sewer system or face a fine; and

WHEREAS, in the late 1990s, the Public Works Engineering Department contracted with John Carollo Engineers to establish an odor alleviation program, which recommended the continuous injection of Bioxide; and

WHEREAS, only Bioxide was determined to be effective in controlling odors in the City's sewer system; and

WHEREAS, Bioxide is a proprietary product, manufactured and distributed by Evoqua Water Technologies LLC and is therefore a sole source product; and

WHEREAS, the Finance Director has determined and has recommended the Council find, that the purchase of Bioxide can only be reasonably obtained from one vendor, Evoqua Water Technologies LLC, because of restricted availability due to patent restrictions and has recommended that this Council authorize dispensing with bidding requirements in accordance with subsection D.1 of Section 3.20.060 of the Bakersfield Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bakersfield as follows:

1. The above recitals are true and correct and incorporated herein by reference.
2. The Council hereby finds that the purchase of Bioxide, to be used for

odor control within the sewer trunk lines, can only be reasonably obtained from one vendor (Evoqua Water Technologies LLC) for the reasons set forth above.

3. The Finance Director is authorized to dispense with bidding therefore in accordance with Section 3.20.060 of the Bakersfield Municipal Code and to negotiate the purchase of same on a continuing basis, not to exceed budgeted amounts for a period of one year.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on _____, by the following vote:

AYES:	COUNCILMEMBER:	RIVERA, GONZALES, WEIR, SMITH, FREEMAN, SULLIVAN, PARLIER
NOES:	COUNCILMEMBER:	_____
ABSTAIN:	COUNCILMEMBER:	_____
ABSENT:	COUNCILMEMBER:	_____

JULIE DRIMAKIS, CMC
CITY CLERK AND EX OFFICIO of the
Council of the City of Bakersfield

APPROVED _____

By _____
MAYOR KAREN GOH
Mayor

APPROVED AS TO FORM:
VIRGINIA GENARO
City Attorney

By _____
JOSHUA H. RUDNICK
Deputy City Attorney