

RESOLUTION R2024-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AN AGREEMENT WITH BAY CITY ELECTRIC WORKS FOR THE PURCHASE OF A GENERATOR FOR CITY FACILITIES LOCATED AT 955 SCHOOL STREET IN THE AMOUNT OF \$191,580.00 (+ TAX).

WHEREAS, in June 2023, Council adopted funding for the Generators for Facilities – PD, EOC, & Dispatch Project (FC23PW04) (“Project”) in order to facilitate the replacement of the generator serving City facilities at 955 School Street; and

WHEREAS, pursuant to Napa Municipal Code Section 2.91.060, the City may enter into a contract that is based on the terms of an existing contract between the contractor and another public agency without further complying with the requirements of NMC Chapter 2.91 provided that the City Council makes the written determinations set forth therein; and

WHEREAS, Bay City Electric Works, as distributor for Kohler and Bluestar generators, will supply the generator utilizing the pricing and terms set forth in the existing contract between Kohler Power Systems (the Kohler Company) and Sourcewell, a Minnesota public agency, for the purchase of generators and other related equipment from Kohler or its authorized dealers; and

WHEREAS, Bay City Electric Works will provide and deliver the generator for the amount of \$191,580+tax; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council’s adoption of this Resolution.

2. The City Council hereby determines that the proposed agreement with Bay City Electric Works using the pricing and terms set forth in the contract between Sourcewell and Kohler for the procurement of the generator satisfies the requirements of Napa Municipal Code Section 2.91.060 for procurements via existing contracts between the contractor and another government agency based on the following:

## ATTACHMENT 1

- a. *The City has an opportunity to enter into a proposed contract under terms materially the same as an existing contract between the contractor and another public agency.*

Bay City Electric Works is an approved distributor of Kohler equipment, which also includes Bluestar generators. Kohler has an existing contract (Sourcewell Contract RFP #092222) with Sourcewell, a State of Minnesota local government agency, which is attached to the staff report as Attachment 2. Under the Sourcewell Agreement with Kohler, the City has an opportunity to enter into a proposed contract with Bay City Electric Works for the procurement of a Bluestar generator under terms materially the same as the Sourcewell Agreement with Kohler.

- b. *The terms of the proposed contract between the contractor and the City are more beneficial to the City than the City would otherwise be able to obtain by complying with the relevant requirements set forth in this chapter.*

The terms of the proposed contract between Bay City Electric Works utilizing the pricing in the Sourcewell agreement with Kohler and the City are more beneficial to the City than the City would otherwise be able to obtain by complying with the relevant requirements set forth in NMC Chapter 2.91 given the significant discounted pricing offered through Kohler's contract with Sourcewell, which would not otherwise be available to the City if it did not contract with a Kohler authorized dealer like Bay City Electric under the pricing and terms provided in Sourcewell's agreement with Kohler.

- c. *By entering into the proposed contract, the City will meet the purpose and goals identified in Subsection 2.91.010(D) of this chapter. This includes documentation that the process used by the other public agency to procure the existing contract is substantially equivalent to the process that would otherwise be required by the City for the proposed contract.*

By entering into the proposed contract with Bay City Electric Works, the City will meet the purpose and goals identified in NMC Section 2.91.010(D) because Sourcewell is a State of Minnesota local government agency and service cooperative and entered into the agreement with Kohler and its authorized dealers using a competitive public solicitation process that is substantially equivalent to the competitive process that would otherwise be required under NMC Chapter 2.91.

- d. *The contract between the contractor and the City complies with the requirements of Subsection 2.91.030(B) of this chapter.*

Pursuant to NMC Section 2.91.030(B)(2), (a) the contract will be approved as to form by the City Attorney, (b) as determined by the City Auditor, there are sufficient unencumbered funds to cover the cost of the contract, and (c) the City Council will authorize the Public Works Director to enter into the contract.

## ATTACHMENT 1

3. The City Council hereby authorizes the Public Works Director to execute an agreement with Bay City Electric Works, Inc., for the purchase of a generator in the amount of \$191,580+tax.

4. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 16<sup>th</sup> day of January 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney