

EXCEPTION REQUEST FOR SPECIALTY ITEMS

Per **NMC 2.91.050**, the City may enter into a contract for a "specialty item," provided that the City Manager makes a written determination of the following:

1. Project need which the City intends to satisfy through the contract for the specialty item. Please provide a functional description (or performance criteria) of the City's needs.

The City of Napa is seeking to repair and modernize the elevator servicing the Second Street Garage in order to restore its service and operation as a modern, reliable facility. This project is necessary to address issues related to aging equipment and essential to assure compliance with safety standards regulated by the Elevator, Ride and Tramway Unit (ERT) of CAL OSHA. The elevator has been out of service since 2012 in which the City was issued an order to correct by the ERT of CAL OSHA which set forth a date of October 20th, 2012 for full compliance. The City then requested an extension from the ERT of CAL OSHA and obtained a July 1st, 2013 for full compliance. The City has been out of compliance with the ERT of CAL OSHA since this July 1st, 2013 date. The City is seeking to hire a Certified Qualified Conveyance Company (CQCC) to perform the removal and replacement of the Second Street Garage elevator.

2. The types of property or service which are available (or used by other similarly situated private or public agencies) to meet this need (or similar needs), and the contractors which are available to provide the property or service. Please provide documentation of the steps the City has taken to evaluate the types of property, service, and contractors potentially available to serve the City's needs.

CQCC's are required by the State of California Department of Industrial Relations to perform the removal and replacement of elevator cabs. There are very few local CQCC's available to the City. Public Works staff have determined that Dream Ride Elevator is the only available CQCC capable of removing and replacing the Second Street Garage Elevator. Empire Elevator Company Inc. which was assimilated by Kone Inc. (both elevator repair companies) were previously under contract with the City to perform elevator services for the City at the Second Street Garage; however, they became completely unresponsive and did not respond to attempts to contact by City staff. Subsequently after a preliminary assessment, City staff determined that Dream Ride Elevator is a responsive and responsible CQCC elevator contractor that provides the City the best value for the removal and replacement of the Second Street Garage Elevator.

3. Please provide the reasons why a similar property or service cannot meet the City's needs (including considerations of compatibility with other City property and services regarding maintenance, repair, training, quality, price, or similar considerations), or why the City's needs can only be met by one unique or proprietary type of property or service (the specialty item).

Due to Dream Ride Elevators specialized certification and responsiveness, they are the only available CQCC capable of completing the elevator cab removal and replacement as described above and provide the best value to the City to perform the project.

4. By entering into a contract for the specialty item from the proposed contractor, the City will meet the purpose and goals identified in NMC Section 2.91.010.

Yes.

5. The contract complies with the requirements of NMC Section 2.91.030 (B). ☒ YES ☐ NO

BUDGET APPROVAL: ☒ YES ☐ NO **IFAS BUDGET #:** 3010-57601-FC13PR01-57601

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| REQUESTOR NAME AND DEPARTMENT | EXTENSION |
| John Ferons – Public Works Department – Engineering Division | 7423 |
| REQUESTED VENDOR NAME | VENDOR CONTACT PHONE NUMBER |
| Dream Ride Elevators | (707) 745-1380 |

Signature of Requestor

Date

Department Head Signature

Date

City Manager

Date

ATTACHMENT 2

NMC 2.91.010 D. Consistent with the requirements of the City Charter, including City Charter Sections 100 through 105, this Chapter establishes the parameters by which representatives of the City may enter into contractual obligations on behalf of the City. It is the goal of the City that any administrative regulations adopted to implement this Chapter, and any City contract, will meet the following goals:

1. Obtain the most cost effective result for the City, which avoids improvidence, extravagance, and any other waste of public funds or public property, and which also achieves an appropriate balance between the costs and benefits of maximizing quality within available resources.
2. Takes into consideration all reasonably available relevant information regarding the range of types, effectiveness, quality, and costs of potential property, services, public projects, and contractors available to achieve the City's project goals. Depending upon the particular requirements of the project (and the more particular procedures identified in this chapter), the information to be considered may include data gathered from one or more of the following sources: similar City projects, other public agencies, professional journals, private businesses, outreach to potential contractors, and private businesses, competitive bids, formal or informal quotes, proposals, or qualification statements.
3. Guards against favoritism, fraud, corruption, and conflicts of interest.
4. Efficiently uses City resources in the preparation, approval, administration, and enforcement of contracts which are effective tools in achieving the City's goals.

NMC 2.91.030 B. Execution and administration of contracts

1. The City Manager is authorized to take any steps necessary to prepare contract documents, prior to final approval of the contract, in accordance with the procedures set forth in this Chapter, including: requesting proposals, inviting bids, applying for grants, and negotiating contract terms.
2. The City Manager is authorized to execute any contract on behalf of the City provided that: (a) pursuant to City Charter Section 100, the contract is in writing and approved as to form by the City Attorney; and (b) the contract is covered by sufficient unencumbered funds appropriated in the adopted budget, and (to the extent required by City Charter Section 100) the contract is endorsed by the City Auditor; and (c) the contract is prepared in accordance with all other requirements of this Code and the administrative regulations; and (d) the contract is covered by any one of the following categories: (i) the City Council has separately authorized the City Manager to execute on behalf of the City pursuant to an ordinance, resolution, or other Council action, or (ii) the City's commitments under the contract are in an amount less than or equal to the amount established by the Controller of the State of California for formal bidding procedures as required by California Public Contract Code Sections 22020 and 22032(c) (as of January 1, 2009, this amount is established at \$125,000), or (iii) the contract is necessary to resolve an emergency pursuant to Section 2.91.040 of this Chapter or pursuant to Chapter 2.89 of this Code. It shall be unlawful to split, or separate into smaller contracts, any contract for the purpose of evading the dollar amounts identified in this chapter.
3. The City Manager is authorized to implement and enforce each contractor's compliance with contract requirements, including inspections and acceptance of complete performance, and termination of the contract, all in accordance with the requirements of the contract.

NMC 2.91.050 Exceptions for Specialty Items

- A. The City may enter into a contract for a "specialty item," in accordance with this section, without further complying with the requirements of this chapter, provided that the City Manager or the City Council makes a written determination of the following:
1. The project need which the City intends to satisfy through the contract for the specialty item. This includes a functional description (or performance criteria) of the City's needs.
 2. The types of property or service which are available (or used by other similarly situated private or public agencies) to meet this need (or similar needs), and the contractors which are available to provide the property or service. This includes documentation of the steps the City has taken to evaluate the types of property, service, and contractors potentially available to serve the City's needs. The City shall invite proposals from interested contractors by providing written public notice of the proposed contract in a newspaper of general circulation in the city, at least five days prior to the date bids are due to the City.
 3. The reasons why it is impracticable for a similar property or service to meet the City's needs (including considerations of compatibility with other City property and services regarding maintenance, repair, training, quality, price, or similar considerations); or why the City's needs can only be met by one unique or proprietary type of property or service (the specialty item).
 4. By entering into a contract for the specialty item from the proposed contractor, the City will meet the purpose and goals identified in Subsection 2.91.010(D) of this Chapter.
 5. The contract complies with the requirements of Subsection 2.91.030 (B) of this Chapter.
- B. The City Council hereby determines that substantial compliance with the requirements of this Section shall satisfy the requirement to award City contracts to the lowest and best bidder, pursuant to City Charter Section 101 and Graydon v. Pasadena Redevelopment Agency (1980) 104 Cal.App.3d 631. (O2009 5)