

CITY OF SAN MATEO
RESOLUTION NO. ____ (2024)

**APPROVING AN ALTERNATIVE PURCHASING PROCEDURE FOR AN AGREEMENT WITH SPX FLOW, INC.
FOR THE WASTEWATER TREATMENT PLANT DIGESTER 2 MIXER REPAIR PROJECT**

WHEREAS, the Wastewater Treatment Plant (WWTP) is an aging facility, and the Clean Water Program (CWP) includes a variety of capital improvement projects to rehabilitate and upgrade the existing WWTP facilities; and

WHEREAS, the WWTP Digester 2 Mixer Repair project (Project) is one of these projects, which will result in ensuring the reliability and safe operation of existing facilities at the WWTP; and

WHEREAS, a mixer, which is a component of Digester 2, is necessary to maintain operating conditions in Digester 2; and

WHEREAS, the mixer at Digester 2 failed in May 2022; and

WHEREAS, SPX Flow, Inc. (SPX) is the original manufacturer of the mixer, which was specifically made for Digester 2; and

WHEREAS, on October 30, 2023, the City retained SPX to facilitate removal of the mixer from Digester 2, ship the mixer to SPX's facility in Pennsylvania, and perform an evaluation of the mixer to identify the appropriate repairs; and

WHEREAS, an evaluation for repairs has been completed by SPX, and SPX is available to now complete the repair work and facilitate the reinstallation of the mixer for proper Digester 2 operation; and

WHEREAS, San Mateo Municipal Code section 3.60.050(b) permits the award of an agreement when calling for bids is impracticable, unavailing, or impossible and the City Council sets forth findings designating the reasons; and

WHEREAS, based on the above, staff recommends approval of an agreement with SPX to make the necessary repairs to the mixer for Digester 2.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY RESOLVES that:

1. The Council action approving this agreement is categorically exempt from CEQA review as an "existing facility," in that it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. (CEQA Guidelines Section 15301.)

2. In accordance with Municipal Code Section 3.60.050(b) calling for bids would be impracticable, unavailing, or impossible because:
 - a. SPX, Inc. is the manufacturer of the existing mixer at Digester 2;
 - b. The mixer was custom made for Digester 2;
 - c. No other company is capable of evaluating or repairing the mixer; and
 - d. No other economically feasible off-the-shelf mixer is available.
3. The Agreement with SPX Flow , Inc for the Wastewater Treatment Plant Digester 2 Mixer Repair in the amount not to exceed of \$241,779.81 is approved.
4. A contingency reserve of \$50,000 is established for this project.
5. The Public Works Director is authorized to execute the agreement in substantially the form presented and approve any necessary change orders within the approved contingency amount.