

RESOLUTION NO. R-2020-_____

A RESOLUTION authorizing the sole source purchase of a trace metals analysis instrument from Agilent Technologies, Inc. for the City of Yakima Wastewater Treatment Plant laboratory.

WHEREAS, Article VI, section 6 of the City of Yakima Charter and the Yakima Municipal Code Chapter 1.80 generally requires that purchases over \$50,000 be done by competitive bidding, subject to certain exceptions; and

WHEREAS, the law recognized a “sole source” exception from these competitive bid requirements when, due to unique specifications and requirements, it would be futile to utilize competitive bidding; and

WHEREAS, the City of Yakima owns and operates trace metals analysis instrumentation to meet NPDES permit requirements for biosolids and Pretreatment industrial wastewater monitoring at the Wastewater Treatment Laboratory and the need for replacement of the instrumentation has been identified; and

WHEREAS, the Purchasing Division ran a “Notice of Intent to Sole Source” in the Yakima Herald-Republic on 9/19/19 and 9/20/19 and no vendor came forth to compete for this equipment; and

WHEREAS, three other vendors were contacted to see if they could provide the unique combination of hardware and software features for high data quality, usability, and cost-efficiency of the Agilent instrument, and it was confirmed they could not; and

WHEREAS, pursuant to RCW 39.04.280 (1)(a), any requirement for competitive bidding for the acquisition of the above-described instrument is hereby waived by adoption of this Resolution, due to the fact that:

- (a) Though there are other manufactures of metal analysis instruments in the market, it is documented that the Agilent is the only manufacturer that provides a one-piece permanently aligned vertical torch with integrated gas connections, which is required by the wastewater laboratory because:
 - 1) it has a five-times longer life-span than horizontal torches; and
 - 2) there are no time-consuming torch alignment routines or reassembling of gas connections and breakable quartz pieces as in competitors with vertical torch alignments; and
 - 3) the purchase of an additional air compressor is not required to provide clean house air; and
- (b) The Agilent instrument comes with easy-to-use software with fitted background correction that enables accurate analysis without repeated user intervention and has a semi-quantitative function, not available through other manufacturers, that measures all elements in every sample with no additional effort; and

- (c) The Agilent instrument has the shortest run-time for each sample and a hermetically-sealed detector that does not require a constant purge of ultra-high purity (UHP) argon, whether the instrument is on or off, which utilizes 33% less UHP argon; and
- (d) The Agilent instrument has an add-on accessory that further lowers detection limits of several trace metal elements; and
- (e) The instrument is clearly and legitimately limited to a sole source of supply; and

WHEREAS, Agilent Technologies, Inc. has agreed to provide the instrument and a 5-year total service contract for \$111,253 as included in the attached quotation; and

WHEREAS, the City Council finds that it is in the best interests of the City to approve the purchase of the trace metals analysis instrument described above, and that such approval will enable the City to continue to meet regulatory permit requirements for biosolids and industrial effluents; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

Section 1. The City Council finds and determines that the purchase of a trace metals analysis instrument is clearly and legitimately limited to a sole source of supply, justifying the waiver of competitive bidding in this acquisition, which bidding requirements are hereby waived.

Section 2. The purchase and installation of the trace metals analysis instrument, as described above, for an amount not to exceed of \$111,253. is approved.

Section 3. The City Manager, or his designee, is hereby authorized to accomplish the purchase of such instrumentation, and to execute any and all documentation to accomplish such purchase.

ADOPTED BY THE CITY COUNCIL this 4th day of February, 2020.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk