

**RESOLUTION NO. R-2023-\_\_\_\_\_**

**A RESOLUTION** authorizing the sole source purchase of Flygt wastewater pumps, repair services, and replacement parts from Whitney Equipment Company, Inc. for the City of Yakima Wastewater Division.

**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 the fact that there exists a single authorized service provider for repair and/or warranty services in the area, and it would be futile to utilize competitive bidding; and

**WHEREAS**, the City of Yakima owns and operates thirty Flygt wastewater pumps required for wastewater conveyance in the sewer collection system and wastewater treatment plant that require parts, repair services, or replacement on an as-needed basis; and

**WHEREAS**, Whitney Equipment Company, Inc. is the sole vendor in the State of Washington of Flygt wastewater pump parts, replacement pumps, and pump repair services; there are no vendors to contact to see if they could provide the replacement pumps, parts, and repair services for the existing Flygt pumps; and

**WHEREAS**, pursuant to RCW 39.04.280 (1)(a), any requirement for competitive bidding for the acquisition of the above-described Flygt wastewater pumps, repair services, and replacement parts is hereby waived by adoption of this Resolution, due to the fact that:

- (a) Although there are other vendors of other wastewater pumps, replacement parts, and repair services in the market, it would require that the plumbing, pedestals, and electronically controlled valves associated with each Flygt wastewater pump be replaced and reconfigured to accommodate pumps from alternate vendors; and
- (b) Whitney Equipment Company, Inc. is the sole authorized provider in Washington State of Flygt pumps, replacement parts, and repair and warranty services; and
- (c) The Flygt wastewater pumps, replacement parts, and repair services are clearly and legitimately limited to a single source of supply; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to approve Whitney Equipment Company, Inc. as the sole source for purchases of Flygt wastewater pumps, replacement parts and repair services in an amount not to exceed TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) per calendar year; now, therefore

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

**Section 1.** Based on the foregoing recitals, which are fully incorporated herein, the City Council finds and determines that the purchase of equipment and repair services is clearly and legitimately limited to a single source of supply, which is compatible with the inventory of Flygt wastewater pumps currently installed in the City of Yakima wastewater collection system and at the Wastewater Treatment Facility justifying the waiver of competitive bidding in this acquisition, which bidding requirements are hereby waived.

**Section 2.** The City Manager, or his designee, is hereby authorized to accomplish the purchase of such equipment, and to execute any and all documents to accomplish such purchase.

ADOPTED BY THE CITY COUNCIL this 21<sup>st</sup> day of March, 2023.

ATTEST:

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Janice Deccio, Mayor

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Sonya Claar Tee, City Clerk