

Resolution No. 2023-XXX N.C.S. of the City of Petaluma, California

MAKING REQUIRED FINDINGS AUTHORIZING A PURCHASE FROM BADGER METER FOR THE ADVANCED METERING INFRASTRUCTURE (AMI) WATER METER UPGRADE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE

WHEREAS, the City of Petaluma is a California municipal corporation and charter city authorized to provide water services within certain boundaries in accordance with Government Code Section 38730 et seq., Title 15 of the Petaluma Municipal Code, and other applicable law; and

WHEREAS, the Sonoma County Water Agency (Sonoma Water) is a wholesale supplier of water to the City of Petaluma and other municipal water contractors pursuant to the Restructured Agreement for Water Supply (“Restructured Agreement,”) executed on June 23, 2006, by and between Sonoma Water, the Cities of Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma, and Forestville, the North Marin and Valley of the Moon Water Districts and the Town of Windsor, collectively known as the Water Contractors; and

WHEREAS, the City of Petaluma has the authority and pursuant to the Restructured Agreement is obligated to adopt water demand reduction measures within its area of service during water supply shortages in accordance with water supply reductions imposed by Sonoma Water; and

WHEREAS, Resolution 2022-005 N.C.S. authorized the grant application, acceptance, and execution for the City of Petaluma Advanced Metering Infrastructure (AMI) project; and

WHEREAS, on June 14, 2022, the grant was executed between the State of California Department of Water Resources (DWR) and the City of Petaluma (City), granting the City \$7,502,702 for the implementation of the project; and

WHEREAS, no City funding match is required; and

WHEREAS, the City’s public works contracts and equipment purchases are also subject to the requirements of the City Charter, which requires competitive bidding for acquisitions above a certain threshold, according to bidding procedures specified in the purchasing chapter in the Municipal Code; and

WHEREAS, Section 4.04.050 of the Municipal Code allows dispensing with formal bidding when a commodity can be obtained from only one vendor; and

WHEREAS, the common law recognizes a bidding exception for circumstances where competitive bidding of public contracts otherwise required by statute may be excused, including circumstances where the contract is such that competitive proposals would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable, impractical, or impossible (*Graydon v. Pasadena Redevelopment, Agency* (1980) 104 CA3d 631); and

WHEREAS, the City’s existing water meter devices and water billing system are currently provided by Badger Meters; and

WHEREAS, based on compatibility between advanced metering infrastructure, meter devices, and the water meter body, familiarity with the already-in-place billing system, and other benefits offered in the software systems, replacing Badger Meters; and

WHEREAS, if the City were to not procure from Badger Meters the City would need to replace all its meters which would be more substantially expensive than just purchasing the standalone AMI; and

WHEREAS, the City has a current license with Badger Meters for the billing software, and purchasing from a different provider would require the City to need to replace its existing license; and

WHEREAS, staff are trained to repair and maintain Badger meters equipment, and purchasing a new AMI would require staff to be trained in the new equipment; and

WHEREAS, the City has identified Badger Meters to be the best-suited supplier to provide water meter-related materials for the AMI project; and

WHEREAS, as Badger Meter AMI are the only AMI that allows a seamless interface with the City's existing infrastructure and billing software it would be unavailing and provide no advantage to bid out this purchase; and

WHEREAS, staff recommends that the City designate Badger Meters as a sole-source vendor to furnish the water meters and associated parts for the AMI project; and

WHEREAS, a quote has been received by Badger Meters for the purchase of materials for \$3,723,353.69 (taxes included); and

WHEREAS, there is sufficient funding for the purchase of the quoted materials in the executed grant awarded for the project and no City funding match is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Petaluma hereby:

1. Declares that the above recitals to be true and correct and are incorporated into this resolution as findings of the City Council.
2. Finds that The AMI project was determined to be categorically exempt under CEQA Guidelines, sections 15301 (Existing Facilities and 15302 (Replacement)). The project consists of a minor alteration to existing facilities in the City of Petaluma. All improvements will replace existing meters. Moreover, the AMI will reduce time, labor, cost, energy, and GHG emissions compared to the existing AMR system which requires Water Service Representatives to drive by to read each meter. Accordingly, there is negligible or no expansion of use beyond what currently exists; the AMI replacement will result in a benefit to the environment and there are no cumulative impacts, unusual circumstances, or other factors that would make the exemption inapplicable pursuant to CEQA Guidelines section 15300.2.
3. Approves the purchase of water meters and associated parts for \$3,723,353.69 from Badger Meters for the AMI project.
4. Finds that the purchase of water meters and associated parts was in compliance with the purchasing requirements of the City's Charter and Municipal Code.
5. Authorizes the City Manager, or their designee, to execute any necessary agreements and documents to complete the purchase of the water meter parts and related items.

6. Directs staff to file a Notice of Exemption with the County Clerk.

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the 15th day of May 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor