

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

AUTHORIZING THE PURCHASE OF FOUR (4) HEART MONITORS AND ASSOCIATED EQUIPMENT FROM ZOLL MEDICAL CORPORATION IN THE AMOUNT OF \$204,464.17

WHEREAS, the Petaluma Fire Department currently is equipped with multiple heart monitors that have exceeded their intended service life and are in need of replacement; and

WHEREAS, the Fire Department recently ordered a Type 1 fire engine, delivery of which is expected in Summer 2023, that will need to be outfitted with a heart monitor; and

WHEREAS, the proposed Fiscal Year 2023-2024 budget includes \$170,000 in capital expenditures set aside for the replacement of four (4) heart monitors, with additional funding available in the Ambulance operating budget for Supplies and Services; and

WHEREAS, Public works contracts and equipment purchases are 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. Section 4.04.050 of the Municipal Code allows dispensing with formal bidding when a commodity can be obtained from only one vendor. This is known as the “sole source” exception; 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 Fire Department’s existing heart monitors are manufactured and sold by ZOLL Medical Corporation and ZOLL is the only source practicably available to provide replacement heart monitors, thus making the purchases of replacement heart monitors exempt from competitively awarded purchasing under the City’s Charter and Municipal Code’s purchasing requirements; and

WHEREAS, ZOLL Medical Corporation submitted a quotation for \$204,464.17 for the replacement of four (4) heart monitors, related equipment, and a five-year service plan; and

WHEREAS, staff has reviewed the quotation from ZOLL Medical Corporation and found it to be complete and within industry standards.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Petaluma as follows:

1. Declares that the above recitals are true and correct and are incorporated into this resolution as findings of the City Council.
2. Finds the proposed Project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) (Common Sense Exemption), as it can be seen with certainty that there is no possibility that accepting a grant to purchase replacement heart monitors may have a significant effect on the environment.

3. Authorizes the City Manager to execute all documents necessary to purchase four (4) heart monitors from ZOLL Medical Corporatin in the total amount of \$204,464.17.
4. Finds that the City's purchase of replacement heart monitors meets the City's Charter and Municipal Code's purchasing requirements.

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