

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

AUTHORIZING THE PURCHASE OF FIRE ENGINE EQUIPMENT FROM GOLDEN STATE FIRE APPARATUS

WHEREAS, on October 18, 2021 the Petaluma Fire Department approved Resolution No. 2021-166 N.C.S., which authorized the purchase of one Pierce Type 1 Fire Engine from Golden State Fire Apparatus in an amount not to exceed \$860,000 including tax through Sourcewell Cooperative Purchasing Program; and

WHEREAS, the Fire Department needs to place additional equipment related to life and safety in order to bring the Pierce Type 1 Fire Engine into service; and

WHEREAS, the proposed Fiscal Year 2023-2024 budget includes \$300,000 in Vehicle Equipment Fund expenditures set aside for Type 1 engine equipment; 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 contract for the Pierce Type 1 Fire Engine was made through Golden State Fire Apparatus, going through the two-month bidding process to purchase this equipment would not provide an advantage to the City as the Fire Engine is estimated to be complete in July or August 2023 and is needed immediately as the engine to be replaced is past its existing life, thus making the purchase of Type 1 engine equipment exempt from competitively awarded purchasing under the City’s Charter and Municipal Code’s purchasing requirements; and

WHEREAS, Golden State Fire Apparatus submitted a quotation for \$186,900.62 for Type 1 fire engine equipment; and

WHEREAS, staff has reviewed the quotation from Golden State Fire Apparatus 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) in accordance with CEQA Guidelines Section 15378, in that outfitting a fire engine does not meet CEQA’s definition of a “project,” because the action does not have the potential for resulting in either a direct

physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because the action constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. If it was a “project” under CEQA it would be exempt pursuant to CEQA Guidelines Section 15301 (Existing facilities) as this action allows the City to modify an already purchased fire engine.

3. Authorizes the City Manager to execute all documents necessary to purchase Type 1 fire engine equipment in the total amount of \$186,900.62; and
4. Finds that the City’s purchase of Type 1 fire engine equipment 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 5th day of June 2023, by the following vote:

Approved as to
form:

City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

City Clerk

Mayor