

**RESOLUTION NO. 2022- \_\_\_\_**

**RESOLUTION:**

- **RATIFYING THE EMERGENCY REPLACEMENT DECLARATION FOR THE CHILLER UNIT AT THE SAN BRUNO SENIOR CENTER AUTHORIZED BY THE CITY MANAGER ON MARCH 30, 2022;**
- **WAIVING COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO STATE LAW AND THE SAN BRUNO MUNICIPAL CODE DUE TO EXISTENCE OF AN EMERGENCY;**
- **RATIFYING THE CITY MANAGER'S ACTION TO EXECUTE NECESSARY CONTRACTS TO MITIGATE THE EMERGENCY AND TO APPROPRIATE SUCH FUNDS FROM THE BUILDING AND FACILITIES FUND BALANCE**

**WHEREAS**, On March 28, 2022, the Public Works Department was contacted regarding an error message from the chiller unit used to cool the San Bruno Senior Center; and

**WHEREAS**, Staff contacted a repair vendor by selecting a vendor from the Department's Pre-Qualified Vendor List; and

**WHEREAS**, When attempting to repair the compressors, the other compressors also failed; and

**WHEREAS**, Expending funds to replace one compressor was not prudent as the unit had already exceeded its useful life cycle and the cost outweighed the benefit; and

**WHEREAS**, Under normal non-emergency conditions, a project of this size (between \$60,000 and \$200,000) would require an informal bidding process per the California Public Contract Code Section 22032 - California Uniform Public Construction Cost Accounting Act; and

**WHEREAS**, Due to the failure at a facility that runs critical programs for seniors, the potential use of the facility as a cooling center, the timelines needed to ensure the chiller unit is replaced in time for the summer months, the chiller unit procurement timelines, and potential global supply chain issues, staff determined that it would be prudent to waive informal bidding process for this emergency repair; and

**WHEREAS**, This is allowed under emergency authority municipal code section 2.44.120(A) and the California Public Contract Code Section 20168 which authorizes the City Manager to take such action in an emergency; and

**WHEREAS**, California State law and the San Bruno Municipal Code requires that when the City Manager waives the bidding requirements due to an emergency, the City Council will need to ratify the action by a 4/5<sup>th</sup> vote, which declares the need for the emergency repair, waives the informal bidding process, and authorizes the execution of the contract; and

**WHEREAS**, The Public Works Department requested authorization to move forward with immediate replacement of the chiller unit; and

**WHEREAS**, Under Public Contracts Code section 20168 and Municipal Code section 2.44.120.A, the City Manager agreed to waive competitive bidding requirements and authorized the replacement; and

**WHEREAS**, A memo was issued to the City Council on March 30, 2022 as required by those sections.

**NOW, THEREFORE, BE IT RESOLVED** that the San Bruno City Council hereby:

- Ratifies the Emergency Replacement Declaration for the Chiller Unit at the San Bruno Senior Center Authorized by the City Manager on March 30, 2022;
- Waives Competitive Bidding Requirements Pursuant to State Law and the San Bruno Municipal Code Due to the Existence of an Emergency;
- Ratifies the City Manager's Action to Execute Necessary Contracts to Mitigate the Emergency and to Appropriate Such Funds from the Building and Facility Fund Balance

Dated: April 12, 2022

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I, Melissa Thurman, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 12nd day of April 2022 by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

ATTEST:

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Melissa Thurman, MMC  
City Clerk