

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DISPENSING WITH COMPETITIVE BIDDING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO AND EXECUTE A CONTRACT WITH ARB, INC. FOR THE BLANACE OF SITE ENGINEER, PROCURE AND CONSTRUCT (EPC) EFFORT FOR THE GRAYSON REPOWERING PROJECT**

**WHEREAS**, on August 16, 2022, the City Council adopted Resolution No. 22-127 authorizing the General Manager of Glendale Water & Power Department (GWP) to utilize an alternative project delivery method pursuant to Glendale Municipal Code, 1995 (GMC) Chapter 4.13, for the engineering, procurement and construction (EPC) of the Balance of Site (BOS), via Resolution No. 18-205, for the Grayson Repowering Project (Project); and

**WHEREAS**, on January 12, 2023, GWP issued the Grayson Repowering Project BOS EPC Request For Proposals (RFP) – Specification No. 3646; and

**WHEREAS**, on March 7, 2023, GWP issued the revised RFP – Specification No. 3646R – which was again posted on the City’s website, eBidboard.com and emailed to thirty companies inclusive of those who were notified of the original BOS EPC RFP and the attendees at the February 23, 2023 meeting; and

**WHEREAS**, on April 18, 2023 a mandatory pre-proposal conference was held with a total of six different companies and one general contractor attending; and

**WHEREAS**, on May 2, 2023, in accordance with the BOS EPC RFP instructions only one company – ARB, Inc. (ARB) – submitted its minimum qualifications in advance of the proposal deadline; and

**WHEREAS**, GWP staff reviewed the qualifications information submitted by ARB and found ARB qualified to act as the BOS EPC contractor; and

**WHEREAS**, Glendale City Charter, Article VI, Section 9, provides an exemption to competitive bidding where the Council determines it is in the best interest of the City to dispense with competitive bidding; and

**WHEREAS**, given the background described above for the BOS EPC RFP, and the need to avoid further delays, on June 6, 2023, the City Council found adequate justification and in the City’s best interest to dispense with competitive bidding, and adopted Resolution No. 23-70 authorizing the General Manager of GWP, or his designee, to negotiate directly with ARB towards a contract for the Grayson Repowering Project BOS EPC, and return to the City Council with the results of the negotiation for further consideration; and

**WHEREAS**, the General Manager of GWP and his staff have engaged in extensive negotiations with ARB over the past several months and ARB and in the course of said negotiations GWP staff has determined that it would be prudent to move the construction scope of the Wartsila Power Island to ARB’s BOS EPC Contract (Wartsila North America, Inc., under a separate contract, will continue to be responsible

for the completion of detailed engineering and supply of all equipment as well as technical support for construction and commission); and

**WHEREAS**, based on the negotiations with ARB and the scope of work to be performed by ARB, as described in detail in the Report Dated November 14, 2023 by the General Manager of GWP, staff is requesting that Council authorize an EPC Contract with ARB in the not to exceed amount of \$362,700,000 plus a 10% contingency of \$36,270,000 to 1) serve as the EPC for the Battery Energy Storage System (BESS) Power Island, 2) serve as the EPC for the Balance of Site (BOS) work, 3) integration of the BESS and Wartsila Power Islands into the Utility Operations Center, and 4) construct the Wartsila Power Island.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE:**

**Section 1:** The foregoing facts are deemed to be true and correct, and are a basis for dispensing with competitive bidding, and authorizing the award of an Engineering, Procurement and Construction (EPC) Contract for the Balance of Site (BOS) work for the Grayson Repowering Project to ARB, Inc. (ARB).

**Section 2:** The City Council hereby dispenses with competitive bidding and authorizes the City Manager, or his designee, to enter into an EPC Contract with ARB the Grayson Repowering Project BOS work.

**Section 3:** The City Council hereby authorizes the City Manager, or his designee, to enter into and execute an EPC Contract with ARB for the BOS work, as described in the Report Dated November 14, 2023 by the General Manger of GWP, in the not to exceed amount of \$362,700,000 plus a 10% contingency of \$36,270,000 subject to the conditions outlined in Section 4 of this Resolution, below.

**Section 4:** The City Manager, or his designee, shall enter into and execute the herein-referenced and authorized EPC Contract with ARB after the effective date of the ordinance adopting a new electric rate plan as proposed by the Report to Council and Cost of Service Analysis (COSA) considered on November 14, 2023, and a determination by the City Manager that the rate plan and bond financing for the project will be sufficient to pay for said EPC contract with ARB.

**Section 5:** The form of the EPC Contract with ARB shall be subject to the approval of the City Attorney.

Adopted by the Council of the City of Glendale on this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

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I, Suzie Abajian PhD, City Clerk of the City of Glendale, hereby certify that the foregoing Resolution No. \_\_\_\_\_ was adopted by a majority vote of the Council of the City of Glendale, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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City Clerk