

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA  
AUTHORIZING THE GENERAL MANAGER OF GLENDALE WATER & POWER  
DEPARTMENT TO UTILIZE AN ALTERNATIVE PROJECT DELIVERY METHOD  
PURSUANT TO CHAPTER 4.13 OF THE GLENDALE MUNICIPAL CODE,  
DISPENSING WITH COMPETITIVE BIDDING, AND AUTHORIZING THE CITY  
MANAGER TO NEGOTIATE AND EXECUTE A DESIGN BUILD CONTRACT WITH  
CEMTEK ENVIRONMENTAL INC. DBA CEMTEK KVB-ENERTEC FOR TE  
GRAYSON POWER PLANT UNIT 9 CEMS REPLACEMENT PROJECT**

**WHEREAS**, the Grayson Power Plant (“GPP”) has a Continuous Emissions Monitoring System (CEMS), to comply with applicable local, state, and federal air pollution regulations and permit conditions; and

**WHEREAS**, major components of the existing CEMS for Grayson Power Plant Unit 9, installed in 2003, are past their design life and require replacement, due to parts obsolescence; and

**WHEREAS**, the original equipment manufacturer and original supplier of the CEMS, Horiba Instruments, Inc. (“Horiba”), has discontinued manufacturing of the City’s CEMS model, and replacement parts are low inventory or have to be ordered from Japan, with a long lead time; and further, Horiba no longer has a field office in California; and

**WHEREAS**, the proposed GPP Unit 9 CEMS Replacement Project will replace the fuel gas analyzers, the sample transport, the conditioning and calibration units, and the data acquisition, reduction, and recording units of the CEMS and will re-use existing CEMS equipment where possible; and

**WHEREAS**, timely procurement and installation of the CEMS equipment is necessary in order to continue to meet Title V air quality requirements and to allow the City to continue to utilize Grayson Unit No. 9, which is critical to Glendale’s power supply; and

**WHEREAS**, due to the high level of technical complexity of the project and the time savings that can be achieved using the Design-Build procurement method, and because the Balance of Site work requires expertise that the City does not have, the General Manager of Glendale Water & Power (“GWP”) has proposed utilizing an “alternative project delivery method” for the Balance of Site work – to wit, a Design-Build contract, as authorized under Chapter 4.13 of the Glendale Municipal Code (“GMC”); and

**WHEREAS**, on September 2, 2022, the General Manager of GWP submitted a memorandum to the City Manager, as required by GMC Section 4.13.070(A)(1), describing the proposed GPP Unit 9 CEMS Replacement Project’s attributes and stating the reasons and justifications for proposing the Design-Build method of project delivery reasons and justifications per GMC Section 4.13.060(A) and (B), including that the project has a high level of technical complexity; requires expertise that the city staff does not

have; and that the alternative project delivery method will achieve or improve the project's schedule by minimizing the project delivery time; and

**WHEREAS**, on September 2, 2022, the City Manager, as required by GMC Section 4.13.070(A)(2), approved the use of the proposed alternative project delivery method for the proposed GPP Unit 9 CEMS Replacement Project; and

**WHEREAS**, having received the City Manager's approval and having satisfied one or more reasons under GMC Section 4.13.060(A), and one or more justifications under GMC Section 4.13.060(B), the use of the Design-Build contracting method for the GPP Unit 9 CEMS Replacement Project, meets the procedural and substantive requirements for using an alternative project delivery method; and

**WHEREAS**, Article VI, Section 9 of the Glendale City Charter states that "upon recommendation of the City Manager, the council may dispense with competitive bidding for any contract when it determines that it is in the best interests of the city to do so and acts by resolution setting forth the reason for such action"; and

**WHEREAS**, City staff recommends dispensing with competitive bidding and negotiating and executing a contract with CEMTEK Environmental Inc. dba CEMTEK KVB-Enertec (CEMTEK) for the GPP Unit 9 CEMS Replacement Project, for an amount not to exceed \$530,000, for the following reasons:

- CEMS integration is a highly specialized service that must strictly adhere to the applicable local, state and federal regulations and permit requirements.
- After the decommissioning of GPP Units 1-8, and until new units are constructed and commissioned at the site, GPP Unit 9 will be GWP's only source of dispatchable local generation. Having a reliable CEMS, and the necessary local support, will be critical in helping to minimize potential downtime and to maximize the unit's availability to generate power for the City when it is needed the most.
- CEMTEK is a leading local CEMS integrator. For the past 35 years, CEMTEK has installed many CEMS in the Southern California Air Quality Management District area. CEMTEK has extensive experience, having completed services to power plants for the Cities of Pasadena, Burbank, Riverside, Anaheim and the Los Angeles Department of Water & Power's Scattergood and Haynes Facilities. CEMTEK has ongoing projects with Southern California Edison. CEMTEK has successfully replaced a Horiba CEMS for the City of Pasadena, just recently, and has installed and services many different analyzers from different manufacturers such as Rosemount, AMETEK, Thermo Scientific, ABB, Teledyne Technologies, etc.
- CEMTEK has a robust full-service team from consulting, engineering and design, permitting, training and emergency support that can complete the project from start to finish and provide the necessary onsite support to maintain the new CEMS.

- CEMTEK has a large stock of CEMS spare parts and equipment to execute the project with minimal interruption to the operation and availability of the unit. CEMTEK can deliver the equipment within 20 weeks of receiving the order and complete the installation, commissioning, and training in an additional two weeks.
- The City's standard bidding process, which takes approximately three to six months for a contract to be in place and the long lead time of equipment (20 weeks), will not allow for this project to be completed alongside the Grayson Repowering Project – Unit 9 Separation work which is scheduled to commence in the Spring of 2023. In doing so, it will allow for Unit 9 to be available in operation for the 2023 Summer peak demand.
- CEMTEK's proposal includes an industry standard 12-month warranty from start-up or 18 months from shipment, whichever occurs first.

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

1. The foregoing facts are deemed to be true and correct, and are a basis for (i) authorizing the use of the alternative project delivery method through a Design-Build Contract for the GPP Unit 9 CEMS Replacement Project; and (ii) dispensing with competitive bidding and authorizing the City Manager, or his designee, to negotiate and execute a Design-Build contract with CEMTEK for said Project, as described herein and in the September 27, 2022 staff report to the City Council.
2. The General Manager of GWP is authorized to utilize the Design-Build contract method for GPP Unit 9 CEMS Replacement Project.
3. The City Manager is further authorized to negotiate and execute a Design-Build contract with CEMTEK Environmental, Inc. dba CEMTECK KVB-Enertec for the GPP Unit 9 CEMS Replacement Project, for an amount not to exceed \$530,000. The form of such contract shall be subject to the approval of the City Attorney.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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

STATE OF CALIFORNIA       )  
  ) SS  
COUNTY OF LOS ANGELES )

I, Dr. Suzie Abajian, City Clerk of the City of Glendale, do certify that the foregoing Resolution No. \_\_\_\_\_ was adopted by the Council of the City of Glendale, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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City Clerk