

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 ISSUE A FULL NOTICE TO PROCEED TO WESTERN ENERGY SYSTEMS, A DIVISION OF PEN POWER GROUP, LLC (WES), FOR THE SALE OF POWER ISLAND AND MAJOR EQUIPMENT (PIME) AND SERVICES FOR THE BIOGAS RENEWABLE GENERATION PROJECT AND FURTHER AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 WITH WES' EXISTING CONTRACT RELATING TO THE PIME

WHEREAS, the City of Glendale (City), through Glendale Water & Power Department (GWP) operates a municipal utility for the distribution of electrical energy to the citizens of the City; and

WHEREAS, in 2016 GWP issued a Request For Proposals (RFP) to identify the major equipment – the Power Island Major Equipment (PIME) - which the City would need for the proposed Biogas Renewable Generation Project (Project); and

WHEREAS, on June 13, 2017, by Resolution 17-68, the City Council authorized the City Manager or his designee, to execute a contract with Western Energy Systems (WES) for the sale of power island major equipment and services for the Project and also authorized the issuance of a Limited Notice to Proceed (LNTP) for the first phase (of two phases) of the proposed Project during which WES provided engineering support and detailed specifications and data regarding the equipment as needed in order for the City to apply for permits, undertake California Environmental Quality Act (CEQA) reviews and information for the preparation of the Request for Proposals (RFP) for the Engineer, Procure, Construct (EPC) contractor for the proposed Project; and

WHEREAS, the second phase of the proposed Project is the Full Notice to Proceed (FNTP) to be issued by the Council to proceed with the proposed Project by which authorization will be granted to WES to manufacture, supply and oversee the installation of, and warrant the Power Island Major Equipment; and

WHEREAS, the LNTP phase of the proposed Project has been completed with the exception of certain tasks which will be moved to the FNTP phase, as has the required CEQA process via the issuance of a Notice of Preparation of the Draft Environmental Impact Report (DEIR) for the Proposed Project on March 21, 2019; the circulation of the Project DEIR for public review and comment from July 1, 2020, through September 30, 2020 for a 90-day period; receipt of numerous public comments were and responses to each public comment drafted and incorporated into the Final Environmental Impact Report (FEIR), which was prepared pursuant to the City's adopted Procedures for Preparation and Processing of Environmental Documents (Glendale CEQA Guidelines, 2016) and Public Resources Code §§21000 et seq., and the CEQA Guidelines (15 Cal Code Regs §15000 et. seq.); and the FEIR being published on the City's website on August 2, 2021; and

WHEREAS, on November 30, 2021, the City Council certified the Environmental Impact Report (EIR) for the Project and approved Conditional Use Permit No PCUP 2012782 and Special Recreation Review No. PSRZDR 2012781; and

WHEREAS, on September 20, 2022, the City Council directed GWP staff to complete additional tasks related to the Project, each of which are discussed in the Report dated January 24, 2023 (January 24, 2023 Report); and

WHEREAS, City's Charter, Article VI, Section 9, allows City Council to dispense with competitive bidding where the City Council determines that dispensing with competitive bidding is in the best interests of the City; and

WHEREAS, WES was selected in 2017 through a RFP process held in 2016 as the best value proposer to the City; and

WHEREAS, since WES has completed the LNTP phase of the Project and given the foregoing recitals relating to WES's integral involvement with the engineering of the Project equipment, as well as to ensure continuity of service relating to same upon the purchase of the Project equipment, staff is recommending and requesting that the City Council dispense with competitive bidding and issue the FNTP, as well as authorize an amendment to WES's existing contract with the City to manufacture, supply and oversee the installation of the PIME; and

WHEREAS, given the foregoing and the additional information regarding the Project provided in the January 24, 2023 Report by the General Manager of GWP, the City Council hereby authorizes the City Manager, or his designee, to issue the FNTP to proceed with the proposed Project by providing the necessary authorization for WES to manufacture, supply and oversee the installation of, and warrant the Power Island Major Equipment; and

WHEREAS, in the June 2017 Resolution No. 17-68, the proposed FNTP price is listed at \$14,151,366; however, that price was valid until 2018, and over the last four years, the market has been subject to changes and inflation which has affected the FNTP price and as such the FNTP price authorized by the City Council in this Resolution shall supersede and replace the FNTP price in Resolution 17-68; and

WHEREAS, since the execution of the contract with WES and the issuance of the LNTP in June 2017, an amendment to the contract with WES is necessary to amend and add tasks to WES's scope of work as necessary for the implementation of the FNTP, the cost of which is included in the FNTP price authorized by the City Council via this Resolution.

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

SECTION 1. The foregoing facts are deemed to be true and correct and basis for dispensing with competitive bidding pursuant to City's Charter, Article VI, Section 9, where the City Council determines that dispensing with competitive bidding is in the best interests of the City and that the City Council hereby dispenses with competitive bidding.

SECTION 3. The City Council hereby finds that the requirements of CEQA have been met for the Biogas Renewable Generation Project, as set forth in this Resolution and the January 24, 2023 Report by the General Manager of GWP, and authorizes the City Manager, or his designee, to issue the FNTP to Western Energy Systems, A Division of Penn Power Group, LLC (WES) to manufacture, supply and oversee the installation of, and warrant the Power Island Major Equipment (PIME) for the Biogas Renewable Generation Project, in the not to exceed amount of \$19,364,855, plus a ten percent (10%) contingency in the amount of \$1,936,486. The form of said FNTP shall be subject to the approval of the City Attorney.

SECTION 4. The City Council hereby authorizes the City Manager, or his designee, to enter into and execute Amendment No. 1 to the City's contract with WES, Contract No. C106537, to amend the scope of work as necessary for the implementation of the FNTP. The form of said amendment shall be subject to the approval of the City Attorney.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

Adopted this _____ day of _____, 2023.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, Suzie Abajian, PH.D., City Clerk of the City of Glendale, certify that the foregoing Resolution No. _____ was adopted by the Council of the City of Glendale, California, at a regular meeting thereof held on the _____ day of _____, 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk