

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION MAKING FINDINGS PURSUANT TO
PUBLIC CONTRACT CODE SECTION 3400
DESIGNATING PRODUCTS BY SPECIFIC BRAND OR TRADE NAME
IN THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION
OF THE LOS OSOS WASTEWATER PROJECT,
WATER RECYCLING FACILITY, LOS OSOS, CA,
CONTRACT NO. 300448.08.02**

The following Resolution is now offered and read:

WHEREAS, the Board of Supervisors (“Board”) in accordance with the California State Public Contract Code will consider award of the construction contract for the Los Osos Wastewater Project Los Osos Water Recycling Facility (Contract Nos. 300448.08.02) (hereafter, the “Project”); and

WHEREAS, Public Contract Code Section 3400 provides that local agencies may describe in their invitation for bids that a particular material, product, thing or service is designated by specific brand or trade name if the awarding authority, or designee, finds that the product is designated “in order to match other products in use on a particular public improvement either completed or in the course of completion” or “in order to obtain a necessary item that is only available from on source”; and

WHEREAS, Public Contract Code Section 3400 establishes that an item is available from only one source if there is not an “equal” product, meaning a product that will “function as well, in all essential respects” as the designated product; and

WHEREAS, Carollo Engineers, the County’s engineering design consultant for the Project, has completed the plans and specifications for the Project; and

WHEREAS, the design of the project includes a diaphragm-type metering pump for providing disinfectant into the recycled water to protect public health; and

WHEREAS, the diaphragm-type metering pump is a critical component of the design of the Project and must be reliable; and

WHEREAS, based on the recommendation of Carollo Engineers' licensed professional engineers, as the designers of the Project, it is determined that Pulsafeeder, Inc. is the only manufacturer with a diaphragm-type metering pump capable of meeting the Project needs and requirements for this application; and

WHEREAS, the design of the project includes cloth media disk filter units for filtration of wastewater to meet California Title 22 tertiary recycled water requirements; and

WHEREAS, the cloth media disk filter units are a critical component of the design of the Project and must be reliable; and

WHEREAS, based on the recommendation of Carollo Engineers' licensed professional engineers, as the designers of the Project, it is determined that Aqua-Aerobic Systems, Inc. is the only manufacturer with cloth media disk filter units capable of meeting the Project needs and requirements for this application; and

WHEREAS, the design of the project includes programmable logic controllers for providing automatic process control of many critical components of the treatment process; and

WHEREAS, the programmable logic controllers are a critical component of the design of the Project and must be compatible with those used on the collection system portion of the Los Osos community wastewater system; and

WHEREAS, the collection system portion of the Los Osos community wastewater system is currently in the course of completion; and

WHEREAS, it is determined that programmable logic controllers manufactured by Allen-Bradley are required to match those to be used in the collection system portion of the Los Osos community wastewater system; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. All of the recitals herein contained are true and correct.
2. Pulsafeeder, Inc. is the only manufacturer that has produced diaphragm-type metering pumps meeting the County's needs for the Project.
3. The diaphragm-type metering pump is a necessary component of the Project design and is only available from one source.
4. The diaphragm-type metering pump manufactured by Pulsafeeder, Inc. meeting the County's needs for the Project shall be specified by name in the invitation for bids for the Project.
5. Aqua-Aerobic Systems, Inc. is the only manufacturer that has produced cloth media disk filter units meeting the County's needs for the Project.

6. The cloth media disk filter units are a necessary component of the Project design and are only available from one source.
7. The cloth media disk filter units manufactured by Aqua-Aerobic Systems, Inc. meeting the County's needs for the Project shall be specified by name in the invitation for bids for the Project.
8. Allen-Bradley is a manufacturer that has produced programmable logic controllers meeting the County's needs for the Project.
9. The programmable logic controllers are a necessary component of the Project design that must match those of the collection system portion of the Los Osos community wastewater system which is currently in the course of completion.
10. The programmable logic controllers manufactured by Allen-Bradley meeting the County's needs for the Project shall be specified by name in the invitation for bids for the Project.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted on the ____ day of _____, 20__.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: September 26, 2013

STATE OF CALIFORNIA, }
County of San Luis Obispo, ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

L:\DESIGN\OCT13\BOS\LORWF 10-8-13\300448.08.02 WRF Plans & Specs rsl.doc.jbw.taw