

RESOLUTION NO. 2021 - _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BEAUMONT, CALIFORNIA, AUTHORIZING THE
EXECUTION OF CHANGE ORDER NO. 23 WITH W.M.
LYLES, CO. TO INSTALL A NEW MEMBRANE SYSTEM FOR
THE WASTEWATER TREATMENT PLANT
UPGRADE/EXPANSION IN THE AMOUNT NOT TO EXCEED
\$5,143,400**

WHEREAS, in November of 2015, the City was notified by the Regional Water Quality Control Board that the Wastewater Treatment Plant was operating above 75% of the average daily flow capacity and that the City needed to begin the planning process for the expansion of the Plant;

WHEREAS, in addition to expanding flow capacity, the City needed to reduce salts being discharged in the wastewater effluent;

WHEREAS, on June 7, 2016 the City Council approved the contract with Webb Associates (WEBB) to prepare the Feasibility Study to determine the most effective way to expand the Plant capacity and develop a plan to meet the Basin Plan salt mitigation objectives;

WHEREAS, after completion of the Feasibility Study, the City Council approved the plan to expand/upgrade the City's existing Plant;

WHEREAS, on November 7, 2016 the City Council approved the contract with WEBB to prepare the preliminary design for the Upgrade and Expansion Project which included the upgrade of the Plant from 4.0 to 6.0 million gallons per day (MGD) and Brine Discharge Pipeline;

WHEREAS, in February 2017, an equipment preselection package was prepared for the purpose of receiving firm bids from manufacturers to supply the MBR and Reverse Osmosis (RO) systems for the Plant Upgrade project. The evaluation and selection criteria was developed by the Design Team and City Staff. This equipment needed to be preselected in order for the design to be based upon the specific equipment that was to be used during construction. Equipment bids were received in March 2017. The results of the evaluation yielded a close selection of Fibracast over GE (presently SUEZ);

WHEREAS, the second-place bidder for the MBR equipment was GE. GE is a recognized leader in the MBR industry with a proven track record and reliable equipment offering. Since 2017, GE sold their MBR technology to Suez Water Technology. The product has not been significantly changed since the 2017 evaluation;

WHEREAS, a final design contract was awarded by City Council to WEBB on April 4, 2017 to complete the design of the Plant Upgrade and Brineline projects. Pursuant to the

discussions with City Staff and City Council, the design for the MBR system was completed in a manner that would accommodate the second-place bidder (GE) as a means to mitigate major construction, installation, and cost issues if the City needed to exercise the performance guarantee and install a different MBR system;

WHEREAS, The wastewater Treatment Plant and membrane system was designed to accommodate the GE/Suez MBR system as a safety precaution in case the Fibracast system did not work as promised. The accommodations included constructing the membrane basins slightly wider and longer than what was needed by Fibracast. Per the original design criteria, the Fibracast system needed five treatment basins to reach the ultimate capacity of 8 mgd. There was an extra sixth basin constructed to accommodate the possible future installation of the GE/Suez system, which will allow that system to reach the ultimate capacity of 8 mgd;

WHEREAS, the City's best option for replacement of the Fibracast MBR system is to proceed with the GE/Suez system as a sole source based upon the following:

- GE/Suez was the second rated system in the original evaluation. Their original price was \$2,723,403 and their price to provide the replacement system is not to exceed \$2,925,951.25 and includes an enhanced 15-year warranty. There are some minor differences in the scope of supply from the original proposal, but the price has not changed significantly over the past 4 1/2 years;
- The membrane basins and ancillary systems were specifically constructed to accommodate the potential change to the GE/Suez system and based upon our evaluation is the only system that will allow the Plant to meet current demands and be expanded to the ultimate capacity of 8-MGD within the existing footprint;
- GE/Suez has several MBR installations in front of RO systems and has included guaranteed performance that will satisfy the RO system influent requirements;
- GE/Suez is a recognized leader in the MBR market with a proven track record of success in similar applications;
- The City has determined that the membrane system must be replaced and that doing so is a matter involving the immediate health safety and welfare of the public;
- The City issued an Invitation for Bids for the Wastewater Treatment Plant Salt Mitigation Upgrade Project, dated June 13, 2018, and W.M. Lyles, Co. ("Lyles") submitted a bid in response to the Invitation, dated August 1, 2018;
- The City and Lyles entered into that certain City of Beaumont Public Works Contract ("Construction Contract") dated October 2, 2018 for the Project, and numerous change orders ("Construction Contract"); and
- The City now desires to enter into Change Order No. 23 in an amount not to exceed \$5,143,400 authorizing Lyles to install the Suez system in the Wastewater Treatment Plant.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Beaumont as follows:

Section 1: The preceding recitals are true and correct.

Section 2: The City of Beaumont hereby authorizes the Mayor to take all actions necessary to complete and execute the final Change Order No. 23 between the City and Lyles to provide for the sourcing and installation of the Suez membrane system and components in the City's Wastewater Treatment Plant to be generally consistent with the terms and provisions attached hereto as Exhibit "A" and on such terms and conditions as are customary, reasonable and which further the best interests of the City and provided further that the Mayor of the City shall have the final review authority of such Change Order and all attachments to the Change Order and shall indicate his approval of the same by executing such Change Order on behalf of the City, if appropriate.

Section 3: This resolution shall take effect immediately upon its passage and adoption.

MOVED, PASSED, and ADOPTED this 21st day of December, 2021:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Steven Mehlman, City Clerk

Lloyd White, Mayor