

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING THE PURCHASE OF SIX POLICE VEHICLES AND SIX PUBLIC WORKS VEHICLES FROM THE NATIONAL AUTO FLEET GROUP AND ONE CATERPILLAR 430F2 HRC BACKHOE LOADER WITH WT-BHL WORK TOOLS FROM PETERSON POWER SYSTEMS THROUGH TWO COOPERATIVE PROCUREMENT CONTRACTS WITH SOURCEWELL

WHEREAS, Milpitas Municipal Code Section I-2-3.08 (“Cooperative Procurement”) authorizes the City Council to award contracts without competition, when the purchase is pursuant to a cooperative agreement by another public agency in California that used competitive negotiation or bidding procedures at least as restrictive as the City’s; and

WHEREAS, Municipal Code Section I-2-3.08 specifically authorizes the Purchasing Agent to make such purchases based on an agreement or cooperative purchasing program entered into by a public agency, as defined by Government Code Section 6500, regardless of whether the City is a named party to the agreement or an actual participant in such a program, provided that the underlying purchase was made using competitive negotiation or bidding procedures at least as restrictive as the City’s, and that the supplies or general services purchased must be the same and be offered at the same price as the supplies and general services subject to the agreement or program; and

WHEREAS, on January 16, 2017, contract No. 120716-NAF was awarded to National Auto Fleet Group pursuant to the National Joint Powers Alliance Request for Proposal (RFP) No. 120716 entitled “Vehicles, Cars, Vans, SUV’s, and Light Trucks with Related Equipment, Accessories and Services,” and is current through January 17, 2021, and

WHEREAS, the City of Milpitas has been a member of National Joint Powers Alliance (NJPA) since 2008. On June 6, 2018, NJPA changed its organization name to Sourcewell and all prior agreements entered into with NJPA have and will continue without impact. Sourcewell is a local government unit, public corporation and public agency pursuant to the Minnesota Constitution and enabling law Minn. Stat. § 123A.21. Sourcewell cooperative purchasing contracts are made available through the joint exercise of powers law Minn. Stat. § 471.59 to all member agencies.

WHEREAS, twelve (12) City vehicles have reached the end of their useful life and, accordingly, staff wishes to purchase replacement vehicles as follows: six (6) Milpitas Police Department vehicles, including three (3) 2020 Ford Police Interceptor Utility AWD vehicles for \$51,524.13 each, one (1) 2020 Ford Explorer XLT for \$37,992.15, one (1) 2020 Toyota Tacoma 2WD SR5 Double Cab for \$31,575.37, and one (1) 2020 Toyota Camry Hybrid SE CVT for \$34,178.35 for a total Police Department vehicle purchase price of \$258,318.20; and six (6) Public Works Department vehicles, including five (5) 2020 F250 Regular Cab with Tommy Gate Lift trucks for \$33,378.01 each, and one (1) 2020 T250 Transit Connect Regular Cab for \$33,476.22, for a total Public Works vehicle purchase price of \$200,366.27, and for a combined total vehicle purchase price of \$458,684.53; and

WHEREAS, on May 23, 2019, contract No. 032119-CAT was awarded to Caterpillar, Inc., pursuant to the Sourcewell RFP No. 032119 entitled “Heavy Construction Equipment with Related Accessories, Attachments and Supplies,” and is current through May 23, 2023; and

WHEREAS, one (1) Public Works Department tractor/backhoe has reached the end of its useful life and, accordingly, staff wishes to purchase a replacement vehicle and equipment as follows: one (1) Caterpillar 430F2 HRC Backhoe Loader with Caterpillar WT-BHL Work Tools for \$168,868.44; and

WHEREAS, the Purchasing Agent has reviewed all of the documentation related to RFP No. 120716 by NJPA, (now Sourcewell), and that of the original contract awarded to National Auto Fleet Group, and all of the documentation related to RFP No. 032119 and that of the original contract awarded to Caterpillar Inc., and has determined that the underlying purchases were made using competitive bidding procedures at least as restrictive as those of the City of Milpitas and that the prices for the vehicles and equipment are the same as those offered in the two original contracts.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Purchasing Agent is authorized to purchase twelve (12) Police and Public Works vehicles for a combined total purchase price of \$458,684.53, from National Auto Fleet Group through a cooperative procurement contract with Sourcewell.
3. The City Purchasing Agent is authorized to purchase one (1) Caterpillar 430F2 HRC Backhoe Loader with Caterpillar WT-BHL Work Tools for a total purchase price of \$168,868.44, from Peterson Cat through a cooperative procurement contract with Sourcewell.

PASSED AND ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney