

Heim # 3-2D

**City of Carson City
Agenda Report**

Date Submitted: March 25, 2008

Agenda Date Requested: April 3, 2008

Time Requested: Consent

To: Mayor and Supervisors

From: Purchasing & Contracts

Subject Title: Action to determine that Contract No. 0405-078 is a contract for supplies, materials or equipment that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State and therefore not suitable for public bidding pursuant to NRS 332.115 and to approve the extension of Contract No. 0405-078 a request for the purchase of Cationic Emulsion Polymer at \$0.99 per pound including freight from Ashland Specialty Chemical (formerly known as Stockhausen LLC) through January 31, 2009 on an as-needed basis to be funded from Wastewater Fund Chemicals 510-3201-434-0637 as provided in FY 2007/2008 and FY 2008/2009

Staff Summary: The Carson City Wastewater Reclamation Plant is in need of a contract to purchase Polymer to use in their Solids Handling operation. Polymer is a flocculent which is required for the Centrifuges to de-water the sludge and make as light weight as possible product, "Sludge Cake", that is disposed of at the landfill. The Ashland Inc. product is superior to all of the products that staff has tested and is less expensive to operate with than any other product tested.

Type of Action Requested: (check one)

Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to determine that Contract No. 0405-078 is a contract for supplies, materials or equipment that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State and therefore not suitable for public bidding pursuant to NRS 332.115 and to approve the extension of Contract No. 0405-078 a request for the purchase of Cationic Emulsion Polymer at \$0.99 per pound including freight from Ashland Specialty Chemical (formerly known as Stockhausen LLC) through January 31, 2009 on an as-needed basis to be funded from Wastewater Fund Chemicals 510-3201-434-0637 as provided in FY 2007/2008 and FY 2008/2009

Explanation for Recommended Board Action: On January 12, 2005, the County Sanitation Districts of Los Angeles County awarded Bid #02369 for the purchase of cationic polymer to Stockhausen, Inc. through January 12, 2008. On March 3, 2005, the Carson City Board of Supervisors authorized the use of that bid.

On January 9, 2008, the County Sanitation Districts of Los Angeles approved Blanket Contract Report No. 0800095 for Cationic Emulsion Polymer for Valencia Water Reclamation Plant Solids Dewatering Facility which extended the bid through January 31, 2009.

Ashland Water Technologies has provided a letter stating they will allow Carson City to utilize this bid.

Pursuant to **NRS 332.115 subsection 1 (m) and NRS 332.195**, staff is requesting the Board of Supervisors declare that the contract is not adapted to award by competitive bidding and authorize the Wastewater Reclamation Plant to be able to place orders from this contract providing Carson City's approved funding and purchasing procedures are followed.

NRS 332.115 Contracts not adapted to award by competitive bidding; purchase of equipment by local law enforcement agency, response agency or other local governmental agency; purchase of goods commonly used by hospital.

1. Contracts which by their nature are not adapted to award by competitive bidding, including contracts for:
 - (a) Items which may only be contracted from a sole source;
 - (b) Professional services;
 - (c) Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person;
 - (d) Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the local government is compatible with existing equipment;
 - (e) Perishable goods;
 - (f) Insurance;
 - (g) Hardware and associated peripheral equipment and devices for computers;
 - (h) Software for computers;
 - (i) Books, library materials and subscriptions;
 - (j) Motor vehicle fuel purchased by a local law enforcement agency for use in an undercover investigation;
 - (k) Motor vehicle fuel for use in a vehicle operated by a local law enforcement agency or local fire department if such fuel is not available within the vehicle's assigned service area from a fueling station owned by the State of Nevada or a local government;
 - (l) Purchases made with money in a store fund for prisoners in a jail or local detention facility for the provision and maintenance of a canteen for the prisoners;
 - (m) Supplies, materials or equipment that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State;
 - (n) Items for resale through a retail outlet operated in this State by a local government or the State of Nevada;
 - (o) Commercial advertising within a recreational facility operated by a county fair and recreation board;
 - (p) Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of persons with disabilities; and
 - (q) The design of, and equipment and services associated with, systems of communication,

Ê are not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative.

2. The purchase of equipment for use by a local law enforcement agency in the course of an undercover investigation is not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative, if:

(a) The equipment is an electronic or mechanical device which by design is intended to monitor and document in a clandestine manner suspected criminal activity; or

(b) Purchasing the equipment pursuant to such requirements would limit or compromise the use of such equipment by an agency authorized to conduct such investigations.

3. The purchase of personal safety equipment for use by a response agency or any other local governmental agency is not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative, if:

(a) The personal safety equipment will be used by personnel of the response agency or other local governmental agency in preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters in which the health, safety or welfare of those personnel may be compromised, impaired or otherwise threatened; and

(b) The cost of the personal safety equipment is comparable to the cost of similar personal safety equipment that is available for purchase by the public.

4. The governing body of a hospital required to comply with the provisions of this chapter, or its authorized representative, may purchase goods commonly used by the hospital, under a contract awarded pursuant to NRS 332.065, without additional competitive bidding even if at the time the contract was awarded:

(a) The vendor supplying such goods to the person awarded the contract was not identified as a supplier to be used by the person awarded the contract; or

(b) The vendor was identified as a supplier but was not identified as the supplier of such goods.

Ê The governing body of the hospital shall make available for public inspection each such contract and records related to those purchases.

5. This section does not prohibit a governing body or its authorized representative from advertising for or requesting bids.

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 239C.030.

(b) "Personal safety equipment" means safety equipment that personnel of a response agency or other local governmental agency:

(1) Use in the course of preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters; or

(2) Wear or otherwise carry on a regular basis.

Ê The term includes, without limitation, firearms, boots, bulletproof vests or other types of body armor, protective garments, protective eyewear, gloves, helmets, and any specialized apparatus, equipment or materials approved or recommended by the United States Department of Homeland Security.

(c) "Response agency" means an agency of a local government that provides services related to law enforcement, firefighting, emergency medical care or public safety.

(Added to NRS by 1975, 1538; A 1987, 296, 1484; 1991, 337, 349, 648, 1934, 1935; 1997, 132; 1999, 889, 1684; 2001, 1317; 2003, 620, 2262; 2005, 226, 2554)

NRS 332.195 Joinder or mutual use of contracts by governmental entities.

1. A governing body or its authorized representative and the State of Nevada may join or use the contracts of local governments located within or outside this State with the authorization of the contracting vendor. The originally contracting local government is not liable for the obligations of the governmental entity which joins or uses the contract.

2. A governing body or its authorized representative may join or use the contracts of the State of Nevada or another state with the authorization of the contracting vendor. The State of Nevada or other state is not liable for the obligations of the local government which joins or uses the contract.

(Added to NRS by 1975, 1539; A 1985, 357; 1999, 1686; 2001, 1320; 2003, 2263; 2005, 2556)

Applicable Statute, Code, Policy, Rule or Regulation: NRS 332.115 subsection 1 (m) and NRS 332.195

Fiscal Impact: \$90,000.00 per fiscal year

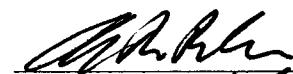
Explanation of Impact: Product will be purchased on an as-needed basis which is anticipated to be two (2) purchases of \$45,000.00 per purchase per year.

Funding Source: \$200,000.000 to be funded from Wastewater Chemicals 510-3201-434-0637 as provided in FY 2007/2008 and FY 2008/2009

Supporting Material: Letter from Ashland Specialty Chemical dated 6/30/06, Letter from Ashland Water Technologies dated 2/1/08, Blanket Contract Report from County Sanitation Districts of Los Angeles County, and 3/3/05 Agenda Report

Prepared By: Cheryl Adams, Purchasing & Contracts Manager

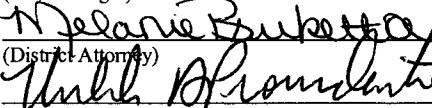
Reviewed By:



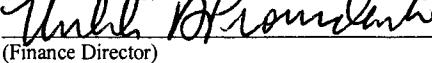
(Public Works)



(City Manager)



(District Attorney)



(Finance Director)

Date: 3/25/08

Date: 3/25/08

Date: 3-25-08

Date: 3-25-08

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)



Ashland Specialty Chemical

Joy C. Wray
Environmental and Process Solutions

June 30, 2006

Division of Ashland Inc.
1500 Pinecroft Rd., Ste. 300
Greensboro, NC 27407
Tel: 336 834-4794, Fax: 336 379-3591
Cell: 336 382-5355
www.ashland-water.com

Saira Cardoza
City of Palo Alto
PO Box 10250
Palo Alto, CA 94303

RE: Company & Address Change Notice

Dear Saira:

Effective June 1, 2006, the worldwide water treatment business unit of Stockhausen LLC was acquired by Ashland, Inc. All controlling interests, assets, and liabilities from Stockhausen LLC were transferred to Ashland, Inc., a Kentucky corporation.

We are very excited about this joint venture and look forward enhancing our products and services to your facility. All of the products you currently purchase, your representative and sales coordinator, and our remit address all remain unchanged. However, our new administrative office address for all correspondence and phone numbers has changed and are as follows:

Ashland Specialty Chemical
Environmental & Process Solutions
Division of Ashland, Inc.
1500 Pinecroft Rd., Ste 300
Greensboro, NC 27407
Toll Free: 877 234 3177
Phone: 336 834 4779
Fx: 336 333 3518
FIN: 20-0865835

We look forward to continuing our relationship and will continue to seek new opportunities to serve you better in the future. Please let me know if you have any questions and I will be happy to assist. We remain,

Very truly yours,

Joy C. Wray
Bid & Contract Representative



Ashland Water Technologies

Mark Wells
Independent Sales Representative

Feb 1, 2008

Division of Ashland Inc.
10390 Scenic Drive
Forestville, CA 95436
Tel: 707.887.0227, Fax: 707.887.0248
Cell: 707.479.2894
Wellspolypro@comcast.net

Mr. Kyle Menath
Wastewater Operations Chief
City of Carson City
3320 East Fifth St.
Carson City NV 89701-3498

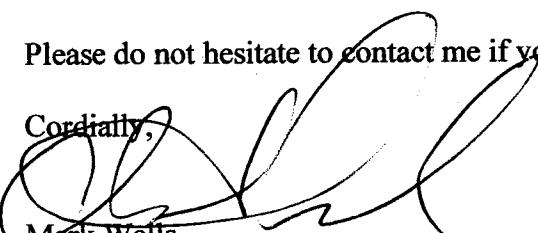
Re: Contract Renewal

Dear Kyle,

Ashland Water Technologies has renewed our contract with the County Sanitation Districts of Los Angeles for "Liquid Cationic Polymer," purchase order #79337. The new price is \$0.99 per lb including freight. Ashland is hereby giving formal permission to the City of Carson City, NV to piggyback onto this contract with the same terms and conditions as specified in our contract with Los Angeles County. This increase of 5% is necessary due to rapidly escalating cost of crude oil and crude's impact on our oil based raw materials and the subsequent increase in the cost of trucking. Be assured that Ashland is doing all that's possible to keep our products competitively priced without sacrificing quality and our unequaled customer service.

Please do not hesitate to contact me if you have any questions.

Cordially,



Mark Wells
Independent Sales Representative



**COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY**

1955 Workman Mill Road, Whittier, California
Mailing Address: P.O. Box 4998, Whittier, California 90607
Telephone: (562) 908-4288
FAX: (562) 699-8665

DATE: March 6, 2008

TO: Cheryl Adams - Carson City
FAX: 775/887-2107

FROM: Cheryl Shea, Purchasing Manager
Ext. 1401

NUMBER OF PAGES (INCLUDING THIS PAGE)

MESSAGE: Here is a copy of the Board minutes where the contract extension was approved, and a copy of the contract report.

If you need anything else for your files let me know.

BLANKET CONTRACT REPORT

Report Select Criteria: BLANKET_CONTRACT_NO = 0800095 BLANKET_REVISION_NO = 000 AND PLANT = 01

Report Order By:

Blanket No: 0800095 Revision No: 000 Vendor Code: 0005457-01 Location Name: ASHLAND SPECIALTY CHEM/ENV

Contract Desc: CATIONIC EMULSION POLYMER FOR VALENCIA WATER RECLAMATION PLANT SOLIDS DEWATERING FACILITY

| | | | | |
|--------------------|------------------|------------------|----------------|--|
| Blanket Category: | Limit Amount: | \$297,970.20 | Used Amount: | |
| Buyer: Cheryl Shea | Terms: | FOB: DESTINATION | | |
| Initiation Date: | Expiration Date: | 01/31/2009 | Extended Date: | |

Blanket Contract Notes:

| | |
|----------|--|
| Type | Description |
| PURCHASE | FURNISH AND DELIVER CATIONIC EMULSION POLYMER TO VALENCIA WATER RECLAMATION PLANT ON AN "AS REQUESTED" BASIS. ONE YEAR EXTENSION OF PURCHASE ORDER APPROVED BY SANTA CLARITA VALLEY SANITATION DISTRICT AT THEIR REGULAR MEETING OF JANUARY 9, 2008. |

| Line | Qty | UOP | Stock Code | Vendor Model No | Vendor Part No | Quote No | Quote Item | Unit Price | Total Price |
|---|--------|-----|------------|-----------------|----------------|----------|------------|------------|--------------|
| 00001 | 300980 | EA | 0000023217 | | PRAESTOL K148L | | | .99 | \$297,970.20 |
| Description: POLYMER CATIONIC LACSD ID: 65050030 | | | | | | | | | |

MINUTES OF THE REGULAR MEETING OF THE
 BOARD OF DIRECTORS OF THE
 SANTA CLARITA VALLEY SANITATION DISTRICT
 HELD AT THE OFFICE OF THE DISTRICT

January 9, 2008
 1:30 o'clock, P.M.

The Board of Directors of Santa Clarita Valley Sanitation District of Los Angeles County met in regular session.

There were present Yvonne B. Burke, Director from Los Angeles County
 Robert C. Kellar, Chairperson, Director from Santa Clarita

Absent: Lawrence Weste, Director from Santa Clarita

Also present: Kimberly S. Compton, Secretary of the District

RE: CHAIRPERSON
 ELECTION OF

Upon motion of Director Burke, duly seconded and unanimously carried, Director Kellar was elected Chairperson of this Board.

Upon motion of Director Burke, duly seconded and unanimously carried, the minutes of the regular meeting held December 12, 2007, were approved.

RE: WARRANTS

the amount of \$4,396.17, were approved.

Upon motion of Director Burke, duly seconded and unanimously carried, warrants issued by the District, in

RE: DEPARTMENTAL INVOICE

The following departmental invoice for the month of November 2007 was presented and upon motion of Director Burke, duly seconded and unanimously carried, was approved:

No. 217

DEBIT:

| | |
|--|-----------------------|
| S.C.V. - Operating Fund - Operation & Maintenance | \$1,938,971.66 |
| S.C.V. - Operating Fund - Joint Administration - Capital | 18,607.77 |
| S.C.V. - Operating Fund - Local - Capital | 32,877.33 |
| S.C.V. - Operating Fund - Local - Capital Improvement Fund | 1,834.25 |
| | <u>\$1,992,291.01</u> |

CREDIT:

| | |
|--|----------------|
| C.S.D. #2 - Operating Fund - Abatement of Expense - I.D.S. | \$1,992,291.01 |
|--|----------------|

RE: VALENCIA WATER RECLAMATION
 PLANT - CATIONIC EMULSION POLYMER
 AUTHORIZE EXTENSION OF PURCHASE
 ORDER WITH ASHLAND SPECIALTY
 CHEMICAL COMPANY

The Chief Engineer and General Manager, in his capacity as Purchasing Agent, recommended that the Board authorize a one-year extension of purchase order with Ashland Specialty Chemical Company in the amount of approximately \$298,000 for furnishing and delivering cationic emulsion polymer to the Valencia

Water Reclamation Plant (WRP). He advised that in January 2005 the Board awarded a three-year purchase order to Ashland Specialty Chemicals (formerly Stockhausen Inc.), subsequent to competitive bids, to furnish and deliver approximately 300,000 pounds per year of cationic emulsion polymer to the Valencia WRP for biosolids dewatering. The specifications allow for two one-year extension periods upon satisfactory performance and mutual agreement between the parties. The polymer supplied by Ashland has performed very well and has improved the Valencia WRP dewatering operation. Ashland has offered to extend the purchase order for an additional year with an increase of five percent over the 2005 price, a modest change considering the escalation of raw material, fuel, and transportation costs.

Upon motion of Director Burke, duly seconded and unanimously carried, the Purchasing Agent authorized a one-year extension of purchase order with Ashland Specialty Chemical Company for furnishing

and delivering cationic emulsion polymer to the Valencia Water Reclamation Plant, at a cost of approximately \$298,000.

**RE: REDUCED SERVICE CHARGE
FOR FISCAL YEAR 2007/08
FOR SIX SINGLE FAMILY HOME
PARCELS - ADOPT RESOLUTION**

The Chief Engineer and General Manager presented a proposed Resolution Authorizing Reduced Service Charge for Fiscal Year 2007/08 for Six Single Family Home Parcels Located in the City of Santa Clarita. He advised that the Los Angeles County Office of the

Assessor is providing property tax relief for fiscal year 2007/08 to residents whose property was severely damaged or destroyed as a result of the wildfires that took place in October and November 2007. The District has been afforded an opportunity by the Assessor's office to adjust its direct assessments (service charge) to reflect service provided prior to the destruction of the homes by fire. The six parcels received sewerage services for approximately four months, and it is therefore recommended that their service charge be reduced from \$160 to \$53.33 for fiscal year 2007/08. A copy of the proposed Resolution was attached to the agenda.

Upon motion of Director Burke, duly seconded and unanimously carried, the following Resolution was adopted:

**RESOLUTION AUTHORIZING REDUCED SERVICE CHARGE FOR
FISCAL YEAR 2007/08 FOR
SIX SINGLE FAMILY HOME PARCELS LOCATED IN CITY OF SANTA CLARITA**

WHEREAS the Santa Clarita Valley Sanitation District (District) is empowered to prescribe, revise, and collect fees, tolls, rates, rentals, or other charges for services and facilities furnished by it and to collect such charges on the tax roll or by direct billing pursuant to Health and Safety Code Section 5471 and 5473; and

WHEREAS pursuant to it's Service Charge Ordinance the District has imposed charges for services and facilities furnished by, or available from, the District in connection with it's sewerage system, and

WHEREAS the District imposed a service charge of \$160.00 per sewage unit for fiscal year 2007/08 to be collected as a direct assessment on the property tax roll; and

WHEREAS wildfires raged in Los Angeles County in October and November 2007 resulting in severe damage to properties in the County; and

WHEREAS six single family home parcels located in the City of Santa Clarita, as further identified in Exhibit A, received direct assessments from the District for sewerage services.

NOW THEREFORE, the Board of Directors of Santa Clarita Valley Sanitation District of Los Angeles County resolves that:

1. The Service Charge Ordinance imposed a fee on all parcels within the District based upon use for fiscal year 2007/08 on July 1.
2. The six single family home parcels as shown in Exhibit A sustained significant damage.
3. The six single family home parcels received a direct assessment on their property tax bills of \$160 for fiscal year 2007/08.
4. The six single family home parcels will have received sewerage services for only four months out of 12 months for fiscal year 2007/08.
5. The County Assessor's office should be directed by District staff to adjust the service charge for the six single family home parcels for fiscal year 2007/08 from \$160 to \$53.33.

Appendix A

October/November 2007 Fires
Direct Assessments Levied 2007-2008
Sanitation District 62.32

| No. | APN | Situs Address Number | City | Direct Assessment Amount |
|-------|--------------|------------------------|---------------|--------------------------|
| 1 | 2806-002-019 | 27983 Camp Plenty Road | SANTA CLARITA | 160.00 |
| 2 | 2806-002-023 | 27949 Camp Plenty Road | Santa Clarita | 160.00 |
| 3 | 2806-003-007 | 27921 Camp Plenty Road | Santa Clarita | 160.00 |
| 4 | 2806-003-008 | 27915 Camp Plenty Road | Santa Clarita | 160.00 |
| 5 | 2806-003-029 | 27871 Camp Plenty Road | Santa Clarita | 160.00 |
| 6 | 2806-006-020 | 27920 Camp Plenty Road | Santa Clarita | 160.00 |
| Total | | | | \$960.00 |

RE: SOLID WASTE MANAGEMENT SUPPORT - CONTINUED AB 939 DIVERSION CREDIT - USE GREEN WASTE AS ALTERNATIVE DAILY COVER AT LANDFILLS - ADOPT RESOLUTION

Prior to meeting in regular session, the need to support the continuation of the AB939 diversion credit for use of green waste as alternative daily cover at the landfills was discussed with the Directors as recorded in the Status Report presented to the Boards on this date.

In regular session, the Chief Engineer and General Manager recommended that the Board adopt a Resolution supporting the continued AB 939 diversion credit for the use of green waste as alternative. He advised that legislation has been introduced several times in recent years that would eliminate AB 939 recycling credits currently earned by cities participating in programs which use green waste as ADC at landfills. While these proposals have been defeated in the past, Assemblymember Huffman (Marin) has announced he will author new legislation for 2008. The Chief Engineer and General Manager will discuss this matter. A copy of the proposed Resolution was attached to the agenda.

Upon motion of Director Burke, duly seconded and unanimously carried, the following Resolution was adopted:

RESOLUTION IN SUPPORT OF CONTINUED AB 939 DIVERSION CREDIT FOR USE OF GREEN WASTE AS ALTERNATIVE DAILY COVER AT LANDFILLS

WHEREAS, the County Sanitation Districts of Los Angeles County (Sanitation Districts) were created under the County Sanitation District Act in 1923; and

WHEREAS, the Sanitation Districts jointly provide for the regional management and substantial recycling of approximately one-half of the solid waste disposal needs of Los Angeles County and serve the wastewater management needs of over 5 million people; and the Sanitation Districts' service area encompasses 78 cities and unincorporated areas; and

WHEREAS, in their exercise of authority to provide the essential public service of solid waste management, the Sanitation Districts have developed an integrated system of solid waste facilities including three active landfills, three closed landfills, two refuse-to-energy facilities, three transfer/materials recovery facilities, two buy-back recycling facilities and four energy recovery facilities; and

WHEREAS, the Integrated Waste Management Act of 1989 (Assembly Bill 939 or "AB 939") placed aggressive waste diversion mandates on local governments to achieve 50 percent waste diversion by the year 2000 and delegated discretion to local government as to how best to comply with the law; and

WHEREAS, state law clearly establishes that the use of a waste product, such as shredded green waste, for construction and operation of a solid waste landfill, including the use of green waste as alternative daily cover, displaces the use of virgin materials and constitutes diversion through recycling and is not considered disposal; and

WHEREAS, the use of green waste as alternative daily cover at Districts' landfills conserves natural resources, energy, and landfill capacity, and contributes to the production of green power from landfill gas thereby reducing reliance on fossil fuels; and

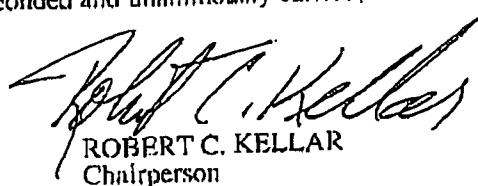
WHEREAS, jurisdictions in Los Angeles County have invested millions of dollars in implementing new waste diversion programs; and over the past fifteen (15) years, seventy-seven (77) jurisdictions in Los Angeles County have taken the initiative to implement separate green waste collection and rely upon the consistently dependable recycling of green waste for alternative daily cover for a significant portion of their waste diversion compliance; and

WHEREAS, from time to time, the Legislature has considered proposals to eliminate waste diversion credits for green waste alternative daily cover programs; and

WHEREAS, these proposals would severely limit the discretion local jurisdictions are afforded by AB 939 and would require them to invest substantial additional resources in developing new programs to replace those green waste alternative daily cover programs.

NOW THEREFORE, BE IT RESOLVED, that the Boards of Directors of the County Sanitation Districts of Los Angeles County strongly support the continuation of waste diversion through recycling for green waste alternative daily cover programs under AB 939, and direct the Chief Engineer and General Manager to communicate this policy position to members of the Legislature, the Governor of California and administrative agencies, as necessary.

Upon motion of Director Burke, duly seconded and unanimously carried, the meeting adjourned.



ROBERT C. KELLAR
Chairperson

ATTEST:



KIMBERLY S. COMPTON
Secretary

/tg

**City of Carson City
Agenda Report**

Date Submitted: February 22, 2005

Agenda Date Requested: March 3, 2005

Time Requested: Consent

To: Mayor and Supervisors

From: Purchasing & Contracts

Subject Title: Action to authorize Development Services to utilize Bid #02369 for the purchase of cationic polymer through January 12, 2008 which Bid was approved by the County Sanitation Districts of Los Angeles County and which is exempt from competitive bidding pursuant to paragraph (m) of subsection 1 of NRS 332.115 providing they have approved funding and follow approved Carson City purchasing procedures (File No. 0405-078)

Staff Summary: This product will be used by the Wastewater Reclamation Plant in their Solids Handling operation.

Type of Action Requested: (check one)

Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement:

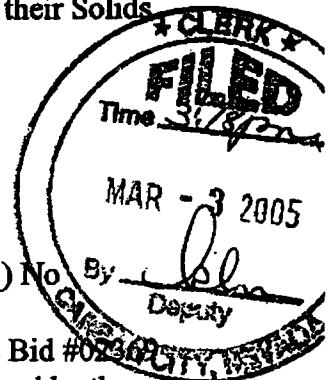
Yes No

Recommended Board Action: I move to authorize Development Services to utilize Bid #02369 for the purchase of cationic polymer through January 12, 2008 which Bid was approved by the County Sanitation Districts of Los Angeles County and which is exempt from competitive bidding pursuant to paragraph (m) of subsection 1 of NRS 332.115 providing they have approved funding and follow approved Carson City purchasing procedures (File No. 0405-078)

Explanation for Recommended Board Action: On January 12, 2005 the District No. 32 Board of Directors of the County Sanitation Districts of Los Angeles County awarded Bid #02369 to Stockhausen Inc., 2408 Doyle Street, Greensboro, NC 27406 effective through January 12, 2008.

Cationic polymer is a flocculent which is required for the centrifuges to de-water the sludge and make as light weight as possible product, "Sludge Cake", that is disposed of at the landfill. The Stockhausen Inc. product that staff is requesting to purchase with this contract is superior to all of the products that the Wastewater Reclamation Plant has tested and is less expensive to operate with than any other product tested.

Pursuant to paragraph (m) of subsection 1 of NRS 332.115, staff is requesting the Board of Supervisors to declare that this contract is not adapted to award by competitive bidding and authorize all city departments to be able to place orders from this contract providing they have approved funding and follow approved Carson City purchasing procedures.



NRS 332.115. Exceptions to requirements for competitive bidding: Contracts not adapted to award by competitive bidding; purchase of equipment for use by local law enforcement agency; purchase of goods commonly used by hospital.

1. Contracts which by their nature are not adapted to award by competitive bidding, including contracts for:

(m) Supplies, materials or equipment that are available from contracts with the General Services Administration or another governmental agency in the regular course of its business;

are not subject to the requirements of this chapter for competitive bidding as determined by the governing body or its authorized representative.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 332.115 subsection (1) paragraph m

Fiscal Impact: Each department will budget their own purchases.

Explanation of Impact: Each department will budget their own purchases.

Funding Source: Each department will budget their own purchases.

Supporting Material: Letter from Stockhausen, Inc.; Invitation to Bid #02369, Revised; and Purchase Order award

Prepared By: Cheryl Adams, Purchasing & Contracts Manager

Reviewed By:


(Development Services)

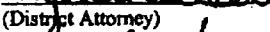
Date: 2/22/05


(City Manager)

Date: 2-22-05


(District Attorney)

Date: 2-22-05


(Finance Director)

Date: 2/22/05

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

degussa.

Bleaching & Water Chemicals

Mark Wells
Independent Sales Representative
10390 Sausal Drive
Forestville, CA 95436
(707) 887-0227 Office
(707) 479-2894 Cell
(707) 887-0248 FAX
Wellspolypro@aol.com

Stockhausen, Inc.
2401 Doyle Street
Greensboro, NC 27406
T 1-877-234-3177
F 336-333-3518
www.stockhausen-inc.com

January 3, 2005

Kyle McNath
City of Carson City
3320 East Fifth St.
Carson City, NV 89701-3498

Re: Piggybacking LA County polymer contract, bid #02369

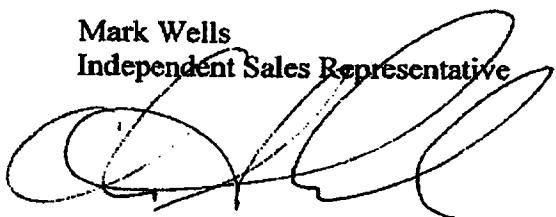
Dear Kyle,

Stockhausen Inc. is pleased to offer Carson City the opportunity to piggyback onto our upcoming contract with the County Sanitation Districts of Los Angeles County for cationic polymer, bid #02369. I have attached a copy of the "Invitation to Bid" for your review. We anticipate being awarded the contract by council January 12th. As soon as we have the formal award, I will also forward a copy of the contract to you.

Thank you for this opportunity to be of service and I look forward to working with you.

Cordially,

Mark Wells
Independent Sales Representative





INVITATION TO BID, revised

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road

Whittier, California 90601

(562) 699-7411

FAX: (562) 699-8665

The County Sanitation Districts of Los Angeles County invites your bid on the items described below. Please fill in all blank spaces.

Failure to complete this form in its entirety may result in rejection of the bid.

| DATE: OCTOBER 26, 2004 | | TIME BID DUE: 11:00 A.M. | BID DUE DATE: TUESDAY, NOVEMBER 16, 2004 | | |
|---|----------------|--|---|---|--------|
| CONTACT: BRIAN VILLACORTA/CMZ/lmg | | TELEPHONE: 562-699-7411, EXTENSION 3522 | | | |
| BID NO.: 02369 | | FILE NO: 32-04.01-08 | | | |
| BID TITLE: CATIONIC POLYMER | | | | | |
| F. O. B. POINT: DESTINATION | | DELIVERY PROMISE: | | | TERMS: |
| LINE | QUANTITY | DESCRIPTION | UNIT PRICE | TOTAL BID | UNIT |
| 1 | 880,633 Pounds | <p>Furnish and deliver cationic polymer to Districts' facilities in accordance with attached Specification dated, October 2004.</p> <p>PRODUCT: Stockhausen, Inc. Emulsion Polymer Praestol K148L</p> <p>Deliver approximately 880,633 neat pounds to the Valencia Water Reclamation Plant</p> <p>The unit prices bid are to remain fixed for a three year term.</p> <p>The successful bidder shall be required to provide good and sufficient bonds for the faithful performance of the contract. Bonds shall be delivered to the Purchasing Office of the County Sanitation Districts of Los Angeles County within seven (7) days of award of purchase order.</p> | <u>\$0.94/LB</u> <u>NET 30</u> <u>DELIVERED</u> | <u>\$ 808,995.02</u> <u>0.0% DISCT</u> | LB |
| NOTE: ALL BIDDERS MUST COMPLETE SIGNATURE BOX BELOW. | | | | | |
| TO: | |  <u>H. RON JONES</u> Signature/Title <u>E. RON JONES, WATER TREATMENT GROUP MGR</u> <u>STOCKHAUSEN, INC.</u> Company | | | |
| | | NOV 12, 2004 | 877 234 3177 | | |
| | | Date Submitted | Vendor Telephone No. | | |
| <u>THIS IS AN INQUIRY ONLY, NOT AN ORDER</u> | | | | | |
| By: <u>Cheryl M. Zutty</u> Cheryl M. Zutty, Purchasing Manager | | | | | |
| THIS INVITATION TO BID SUBJECT TO ATTACHED TERMS AND CONDITIONS | | | | | |

November 2, 2004

Mr. James F. Stahl
Chief Engineer and General Manager
County Sanitation Districts of Los Angeles County
1955 Workman Mill Road
Whittier, CA 90601

Dear Sir:

Re: Addendum No. One to the Invitation to Bid for "CATIONIC POLYMER" dated, October 28, 2004.

This will acknowledge receipt of your Addendum No. One dated, November 2, 2004.

Company Name STOCKHAUSER, INC.
By R. Ron Jones
Title R. RON JONES, WATER TREATMENT GROUP MGR



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1935 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacd.org

JAMES F. STAHL
Chief Engineer and General Manager

November 2, 2004
Bid No.: 02369

TO ALL BIDDERS FOR "CATIONIC POLYMER"

INVITATION TO BID DATED: OCTOBER 28, 2004

ADDENDUM NO. ONE

Invitation to Bid form

DELETE: Form in its entirety

REPLACE WITH: Attached revised form.

Form replaced due to changes in delivered quantities.

All other items remain the same.

Please acknowledge receipt of this addendum by signing the attached acknowledgment form and returning it with your Invitation to Bid. If you will be sending your acknowledgment by facsimile machine, please send it to (562) 699-8665.

Very truly yours,

Cheryl M. Zuvich
Purchasing Manager

**COUNTY SANITATION DISTRICT NO. 32
OF LOS ANGELES COUNTY**

**SPECIFICATIONS
FOR
FURNISHING AND DELIVERING CATIONIC POLYMER
FOR DEWATERING SLUDGE
BY
PLATE AND FRAME FILTER PRESS
AT
VALENCIA WATER RECLAMATION PLANTS**

OCTOBER 2004

1. GENERAL

Bidders shall provide quotations for furnishing and delivering cationic polymer to be used at the District's Valencia Water Reclamation Plant (VWRP), for the time period specified in Section 10. Present projections indicate that the cationic polymer will be required on a uniform basis throughout the supply period, however, no guarantee regarding uniformity of demand is made. No guarantee is made as to the actual quantity that will be purchased by the Districts.

Polymer will be used mainly in a plate and frame filter press, although the Districts reserve the right to use it for other applications. It is estimated that the Districts will require a quantity sufficient to condition approximately 105 dry tons of sludge per week. Over the past 12 months, the plant has processed an average of 103 dry tons of sludge per week.

Each bidder shall be responsible for visiting the VWRP's Solids Processing Facilities Polymer Station to determine if their product can be successfully used without modifications to the existing systems. Only liquid bulk polymers will be considered. If a bidder's product requires system modifications, the cost of designing, installing, and maintaining such modifications shall be included in the bid price. Such modifications and a schedule for construction shall be included in the bid. Modifications shall be designed in a manner which, in the opinion of the Districts, are compatible with the operation of the existing systems. The Districts reserve the right to reject a bid if the bidder's proposed modifications are determined to be incompatible.

The Districts reserves the right to purchase from other than the low bidder if it is deemed to be in the best interest of the Districts. The Districts reserves the right to reject all bids received and either re-advertise or purchase on the open market.

The following products have been pre-qualified through full scale testing. These products and the respective basis for bids are considered acceptable. Substitutions of polymer other than listed below will not be considered:

| Company | Product | % Active Polymer ¹ (%) | Polymer Dosage ² (pounds active/dry ton digested sludge) | Anticipated Polymer Requirement | | | | |
|------------------|------------------|-----------------------------------|---|---------------------------------|-----------------------------|---------------------------|--|--|
| | | | | Active pounds/yr ³ | Neat pounds/yr ⁴ | Total pounds ⁵ | | |
| Stockhausen | Præstol K148L | 44.0 | 22 | 120,120 | 273,000 | 860,633 | | |
| Neutron Products | Photafloc 1137 S | 4.0 | | | 3,003,000 | 9,466,958 | | |
| Polydync | Percol 7980D | | | | 3,003,000 | 9,466,958 | | |

- 1) % Active Polymer: Per manufacturer, percent by weight active polymer solids in the neat (as delivered) polymer products.
- 2) Polymer Dosage: The dosing rate is based on the full-scale test results of each of the products listed.
- 3) Active Pounds: Anticipated active polymer (year 1) = dosage x 105 tons/wk x 52 wks
- 4) Neat pounds: Anticipated neat polymer (year 1) = active pounds/percent active
- 5) Polymer Requirement: 3-yr. contract period, 5% increase in sludge production per year

$$\text{Total pounds} = \text{neat pounds}_{yr1} + \text{neat pounds}_{yr2} + \text{neat pounds}_{yr3}$$

$$\text{Total pounds} = \text{neat pounds}_{yr1} + \text{neat pounds}_{yr1} \times 1.05 + \text{neat pounds}_{yr2} \times 1.05$$

2. PERFORMANCE

The Districts reserve the right to cancel any purchase agreements or contracts and either re-advertise or purchase on the open market should the polymer supplied to any or all of the facilities listed above fail to perform adequately under full scale operating conditions at the facilities. If the cost of the product procured results in increased operating costs, the bidder awarded the contract shall be responsible for the difference in costs. The Districts will be the sole judge of the above.

The successful bidder shall furnish the analytical methods, including detailed procedures for verifying the total active polymer concentration of their product in its concentrated and dilute forms.

3. SCALE INHIBITOR

The delivered neat polymer shall contain a scale inhibitor that will prevent precipitation and deposit of water soluble salts such as magnesium carbonate, calcium carbonate and calcium sulfate in process piping. The concentration of this inhibitor shall be adequate to prevent deposit formation when the neat polymer is diluted to a solution concentration ranging between 0.1% and 0.3%. If the concentration of this inhibitor is determined to be inadequate by the Districts, the successful bidder shall implement corrective actions as required within ten (10) days of notification by the Districts.

If found necessary by the Districts, the successful bidder shall increase the concentration of scale inhibitor at no charge to the Districts.

4. MATERIAL SAFETY REQUIREMENTS

Each product shall be in compliance with the USDL/OSHA Safety and Health Regulations for any potentially hazardous ingredient. The successful bidder shall submit a copy of the Material Safety Data Sheet for their product.

5. PROPOSAL

All bids must be on the Districts' "Proposal Form" which accompanies these specifications.

6. POLYMER PRICE

Each price quoted shall be firm (without escalation), net (without case discount), per pound neat polymer delivered to the address specified in Section 9 below.

All state sales tax, Los Angeles County sales tax, and federal excise tax shall be EXCLUDED from the quoted price.

Freight cost shall be INCLUDED in the unit bid price.

Bid evaluation will be based on total lump sum price, including freight and applicable sales taxes and consideration of conditions listed in this specification.

7. BONDS

The successful bidder shall furnish a Faithful Performance Bond to the Districts in the amount of 10% of the total order. The bond shall be delivered by the successful bidder to the Districts' Joint Administration Office, 1955 Workman Mill Road, Whittier, CA. 90607, within seven (7) calendar days from receipt of order. The Faithful Performance Bond shall be kept in force for the entire period of time starting from the date of the order to the end of the contract.

All bonds must be made payable to "County Sanitation District No. 32 of Los Angeles County".

8. FEES AND ROYALTIES

All fees or royalties for any licenses, patented invention, material, process, article, or arrangement in any manner connected with work, or with these specifications shall be included in the prices stated in the proposal, and the bidder shall protect and hold the Districts harmless against any and all demands or claims for such fees or royalties, whether such demands or claims are filed during the life of the contract or after its completion.

9. DELIVERY

All deliveries of liquid polymer shall be made only by tank truck for discharge to a Districts' storage tank. All transportation equipment shall be thoroughly clean and free from scale and other foreign matter and are subject to Districts inspection prior to their use. All truck connecting piping and

Tuesday, January 25, 2005 3:15 PM

Mark Marcelletti (805) 491-5832

p.03

JAN-25-2005 03:01PM FROM-



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4988, Whittier, CA 90607-4988
Telephone: (562) 909-7411 Fax: (562) 909-6665

T-000 P.002/003 F-138

PURCHASE
ORDER

To: STOCKHAUSEN INC
2408 DOYLE STREET
GREENSBORO, NC 27406

Purchase
Order No. 79337
Date 01/25/2005

V.I.D. 0003756

T.I.N. 00561205133

Ship To: VALENCIA WRP OPERATIONS
28185 THE OLD ROAD
VALENCIA, CA 91355
Attention: G. OSBURN

Delivery: AS REQUESTED
F.O.B.: DESTINATION
Via: VENDOR
Terms: NET 30 DAYS

| Bid No. | File ID No. | \$ | District Accounting Charges | | | | |
|---------|-------------|-----------|-----------------------------|---------|---------|--------|--------|
| | | | Source | All | Account | V.I.D. | A.I.D. |
| 02369 | | 279826.25 | 30 | SC13002 | 41332 | M40001 | |

This order must be filled exactly in accordance with instructions

| Line No. | Quantity Ordered | Unit | District Item No. | Description | Price Per Unit |
|----------|------------------|------|-------------------|--|----------------|
| 1 | 275000 | LB | 65-050-030 | POLYMER CATIONIC: STOCKHAUSEN PRAESTOL K148L FURNISH AND DELIVER CATIONIC POLYMER, STOCKHAUSEN PRAESTOL K148L, TO VALENCIA WATER RECLAMATION PLANT AS REQUESTED BY DISTRICTS STAFF IN ACCORDANCE WITH DISTRICTS INVITATION TO BID NO. 02369 AND SPECIFICATIONS ATTACHED THERETO. PRICE IS FIXED FOR A PERIOD OF THREE YEARS. FIRST YEAR OF A THREE YEAR AGREEMENT. APPROVED BY DISTRICT NO. 32 BOARD OF DIRECTORS AT THEIR REGULAR MEETING OF JANUARY 12, 2005 | .94 |

IMPORTANT NOTICE

This order subject to California State Sales or Use Tax and County and Municipal Taxes, if applicable. Invoices in duplicate bearing District Purchase Order Number must be addressed to "County Sanitation Districts of Los Angeles County".

This order is subject to conditions on reverse side hereof.

Departmental
Requisition No. 408012

Source of MARK MARCELLETTI
Quotation (805) 491-5822

JAMES F. STAHL, Purchasing Agent

By: Cheryl M. Burch

All cases and
packages must
show this number
No. 79337 CMZ

2

Recycled Paper

- 1 of 1 -

C: Jessica
1/26/05

Tuesday, January 25, 2005 3:15 PM

Mark Marcelletti (806) 491-5832

p.04

JAN-25-2005 03:01PM FROM-

T-600 P.000/000 F-338

CONDITIONS

1. Unless otherwise definitely specified, the prices quoted herein do not include California Sales or Use Tax.
2. No charges for transportation, containers, packing, etc., will be allowed unless so specified in this order.
3. In case of default by the vendor, the County Sanitation Districts of Los Angeles County may procure the articles or services from other sources and may deduct from the unpaid balance due the vendor or may collect against the bond or surety for excess costs so paid, and the prices paid by the County Sanitation Districts of Los Angeles County shall be considered the prevailing market price at the time such purchase is made.
4. Cost of inspection on deliveries or offers for delivery which do not meet specifications, will be for the account of the vendor.
5. The vendor shall hold the County Sanitation Districts of Los Angeles, its officers, agents, servants and employees, harmless from liability of any nature or kind of account of use of any copyrighted composition, secret process, patented or unpatented invention, articles or appliance furnished or sued under this quotation.
6. The vendor will not be held liable for failure or delay in the fulfillment if hindered or prevented by fire, strikes, or Acts of God.