

# Mayor and Council Communication

**DATE:** 06/11/24

**M&C FILE NUMBER:** M&C 24-0465

**LOG NAME:** 13P AMEND ITB 20-0076 INSTRUMENTATION EQUIPMENT AW WATER

**SUBJECT**

(ALL) Authorize Execution of Amendments to Non-Exclusive Agreements with Frank Clark & Associates, Inc., GK Techstar, LLC, Macaulay Controls Company, Murray Energy, Inc., Prime Controls, L.P., PVS DX, Inc., and Vector Controls, LLC for Instrumentation Equipment, Parts, and Services to Increase the Aggregate, Not-to-Exceed Amount from \$1,210,000.00 to \$1,512,500.00 for the Final Term Ending in 2025 for the Water Department

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**RECOMMENDATION:**

It is recommended that the City Council authorize the execution of amendments to the non-exclusive agreements with Frank Clark & Associates, Inc., GK Techstar, LLC, Macaulay Controls Company, Murray Energy, Inc., Prime Controls, L.P., PVS DX, Inc., and Vector Controls, LLC for instrumentation equipment, parts, and services to increase the aggregate, not-to-exceed amount from \$1,210,000.00 to \$1,512,500.00 for the final term ending in 2025 for the Water Department.

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**DISCUSSION:**

On May 5, 2020, City Council approved Mayor and Council Communication (M&C) 20-0271 authorizing non-exclusive agreements with Prime Controls, L.P., Frank Clark & Associates, Inc., Vector Controls, LLC, Macaulay Controls Company, DPC Industries, Inc., Murray Energy, Inc., Walker Industrial LLC d/b/a Walker Controls, Total Process Solutions, Inc., and GK Techstar, LLC for instrumentation equipment, parts, and services for the Water Department. The agreements were procured after the Water Department issued an Invitation to Bid that included an initial annual term and four one-year renewals for a total of five years. For administrative purposes and to align with the Fiscal Year, the agreements included a shorter initial term, expiring on September 30, 2020, with four, automatic, one-year renewal terms, and a final renewal term from October 1, 2024, through June or August 2025, depending on the effective date of the contract, providing for a total term of five years.

The agreements with Walker Industrial LLC d/b/a Walker Controls and Total Process Solutions, Inc. were not renewed as Walker Industrial LLC d/b/a Walker Controls went out of business and Total Process Solutions, Inc. did not want to renew their agreement, so agreement termination notices were issued. Additionally, DPC Industries, Inc. underwent a name change on June 1, 2023, and the agreement is now with PVS DX, Inc.

M&C 20-0271 authorized an aggregate, not-to-exceed annual amount of \$1,100,000.00 for the third renewal term and an aggregate, not-to-exceed annual amount of \$1,210,000.00 for the fourth renewal term. The Water Department approached the Purchasing Division to increase the aggregate, not-to-exceed amount from \$1,210,000.00 to \$1,512,500.00 for the final renewal term, until the expiration of the agreements in June or August 2025 depending on the effective date of the contract. Due to technology advancements, the current units are outdated and in need of constant repair. The increased spending capacity is needed to keep the plant equipment operating at optimal capacity. Staff is requesting authorization to amend the existing agreements to increase the aggregate, not-to-exceed amount by \$1,210,000.00 to \$1,512,500.00.

**AGREEMENT TERMS:** The fourth renewal term of the agreements will expire on September 30, 2024. The agreements include a shorter, final renewal term to ensure that the duration of the agreements would be for a total of five years as originally contemplated in the bid document and M&C 21-0271. The final renewal option will commence on October 1, 2024, and will expire in June or August 2025, depending on the effective date of each contract.

**BUSINESS EQUITY:** A waiver of the goal for Business Equity subcontracting requirement is approved by the DVIN-BE, in accordance with the Business Equity Ordinance, because the purchase of goods or services is from sources where subcontracting or supplier opportunities are negligible.

Funding is budgeted in the General Operating & Maintenance Category within the Water & Sewer Fund for the Wastewater Department.

The maximum aggregate annual amount allowed under these agreements will be increased from \$1,210,000.00 to \$1,512,500.00; however, the actual amount used will be based on the department's needs and available budget.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the Water & Sewer Fund. Prior to an expenditure being incurred, the Water Department has the responsibility to validate the availability of funds.

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