

Draft Findings Regarding Exemption from Competition for a Contract for Aeration System

City staff recommends that the Council make the following findings as their basis for approval, if they approve, exempting the contract for an Aeration System for Plant 2 of the Wastewater Treatment Plant and directly contracting with Nexom, Inc.

1. The nature of the contract for which the exemption is requested:
 - Contract for Aeration system design, aeration system installation, and delivery for Plant 2 of the Wastewater Treatment Plant.
2. The estimated contract price is \$398,000.00.
3. Findings to support the substantial costs savings, enhancement in quality or performance, or other public benefit anticipated by the exemption from competitive solicitation:
 - The quality of Nexom, Inc.'s previous work product has been excellent. They have completed their work in a timely manner and at a reasonable cost to the City.
 - Nexom, Inc. is in good standing with regulatory agencies, which should make it easier to complete the project without delays
 - On March 6, 2018, the City and Nexom, Inc. signed a Professional, Technical, or Expert Services Contract for the Aeration system design and aeration system installation of Plant 1. This was done after a Request for Proposals, in which Nexom, Inc. was chosen through a competitive process.
 - The City Engineer has estimated it would take approximately three months to prepare the scope of work and other documents necessary for request for proposals, which would allow other contractors to study prior work on the Project and to prepare their proposals, and to select the most appropriate contractor.
 - Additional costs to the City for preparing the document to issue a request for proposal would be eliminated.
 - Nexom, Inc. has provided services and goods for Plant 1 and the City desires the same services and goods to be installed in Plant 2 so that each plant is consistent.
 - The City desires to maintain the same equipment throughout their system so that spare parts, maintenance procedures, operations, and performance are all the same.
4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or would otherwise substantially promote the public interest in a manner that could not practically be realized by complying with the solicitation requirements that would otherwise be applicable:

- In addition to findings in Section 3 above, Nexom, Inc. was selected through a formal request for proposal process and was awarded the contract that was executed on March 6, 2018.
5. A description of the proposed alternative contracting methods to be employed:
- Directly contracting with Nexom, Inc. for Aeration system design, aeration system installation, and delivery for Plant 2 of the Wastewater Treatment Plant.
6. The estimated date by which it would be necessary to let the contract is November 1, 2018.