

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-95**

**RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE STANDARD PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS, AND/OR FUND TRANSFER AGREEMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY, ON A PROJECT BY PROJECT BASIS BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR AUGMENTATION TO THE MASTER AGREEMENT FOR THE USE OF STATE FUNDS**

WHEREAS, the City of Modesto uses various state funded programs for transportation related projects, and

WHEREAS, these funds are controlled by the State of California through Caltrans, and

WHEREAS, examples of these state funded programs include, but are not limited to, the Highway Safety Improvement Program (HSIP), Active Transportation Program (ATP), and Systematic Safety Analysis Report Program (SSARP), and

WHEREAS, the terms and conditions for the use of these grant funds are established by a Master Agreement, Program Supplemental Agreements, Fund Exchange Agreements and/or Funds Transfer Agreements between the City and State of California (Caltrans), and

WHEREAS, on May 2, 2000, by Resolution 2000-195 Council authorized the City Manager to execute a Master Agreement between the City of Modesto and the State of California for administering state funded transportation projects, and

WHEREAS, by Resolution 2000-196 Council authorized the City Manager to execute Program Supplements on a project-by-project basis between the City of Modesto and the State of California for augmentation to the Master Agreement for the use of State Transportation Improvement Program (STIP) funding only, and

WHEREAS, after discussion with Caltrans, it has been brought to staff's attention, that a Resolution approved by the City Council is needed authorizing the City Manager or his designee to execute Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements for all state funded transportation related projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or his designee to execute the Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements between the City of Modesto and the State of California for administering all transportation related State funded projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

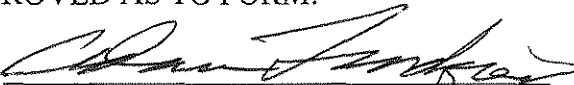
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2017-96**

**RESOLUTION APPROVING A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR THE SOLE SOURCE PROCUREMENT OF COLILERT-18™ BRAND PRODUCTS AND VARIOUS LABORATORY SUPPLIES WITH IDEXX DISTRIBUTION, INC., WESTBROOK, MA, FOR AN ESTIMATED ANNUAL COST OF \$12,257 AND OVER FIVE YEARS OF \$61,285, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Wastewater Division, Laboratory Services, performs bacteriological analysis for both water and wastewater samples using a presence/absence method, and

WHEREAS, the Lab has utilized Colitag™ in the past but has currently found Colilert-18™ from IDEXX to be more accurate, and

WHEREAS, the general method requires pre-packaged reagents that can be purchased in the form of Colitag™ (CPI International) or Colilert-18™ (IDEXX), and

WHEREAS, Colilert-18™ is the best overall confirming agent of total coliform and E. coli bacteria with 99.5% accuracy, and

WHEREAS, Colitag™ is a similar product to Colilert-18™ but has an accuracy of only 52.3% and requires duplicate analysis of all individual samples to yield the same results and accurately confirm the presence or absence of bacteria, and

WHEREAS, if the duplicate Colitag™ results are not in agreement, re-sampling would be required, and

WHEREAS, after researching other testing supply companies, staff found that there is no competition for Colilert-18™ and therefore, IDEXX is the only vendor that can supply this item, and

WHEREAS, considering the requirement of duplicated analysis with Colitag™, IDEXX has the overall lowest per unit cost when compared to Colitag™, and

WHEREAS, in addition, Colilert-18™ is the only reagent EPA-approved for fecal coliform detection in wastewater, and

WHEREAS, the Director of Finance, acting as Purchasing Manager, has determined that the purchase of Colilert-18™ is appropriate as a sole source purchase due to the cost savings of staff time and the limited number of competitors for this product, and

WHEREAS, the sole source award of an agreement to IDEXX Distribution, Inc., Westbrook, MA, will conform to MMC Section 8-3.204(d), and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City, and

WHEREAS, on March 6, 2017, the City Manager's Office approved an exception to this freeze for this procurement based upon the need for the WQC Laboratory to have testing supplies that provide accurate results.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two year Agreement with three one-year extension options for the sole source procurement of Colilert-18™ brand products and various laboratory supplies with IDEXX Distribution, Inc., Westbrook, MA for an estimated annual cost of \$12,257 and over five years of \$61,285.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
ADAM U. LINDGREN, City Attorney