RESOLUTION APPROVING FINDINGS AND AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH ROBERTSON-BRYAN, INC., IN THE AMOUNT OF $465,621, FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT COORDINATING ACTIVITIES AND THE PREPARATION OF REQUIRED TECHNICAL STUDIES AND REPORTS

Operation of the City’s Regional Wastewater Control Facility is regulated by the Central Valley Regional Water Quality Control Board (Regional Water Board) under a National Pollution Discharge Elimination System Permit (NPDES Permit); and

The NPDES Permit stipulates specific monitoring and reporting requirements; and

The NPDES Permit must be renewed every five (5) years; and

The renewed NPDES Permit was adopted by the Regional Water Board on October 23, 2008, and will become effective December 12, 2008; and

The monitoring, reporting, and other services mandated by the NPDES Permit exceed the technical capabilities of City staff; and

The Toxicity Reduction Evaluation Work Plan must be submitted to the Regional Water Board no later than February 20, 2009; and

Failure to submit required reports and other documents within time constraints stipulated in the NPDES Permit subjects the City to substantial fines and other penalties; and

Robertson-Bryan, Inc., is especially qualified to prepare and monitor the NPDES Permit Compliance Management and Technical Studies and to perform NPDES Permit mandated monitoring, reporting, and other services; and

Stockton Municipal Code (SMC) section 3-105, provides for an exception to the competitive bidding requirements in cases where the City Council has approved findings which support and justify exceptions to the competitive bidding process; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1) The City Council hereby approves the following findings to support the execution of a professional services contract with Robertson-Bryan, Inc:

City Atty:  
Review  
Date  November 21, 2008
a) Robertson-Bryan, Inc., is uniquely qualified to perform monitoring, reporting, and other services mandated by City's National Pollution Discharge Elimination System Permit.

b) Robertson-Bryan, Inc. was integral to development of City's new National Pollution Discharge Elimination System Permit.

c) Robertson-Bryan, Inc., staff has provided similar NPDES Permit related services to City previously.

d) The NPDES Permit mandated schedule for monitoring and the submittal of various reports does not provide the City with ample time to conduct the competitive bidding process. A competitive bidding process, requiring detailed proposals, would not afford the City the ability to obtain the required services promptly and would not be in the best interest of the City.

e) Failure to submit the mandatory studies and reports as defined in the National Pollution Discharge Elimination System Permit and Time Schedule Order may result in substantial fines and additional penalties.

2) Based on these findings and pursuant to SMC section 3-105, the City Council declares an exception to the competitive bidding process is justified and authorizes the City Manager, on behalf of the City of Stockton, to execute a professional services contract with Robertson-Bryan, Inc., for National Pollution Discharge Elimination System Permit coordinating activities and the preparation of required technical studies and reports for the sum of $465,621.

3) The City Manager is authorized to take such other actions as are appropriate to carry out the intent of this Resolution.

PASSED, APPROVED and ADOPTED DEC - 2 2008

EDWARD J. CHAVEZ, Mayor
of the City of Stockton

ATTEST:
KATHERINE GONG MEISSNER
City Clerk of the City of Stockton