



City of Manhattan Beach Department of Public Works Engineering Division

3621 Bell Avenue, Manhattan Beach, CA 90266
Phone: (310) 802-5350 Fax: (310) 802-5351 TDD: (310) 546-3501

SOLE SOURCE JUSTIFICATION REPORT AND RECOMMENDATION

I. PUBLIC CONTRACT CODE

Public Contract Code Section 3400 provides, in pertinent part, that:

- (a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.
- (b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of "an equal" item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.
- (c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

(2) In order to match other products in use on a particular public improvement either completed or in the course of completion."

II. SOLE SOURCE ITEMS AND MANUFACTURER

1. **Motor Control Centers (Allen-Bradley)** – Motor control center (MCC) is an assembly to control some or all electric motors in a central location. It consists of multiple enclosed sections having a common power bus and with each section containing a combination starter, which in turn consists of motor starter, fuses or circuit breaker, and power disconnect. A motor control center can also include push



City of Manhattan Beach

Department of Public Works

Engineering Division

3621 Bell Avenue, Manhattan Beach, CA 90266

Phone: (310) 802-5350 Fax: (310) 802-5351 TDD: (310) 546-3501

buttons, indicator lights, variable-frequency drives, programmable logic controllers, and metering equipment.

2. **Variable Frequency Drives (ABB Group)** - Variable frequency drive (VFD) is a type of adjustable speed drive used in electro-mechanical drive systems to control AC motor speed and torque by varying motor input frequency and voltage. VFDs are more efficient in applications with systems utilizing pumps or fans.
3. **Programmable Logic Controllers (Allen-Bradley)** – Programmable logic controller (PLC) is an industrial digital computer which has been ruggedized and adapted for the control of devices or any activity that requires high reliability automation control and ease of programming, and process fault diagnosis.
4. **Control Valves (Cla-Val Company)** – Control valve is used to control fluid flow by varying the size of the flow passage as directed by a signal from a controller which enables the direct control of flow rate and the consequential control of process quantities such as pressure and liquid level.
5. **Standby Power Generator (Onan-Cummins)** - A standby generator set (Gen-Set) is a back-up electrical system that operates automatically. Within seconds of a utility outage an automatic transfer switch senses the power loss, commands the generator to start and then transfers the electrical load to the generator. The standby generator begins supplying power to the circuits. After utility power returns, the automatic transfer switch transfers the electrical load back to the utility and signals the standby generator to shut off. It then returns to standby mode where it awaits the next outage.

III. SOLE SOURCE FINDINGS

This is a sole source procurement because:

- This is a sole provider of a licensed, copyrighted or patented good or service.
- This is a sole provider of items compatible with existing equipment or systems.
- This is a sole provider of factory-authorized warranty service.
- This is a sole provider of goods or services that perform a unique function in order to meet the specialized needs of the City.
- There are overriding circumstances which negate the benefit of compliance with applicable code regarding competitive bidding processes. Below are specific details as to what those circumstances are, and why this sole source procurement would be in the best interest of the City.

The City maintains a sophisticated potable water system and wastewater system which uses low voltage motor control centers (MCC), variable frequency drives (VFD), programmable logic controllers (PLC) and control valves to control and operate the water system's storage reservoirs, booster pump stations and the sewer system's lift pump stations. Allen-Bradley MCC and PLC integrated with ABB Group VFD are used to



City of Manhattan Beach Department of Public Works Engineering Division

3621 Bell Avenue, Manhattan Beach, CA 90266
Phone: (310) 802-5350 Fax: (310) 802-5351 TDD: (310) 546-3501

control the high horse power motors typically associated with the high load requirements of the City's water distribution and wastewater collection pumping systems. Control valves are used throughout the system and receive direction from the controllers to regulate flow rate. These products interface directly with the machinery at the City's water plants and sewer pumping stations. City staff in turn operates and monitors the facilities through a Supervisory Control and Data Acquisition (SCADA) control system comprised of computers, network data communications and graphical user interface.

Allen-Bradley MCC, ABB Group VFD, Allen-Bradley PLC, Cla-Val Company control valves and Onan-Cummins standby power generators are needed for consistency and capability with on hand parts inventory. The requested products contain integral components or accessories compatible with the drinking water distribution and wastewater collection systems. The City has standardized on the requested products in attempt to remain consistent and maintain high reliability throughout all City utility facilities.

The risk factors and challenges stated below present overriding circumstances which would negate the benefit that any competitive bid could offer:

- Potential for system incompatibility and/or failure to integrate with existing SCADA computer system.
- Potential for delayed troubleshooting resolution during emergency situations due to varying schematics, wire runs and replacement parts, etc.
- Cost of removal, disassembly and replacement of existing infrastructure, hardware and software to implement adapters between incompatible parts or systems.
- Cost of additional training of staff on new software and equipment or procurement of multiple contracted maintenance vendors.

IV. RECOMMENDATION

Sufficient evidence has been provided upon which the City Council can find that the exception pursuant to Public Contract Code Section 3400(c)(2) applies to the identified product(s). Approve a finding to authorize use of the above stated exception for Motor Control Centers, Variable Frequency Drives, Programmable Logic Controllers, Control Valves, and Standby Power Generator for all City utilities related projects. Require that said findings be included in all pertinent bid/proposal documents for those projects where such product(s) will be used.