

RESOLUTION NO. 2024-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
DECLARING THE INFEASIBILITY OF USING
PUBLIC BIDDING TO PURCHASE CERTAIN
VEHICLES AND AUTHORIZING LIMITED
DIRECT PURCHASES**

WHEREAS, the City of Merced ("City") has an urgent need to purchase light and medium duty support vehicles for several Departments ("Vehicles"); and,

WHEREAS, current market conditions, including supply and chain disruptions and long lead times, make it impractical for the City to bid and award contracts for the purchase of vehicles that meet the City's immediate requirements; and,

WHEREAS, the City's ability to provide critical services is undermined by the City's inability to obtain vehicles necessary to provide such services in a timely manner by utilizing bidding; and,

WHEREAS, going out to bid for the Vehicles would result in waste and substantial delay in obtaining the Vehicles and utilizing them for essential City services, resulting in significantly increased costs for the City; and

WHEREAS, the City staff has determined that some or all of the Vehicles may be obtained timely and at a reasonable price directly from dealerships or manufacturers; and,

WHEREAS, it is in the best interest of the City and the community to obtain necessary Vehicles as soon as possible and for a reasonable price by foregoing competitive bidding and purchasing directly from dealerships and manufacturers; and,

WHEREAS, California case law supports that where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage or where the competitive bidding processes would be impractical or futile and would not serve the purpose of competitive bidding then public entities need not comply with competitive bidding processes; and

WHEREAS, section 3.04.210 of the City of Merced's Municipal Code vests in the City Council the authority to waive the competitive bidding requirements in instances where the City Council deems it appropriate; and,

WHEREAS, using competitive bidding to purchase the Vehicles would not affect the final result to the City except to increase costs and/or delay the City's ability to perform necessary functions, and therefore competitive bidding would not produce an advantage to the City or community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds that the foregoing recitals are true and correct.

SECTION 2. The City Council further finds, for the sufficient and independent reasons stated above, that using competitive bidding to purchase the Vehicles would be ineffective, unavailing, would not produce an advantage to the public or the City, and would not serve the goals of the competitive bid process in that it would not obtain the best economic result for the public. Based on the foregoing, it would be incongruous, futile, and unavailing to publicly bid the Vehicles.

SECTION 3. The City Council hereby waives the competitive bidding requirement with respect to the Vehicles pursuant to Chapter 3.04 of the Merced Municipal Code, and subject to the following conditions:

- a. The total purchase of any Vehicle shall not exceed \$100,000.00.
- b. The City Manager shall approve the purchase of any Vehicle pursuant to this Resolution and report such purchases to the City Council as soon as practical.
- c. The total cost of all Vehicles purchases made pursuant to the authority granted by this Resolution shall not exceed \$900,000.00.

SECTION 4. The authority granted by this Resolution shall expire on December 31, 2024, unless extended by the City Council

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2024, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:
MATTHEW SERRATTO, MAYOR

Mayor

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY

Craig Cornwell 2/7/2024
City Attorney Date