

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MERCED, CALIFORNIA,  
DECLARING THE INFEASIBILITY OF USING  
PUBLIC BIDDING TO PURCHASE A TYPE 1 FIRE  
ENGINE AND FIRE APPARATUS AND  
AUTHORIZING LIMITED DIRECT PURCHASES**

WHEREAS, the City of Merced (“City”) has an urgent need to purchase a Type 1 Fire Engine and related fire apparatus (“Fire Engine”) for the Fire Department; 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 Fire Engine 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 Fire Engine would result in waste and substantial delay in obtaining the Fire Engine and utilizing them for essential City services, resulting in significantly increased costs for the City; and,

WHEREAS, the City staff has determined that Fire Engine 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 Fire Engine and equipment 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 Fire Engine 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. That the City Council finds that the foregoing recitals are true and correct.

SECTION 2. That the City Council further finds, for the sufficient and independent reasons stated above, that using competitive bidding to purchase the Fire Engine 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 Fire Engine and equipment.

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

- a. The total purchase of a Fire Engine shall not exceed \$1,800,000.00.
- b. The City Manager shall report a purchase of a Fire Engine pursuant to this Resolution to the City Council as soon as practical.
- c. The total cost of a Fire Engine purchase made pursuant to the authority granted by this Resolution shall not exceed \$1,800,000.00.

SECTION 4. That the authority granted by this Resolution shall expire on July 1, 2025, 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

 7/24/2024  
\_\_\_\_\_  
City Attorney Date