

## **RESOLUTION NO. 2011-441**

Adopted by the Sacramento City Council

July 26, 2011

### **APPROVING CONTRACT SUPPLEMENTS NO. 2 AND NO. 3 WITH LINCOLN EQUIPMENT, INC. FOR THE PURCHASE OF SWIMMING POOL CHEMICALS**

#### **BACKGROUND**

- A. The Parks and Recreation Department has an on-going need to purchase a variety of chemicals required to operate and maintain the City's swimming pools, wading pools and fountains.
- B. In April 2010, the Department of Parks and Recreation, in accordance with City Code Section 3.56, issued Invitation for Bid No. B10190015212 for the purchase of several groups of chemicals over a three-year period. Eight responses were received, although not all respondents provided bids for all groups.
- C. The lowest responsive and responsible bidder for Groups I and II was determined to be Lincoln Equipment, Inc. (Lincoln). Its total bid for Fiscal Year (FY) 2010/11 was \$305,990.
- D. In June 2010, City Council approved a contract with Lincoln for the first year only due to continuing uncertainty about the number of swimming pools that would be in operation in the future as a result of budget reductions. The Invitation for Bid requested price quotes for a three-year period, so the City has the right to exercise its option for the subsequent years. Lincoln is agreeable to honor its bid prices for the second and third years. Amending the contract to extend the term and increase the total consideration is required to exercise the option.
- E. In order to purchase chemicals for pool operations this summer, the contract was extended from July 1 through August 31, 2011, under the first contract supplement, which also increased the total consideration by \$30,500 under the City Manager's authority pursuant to City Code Section 3.56.290A.3.
- F. The second contract supplement would increase the total consideration by \$300,000 for FY2011/12, and if the same pool operations occurred in FY2012/13, an additional \$300,000 would be required.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Manager or designee is authorized to execute the second contract supplement with Lincoln Equipment, Inc., for the purchase of pool chemicals to

extend the contract term to June 30, 2012, to increase the total consideration by an amount not to exceed \$300,000 for Fiscal Year (FY) 2011/12 and to execute the required purchase orders.

Section 2. Provided that sufficient funds are available in the budget adopted for FY2012/13, the City Manager or designee is authorized to execute the third contract supplement with Lincoln Equipment, Inc., for the purchase of pool chemicals to extend the contract term for an additional year, to increase the total consideration by an amount not to exceed \$300,000 for FY2012/13 and to execute the required purchase orders.

Section 3. Contract supplement No. 2 described in Section 1 is attached as Exhibit A and made a part of this Resolution.

**Table of Contents:**

Exhibit A – Contract Supplement No. 2 with Lincoln Equipment, Inc., for purchase of pool chemicals

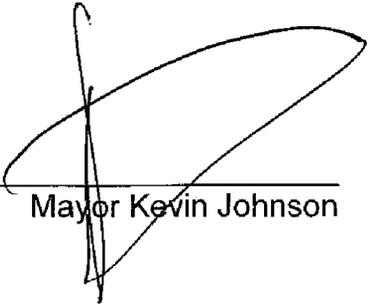
Adopted by the City of Sacramento City Council on July 26, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

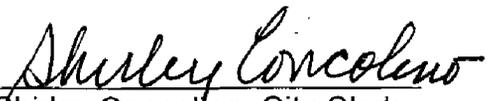
Abstain: None.

Absent: None.



\_\_\_\_\_  
Mayor Kevin Johnson

Attest:



\_\_\_\_\_  
Shirley Concolino, City Clerk

**CONTRACT SUPPLEMENT**  
**(Supplies)**

**Bid Title and Number: Swimming Pool Chemicals (B10190015212)**  
**Purchase Order #:**

**Date: 7/26/11**  
**Contract Supplement No.: 2**

The City of Sacramento ("City") and Lincoln Equipment, Inc. ("Contractor"), as parties to that certain contract awarded for the above Bid and designated as **City Contract Number 2010-0480**, including any prior contract supplements modifying said contract (said contract and contract supplements are hereafter collectively referred to as the "Contract"), hereby supplement and modify the Contract as follows:

1. The Contract is amended as follows:

The term of the Contract is extended to June 30, 2012.

2. Based on the bid prices submitted by Contractor for the second year if the City exercised its option to extend the Contract term, and the length of time the Contract term is being extended under this Supplement, the maximum not-to-exceed amount that is specified in the Contract is **increased** by \$300,000 and said maximum not-to-exceed amount is amended as follows:

Contract's original not-to-exceed amount:	<u>\$305,990.00</u>
Net change by previous contract supplements:	<u>\$ 30,500.00</u>
Not-to-exceed amount prior to this contract supplement:	<u>\$336,490.00</u>
<b>Increase</b> by this contract supplement:	<u>\$300,000.00</u>
New not-to exceed amount including all contract supplements:	<u>\$636,490.00</u>

3. Contractor agrees that the compensation specified herein shall constitute full compensation for the additional supplies City may order under this Contract amendment as specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such amendment, including costs associated with any changes and/or delays in work schedules or in the performance of other services or work by Contractor.
4. Contractor warrants and represents that the person or persons executing this contract supplement on behalf of Contractor has or have been duly authorized by Contractor to sign this contract supplement and bind Contractor to the terms hereof.
5. Except as specifically revised herein, all terms and conditions of the Contract shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Contract, as supplemented and modified by this contract supplement.

**CONTRACT SUPPLEMENT**  
**(Supplies)**

**Lincoln Equipment, Inc.**

**City of Sacramento**  
**A Municipal Corporation**

By *J. Settle*

By \_\_\_\_\_

Print Name: *Jim Settle*

Print Name: \_\_\_\_\_

Title: *Reg. Sales Mgr.*

Title: \_\_\_\_\_

For: William H. Edgar, Interim City Manager

APPROVED AS TO FORM:

*Sheryl Patterson*

Sheryl Patterson  
Senior Deputy City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk