

RESOLUTION 2008-23

A RESOLUTION OF THE GARIBALDI CONTRACT REVIEW BOARD APPROVING A SPECIFIC EXEMPTION TO COMPETITIVE BID REQUIREMENTS OF THE GARIBALDI MUNICIPAL CODE SECTION 3.10, PUBLIC CONTRACTS, FOR FIRE DEPARTMENT EQUIPMENT FUNDED THROUGH A FEDERAL HOMELAND SECURITY GRANT.

WHEREAS, The Garibaldi Fire Department ("GFD") has applied for a FEMA Assistance to Firefighters Grant for fiscal year of 2007-08 and received notification from FEMA of a \$132,105 award on August 29, 2008. The grant will replace the department's self-contained breathing apparatus ("SCBA") and upgrade an approved 6000 PSI air compressor; and

WHEREAS, Garibaldi Municipal Code (GMC) 3.10.110, Public Contracts, allows for brand name specifications in contracts; and

WHEREAS, GMC 3.10,110(B) states that the council may, by resolution, exempt certain products or classes of products upon findings that determine the efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment and supplies (GMC 3.10.110(B)(4)); and

WHEREAS, GMC 3.10,110(C)(4) states that the council may determine that an exemption should be granted if there is only one manufacturer or seller of a product of the quality required, or if the efficient utilization of the existing equipment or supplies requires a compatible product of a particular manufacturer or seller, the city may specify such particular product subject to the following conditions: (a) the product is selected on the basis of the most competitive offer, considering quality and cost, and (b) prior to awarding the contract, the city has made a reasonable effort to notify all locally known vendors of competing or comparable products of the intended specifications and invited such vendors to submit competing proposals. If the amount of the purchase exceeds \$15,000, such notice shall include advertisement in at last one newspaper of general circulation in the area where the contract is to be performed and shall be timely to allow competing vendors a reasonable opportunity to make proposals; NOW, THEREFORE,

THE COMMON COUNCIL OF THE CITY OF GARIBALDI RESOLVES AS FOLLOWS:

Section 1. The Garibaldi Contract Review Board hereby approves the use of an alternate contracting method to exempt the purchase of SCBA equipment from public contracting competitive bid requirements, pursuant to GMC 3.10.110.

Section 2. The Garibaldi Contract Review Board hereby makes the following findings based upon the provisions of GMC 3.10.110(B)(4).

- A. The GFD currently utilizes SCBA equipment manufactured by Mine Safety Appliance ("MSA"), rated at 2216 PSIG and requested funding to upgrade the existing system to 4500 PSIG. At the time the application was processed it was the desire of the GFD to continue using MSA products based on previous use and product evaluation. Prior to the award on August 29th, the GFD conducted a follow up evaluation of the MSA product as well as of Viking-brad air pacs ("ISI"), to verify and explore new products; and
- B. A product evaluation and review was scheduled and presented by Steve Morris of Sea Western Fire Fighting Equipment, as well as the ISI product presented by Rex Smith of Life Safety Corporation. Both are authorized dealers in the state of Oregon for self-contained breathing apparatus from MSA and ISI. Upon completion of the presentations, Fire department staff and volunteers identified three critical reasons for staying with the existing supplier and manufacture for self contained breathing apparatus.
- C. Evaluation findings:
 1. Interchangeable parts. By utilizing MSA as the equipment supplier the district would recognize a significant financial savings by upgrading existing spare face pieces from

2216 psig compatibility to 4500 psig compatibility. The National Institute of Occupation Safety & health, (NIOSH), does not allow parts to be interchanged from manufacture to manufacture thus eliminating the possibility of upgrading existing face pieces if another manufacture was chosen.

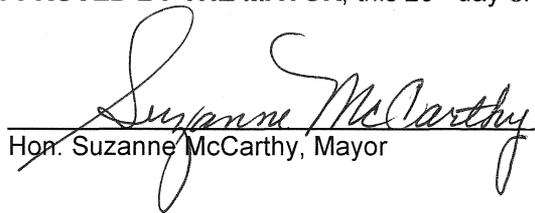
2. Quick fill system. MSA has the only quick fill system that is approved by NIOSH when in use as an "Emergency Escape Trans-fill system." This system allows firefighters to perform rapid refill of breathing air cylinders while in an Immediate Danger to Life and Health ("IDLH") atmosphere. Other manufactures mimic this type of refill by what is called "Buddy Breathing," with an additional fitting. Other manufacturer's Buddy Breathing systems void the NIOSH approval of SCBA when it is in use.
3. Universal Rescue Connection. MSA uses the same fitting for the universal rescue connection that is used in the quick fill system. This fitting allows two users to connect and equalize breathing systems with the use of the universal rescue connection. If one firefighter becomes lost, trapped, or disoriented, another fire fighter can make initial contact and equalize their breathing air cylinder until a Rapid Intervention Team ("RIT") arrives. MSA holds the patent for this fitting and is the only NIOSH approved manufacture for this type of emergency rescue.

Section 3. The Garibaldi Contract Review Board, pursuant to GMC 3.10.110(C)(4), hereby finds that the conditions for granting an exemption under GMC 3.10.110(B) exist for the following reason: all manufacturers must design and manufacture quality equipment that meets the requirements of the American National Standards Institute ("ANSI") and the National Fire Protection ("NFPA") standards. Garibaldi Fire Department has determined that MSA offers the sole-source equipment that exceeds those standards for firefighter safety.

Section 4. The Garibaldi Contract Review Board, pursuant to GMC 3.10.110(C)(4)(b), hereby directs staff to make a reasonable effort to notify all locally known vendors of competing and comparable products of the intended specifications and invite such vendors to submit competing proposals by advertising a public notice in the Headlight-Herald.

Section 5. The recitals of this resolution are incorporated herein by reference and adopted as findings in support of this approval of exemption.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR, this 20th day of October, 2008.


Hon. Suzanne McCarthy, Mayor

ATTEST:

Kevin M. Greenwood, Administrator