

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE PURCHASE OF FITNESS EQUIPMENT, FINDING THAT A COMPETITIVE BID WOULD NOT LIKELY RESULT IN A LOWER PRICE PURSUANT TO MORGAN HILL MUNICIPAL CODE SECTION 3.04.150 FOR EQUIPMENT PURCHASED UNDER YMCA PRICING, AND DELEGATING AUTHORITY TO THE CITY MANAGER TO NEGOTIATE AND EXECUTE DOCUMENTS TO EFFECT SUCH PURCHASE IN AN AMOUNT NOT TO EXCEED \$83,000.

WHEREAS, the City of Morgan Hill, through the City's partnership with the YMCA of Silicon Valley, desires to acquire new fitness equipment as due to high membership and equipment use, the equipment that was purchased in 2006 has passed its useful life; and

WHEREAS, in order to pursue cost savings, the City wishes to purchase new fitness equipment; and

WHEREAS, Cybex International, Inc., a fitness equipment company, has agreed to sell the City of Morgan Hill twenty (20) strength training machines at a discounted rate through the City's partnership with the YMCA of Silicon Valley; and

WHEREAS, pursuant to Morgan Hill Municipal Code section 3.04.150, the City Council may dispense with competitive bidding if it determines that such competitive bidding would not be likely to result in a lower price to the City from a responsible bidder or would cause unnecessary expense or delay under the circumstances; and

WHEREAS, Cybex is the recommended and supported manufacturer of strength training equipment by the YMCA of Silicon Valley ; and

WHEREAS, the City Council finds that the competitive bidding process would not be likely to result in a lower price to the City and that the City may purchase twenty (20) strength training machines from Cybex through the City's partnership with the YMCA of Silicon Valley.

WHEREAS, the reasons supporting the entrance of the City into that certain purchase described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled "Centennial Recreation Center Fitness Equipment Purchase" submitted for City Council consideration at its meeting of August 24, 2016, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City

Council conducted a duly noticed public meeting at which meeting the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

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

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That Pursuant to Morgan Hill Municipal Code section 3.04.150, the City Council hereby determines that competitive bids would not be likely to result in a lower price to City from a responsible bidder due to the discounted rate extended to City through City's partnership with the YMCA of Silicon Valley.
- b. That the City Manager is hereby delegated authority to and is authorized and directed to further negotiate and execute, and subsequently administer including the authority to terminate as necessary or appropriate, the purchase of twenty (20) strength training machines under the purchasing limits of Morgan Hill Municipal Code Section 3.040.150 and the YMCA pricing system in a total amount not to exceed \$83,000 (Eighty-Three Thousand dollars).

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 24 day of August, 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.XXXX , adopted by the City Council at the meeting held on August 24, 2016.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK