

1 RESOLUTION NO. RES-05-0080

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3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE CITY
5 MANAGER TO EXECUTE A CONTRACT WITH BAYER
6 CORPORATION WITHOUT ADVERTISING FOR BIDS, FOR
7 THE PURCHASE OF DIAGNOSTIC TEST KITS FOR ONE
8 YEAR IN THE ESTIMATED SUM OF \$125,000 AND WITH
9 OPTIONS TO EXTEND FOR TWO ADDITIONAL YEARS

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11 WHEREAS, City's Department of Health and Human Services performs
12 approximately 1,900 HIV-1 viral load tests each year; and

13 WHEREAS, the technology used by Bayer Corporation for the HIV-1 testing
14 methodology is proprietary and not available from any other manufacturer; and

15 WHEREAS, Bayer Corporation is the only company that produces a viral load
16 assay specifically designed to target multiple sequences on the HIV-1 genome with more
17 than 80 nucleic acid probes; and

18 WHEREAS, no useful purpose would be served by advertising for bids for
19 furnishing and delivering of these testing kits and to do so would constitute an idle and
20 useless act and an unnecessary expenditure of public funds because Bayer Corporation
21 is the only corporation, firm or individual that could or would bid for the furnishing of these
22 testing kits to the City;

23 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
24 follows:

25 Section 1. That the City Manager be and he is hereby authorized to enter a
26 contract with Bayer Corporation for the purchase of testing kits for the Department of
27 Health and Human Services as may be required by the City for a period of one year in a
28 sum not to exceed \$125,000 annually without advertising for bids. The parties may, by

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mutual agreement, extend the term for two additional periods of one year each. If the sole source status of Bayer Corporation changes, City shall publicly bid instead of extending the agreement.

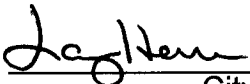
Sec. 2. This Resolution shall take effect immediately on its adoption by the City Council, and the City Clerk shall certify the vote adopting this Resolution.

I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Long Beach at its meeting on September 6, 2005, by the following vote:

Ayes: Councilmembers: Lowenthal, Baker, Colonna,
O'Donnell, Kell, Richardson,
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk