

December 7, 2021

**C-19**

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach  
California

**RECOMMENDATION:**

Adopt a Resolution authorizing the City Manager, or designee, to execute a contract, and any necessary documents including any subsequent amendments, with Engineered Mechanical Services, Inc., of Escondido, CA, for rental and maintenance of a temporary HVAC chiller, in a total annual amount not to exceed \$150,000, for a period of two years, with the option to renew for three additional one-year periods, at the discretion of the City Manager. (Citywide)

**DISCUSSION**

City Council approval is requested to enter into a contract with Engineering Mechanical Services, Inc. (EMSI), for rental and maintenance of a temporary HVAC chiller. This service will be used as a temporary replacement for the currently inoperable HVAC chiller at the Energy Resources (ER) facility.

EMSI is the sole supplier and the only authorized vendor to work on the ER facility's HVAC system and parts. Using EMSI for the temporary replacement will ensure continuity of work and minimize any disruptions at ER's facility. ER needs the temporary replacement HVAC chiller while a new building project for the facility is being developed. A new permanent HVAC system will be installed as part of the new project.

City Charter Section 1801 requires that contracts for City purchases be awarded to the lowest responsible bidder after a competitive bid process but allows for awards without a competitive bid process when authorized by a Resolution adopted by the City Council.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on November 1, 2021, Business Services Bureau Manager Tara Mortensen on November 8, 2021, and by Revenue Management Officer Geraldine Alejo on November 10, 2021.

**TIMING CONSIDERATIONS**

City Council action to adopt a Resolution and award a contract concurrently is requested on December 7, 2021, to ensure the contract is in place expeditiously.

HONORABLE MAYOR AND CITY COUNCIL  
December 7, 2021  
Page 2

FISCAL IMPACT

The total annual amount of the contract will not exceed \$150,000. In FY 22, this amount is currently budgeted in the Gas Fund Group in the Energy Resources Department. Appropriation for subsequent years will be requested as part of the annual budget process. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

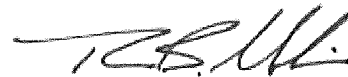
Respectfully submitted,



ROBERT M. DOWELL  
DIRECTOR OF ENERGY RESOURCES

ATTACHMENT: RESOLUTION

APPROVED:



THOMAS B. MODICA  
CITY MANAGER

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ENGINEERED MECHANICAL SERVICES INC., WITHOUT ADVERTISING FOR BIDS, FOR RENTAL AND MAINTENANCE OF A TEMPORARY HVAC CHILLER, IN AN ANNUAL AMOUNT NOT TO EXCEED \$150,000 FOR A PERIOD OF TWO YEARS WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE-YEAR PERIODS

WHEREAS, Long Beach Energy Resources requires a temporary replacement for their inoperable heating, ventilation, and air conditioning (“HVAC”) chiller for their existing HVAC system; and

WHEREAS, Energy Resources needs the replacement HVAC chiller temporarily while a new building project for the facility is being developed; and

WHEREAS, Engineered Mechanical Services Inc. (“EMSI”) installed the current chiller and is the only vendor able to do the work on their own HVAC system and parts; and

WHEREAS, using EMSI for the temporary replacement HVAC chiller will ensure continuity of work and minimize any disruptions at Energy Resources; and

WHEREAS, EMSI is the sole supplier that could provide a replacement chiller for Energy Resources HVAC system, therefore, no useful purpose would be served by advertising for bids and to do so would constitute an idle and useless act and an unnecessary expenditure of public funds;

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

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

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Section 1. The City Manager is hereby authorized to enter a contract, and any necessary amendments, without advertising for bids, with Engineered Mechanical Services Inc. for rental and maintenance of a temporary HVAC chiller in an annual amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) for a period of two (2) years. The contract may be extended for three (3) additional one-year periods, at the discretion of the City Manager. If the sole source status of Engineered Mechanical Services Inc. changes, City shall publicly bid instead of extending the contract.

Section 2. This resolution shall take effect immediately upon 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 of \_\_\_\_\_, 2021 by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

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