

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-08-0146

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GEN-PROBE SALES & SERVICE, INC., WITHOUT ADVERTISING FOR BIDS, FOR THE PURCHASE OF DIAGNOSTIC TEST KITS FOR ONE YEAR IN AN AMOUNT NOT TO EXCEED \$100,000 WITH THE OPTION TO EXTEND THE CONTRACT FOR TWO ADDITIONAL YEARS

WHEREAS, the City's Department of Health and Human Services performs approximately 5,500 Chlamydia tests, 3,500 gonorrhea tests and 300 DNA mycobacteria identification tests each year; and

WHEREAS, the technology used by Gen-Probe Sales & Service, Inc. for the Chlamydia and Gonorrhea testing methodology is proprietary and not available from another manufacturer; and

WHEREAS, Gen-Probe Sales & Service, Inc. is the only company that produces molecular DNA probe test for the identification of mycobacteria; and

WHEREAS, as a result, no useful purpose would be served by advertising for bids for furnishing and delivering these testing kits and to do so would constitute an idle and useless act and an unnecessary expenditure of public funds because Gen-Probe Sales & Service, Inc. is the only corporation, firm or individual that could or would bid for the furnishing of these testing kits to the City;

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

1. The City Manager is hereby authorized to enter a contract with Gen-

1 Probe Sales & Service, Inc. for the purchase of testing kits for the Department of Health
2 and Human Services as may be required by the City for a period of one year in an
3 amount not to exceed \$100,000 annually without advertising for bids. The parties may,
4 by mutual agreement, extend the term for two additional periods of one year each. If the
5 sole source status of Gen-Probe Sales & Service, Inc. changes, City shall publicly bid
6 instead of extending the contract.

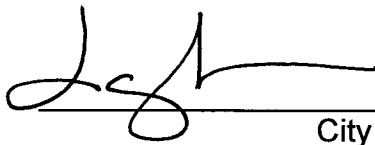
7 2. This resolution shall take effect immediately upon its adoption by the
8 City Council, and the City Clerk shall certify the vote adopting this resolution.

9 I hereby certify that the foregoing resolution was adopted by the City
10 Council of the City of Long Beach at its meeting of November 18, 2008 by the
11 following vote:

12
13 Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
14 Schipske, Andrews, Reyes Uranga,
15 Gabelich, Lerch.
16 _____

17 Noes: Councilmembers: None.
18 _____

19 Absent: Councilmembers: B. Lowenthal.
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City Clerk