

RESOLUTION NUMBER 2023/24-03

**SOLE SOURCE RESOLUTION FOR MUELLER AUTOMATED METERS**

**WHEREAS**, a Sole Source Procurement (“SSP”), according to both ORS 279B.075 and OAR 125-246-0170, is defined as any contract entered into without a competitive process and the contracting agency has procurement authority under ORS 279A.050;

**WHEREAS**, Burlington Water District (“BWD”) has procurement authority to enter into contracts to buy goods granted by ORS 279A.050 in accordance with the provisions of the Public Contracting Code; and

**WHEREAS**, the BWD Board of Directors (“Board”) must provide for the ongoing maintenance of the Burlington Water District which provides new or enhanced local services and infrastructure for the delivery of safe water for its community:

**The BWD Board makes the following Findings:**

1. The Board previously purchased Mueller equipment through bidding in accordance with the provisions of the Public Contracting Code;
2. Mueller is the sole source provider of automated meters and software that are compatible with the equipment already in place at BWD;
3. Mueller equipment requires specialized service, software, training, and parts to maintain and repair the equipment;
4. The Board previously purchased “operator” services of Mueller equipment through bidding in accordance with the provisions of the Public Contracting Code;
5. The Board desires to avoid the unnecessary high cost of conversion to new automated meters, systems, and the cost to obtain additional and/or different “operator” services.

**NOW THEREFORE, BE IT HEREBY RESOLVED that pursuant to OAR 125-247-0275(2)(a) and (d) BWD will publish notice of its sole source procurement at least seven calendar days prior to the award of the contract to Mueller; and will following notice award the purchase of the automated meters and software to Mueller.**

**BE IT FURTHER RESOLVED** that the Board hereby authorizes the BWD Clerk and BWD Treasurer to take all actions necessary to carry out the purpose of this resolution.

**BE IT FURTHER RESOLVED** that this action may be modified or rescinded at any time by subsequent resolution of the Board.

**BE IT FURTHER RESOLVED** that any conflicting prior resolutions are hereby superseded and such conflicting provisions repealed.

Upon a motion made by Chair Ron Yann, seconded by Treasurer/Budget Officer Daniel Johnson, that the foregoing be enacted as a Resolution of the Burlington Water District, the following roll call was recorded:

Chair Yan: \_\_\_\_\_  
Treasurer/Budget Officer Johnson: \_\_\_\_\_  
Board Member Curtis: \_\_\_\_\_  
Board Member Wood: \_\_\_\_\_

Board Member Hasty \_\_\_\_\_

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of the Burling Water District, on the 31<sup>st</sup> day of March, 2023.

BURLINGTON WATER DISTRICT BOARD:

ATTEST:

\_\_\_\_\_

Ron Yann, Chairman

(Susan Hasty), BWD Board Secretary

By: \_\_\_\_\_

BWD Board Secretary

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Daniel Johnson, Treasurer/Budget Officer

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Gail Curtis, Board Member

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Christopher Wood, Board Member

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Susan Hasty, Board Member