



**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Finance	<b>CEQA:</b> Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.	<b>Coordination:</b> City Attorney's Office, City Manager's Budget Office, and Environmental Services Department	<b>Dept. Approval:</b> /s/ Rick Bruneau
<b>Council District(s):</b> Citywide			<b>CMO Approval:</b>  5/14/24

**SUBJECT: AGREEMENTS WITH ABB INC., DBA ABB DE, INC., FOR ON-SITE ENGINEERING SUPPORT AND ONGOING MAINTENANCE AND SUPPORT AT THE SAN JOSE-SANTA CLARA REGIONAL WASTEWATER FACILITY**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager or her designee to:

- (a) Negotiate and execute an agreement with ABB Inc., dba ABB DE, Inc. (Wickliffe, OH) for on-site engineering support at the San José-Santa Clara Regional Wastewater Facility, beginning June 1, 2024 and ending May 31, 2025, for a maximum not-to-exceed compensation of \$365,000, subject to the appropriation of funds;
- (b) Negotiate and execute amendments to the on-site engineering support agreement for additional professional and technical services as required for a contingency not to exceed \$20,000, subject to the appropriation of funds; and
- (c) Negotiate and execute the Water Care Enhanced Agreement with ABB DE, Inc., and issue annual purchase orders pursuant to the terms and conditions of the five-year Water Care Enhanced Agreement for ongoing support and maintenance for as-needed parts replacement, repair, and rebuilding services for a maximum compensation not to exceed \$650,000 for the first year beginning June 1, 2024 and ending May 31, 2025, subject to the appropriation of funds.

**BASIS FOR RECOMMENDATION:**

The San José-Santa Clara Regional Wastewater Facility (RWF) is an advanced wastewater treatment facility that utilizes ABB Inc., dba ABB DE, Inc. (ABB DE, Inc.) distributed control systems to run and monitor critical aspects of RWF operations. The City originally purchased this equipment from Fisher-Porter, which was subsequently acquired by ABB DE, Inc., based on the results of a competitive solicitation conducted in fiscal year 1993-1994. In 2013<sup>1</sup>, City staff issued another Request for Proposals to secure the services of a qualified vendor to perform upgrades to the systems. ABB DE, Inc. was the sole responsive and responsible proposer and City Council authorized staff to enter into a new agreement with ABB DE, Inc. In December 2015<sup>2</sup>, City Council authorized staff to execute purchase orders with ABB DE, Inc. for ongoing parts replacement and repair and rebuilding services. In May 2019<sup>3</sup>, City Council authorized staff to execute an agreement for additional upgrades to the RWF control systems, which included hardware, software, programming, configuration,

<sup>1</sup> 2013 City Council Minutes, Item 2.17: <https://www.sanjoseca.gov/home/showpublisheddocument/47030/637229881319600000>

<sup>2</sup> 2015 City Council Memorandum, Item 2.12:

<https://www.sanjoseca.gov/home/showpublisheddocument/46420/637232450286000000>

<sup>3</sup> 2019 City Council Memorandum, Item 7.1: <https://sanjose.legistar.com/View.ashx?M=A&ID=684802&GUID=CD5A36E9-CAD4-4525-860D-%20%20895B163642BD>

related professional services, and ongoing support and maintenance through May 31, 2024.

Staff recommends City Council approval of an on-site ABB DE, Inc. engineer to provide technical expertise and training to RWF staff to quickly resolve some minor system issues, thus ensuring optimal performance and minimal downtime.

Additionally, ABB DE, Inc. products and services are not interoperable with other brands and services and must be maintained by ABB DE, Inc. technicians. Accordingly, the RWF maintains a Water Care Enhanced Agreement with ABB DE, Inc. for maintenance and support for this purpose.

Approval of this recommendation authorizes staff to negotiate and execute agreements with ABB DE, Inc. for (1) on-site engineering support at the RWF; (2) an on-site engineer from ABB DE, Inc. to provide technical expertise and training to RWF staff; and (3) a maintenance and support agreement for ongoing maintenance and support of the ABB DE, Inc. control systems.

Commission Recommendation/Input: The Treatment Plant Advisory Committee will consider this item at its May 23, 2024 meeting. A supplemental memorandum with the committee's recommendation will be included in the amended June 4, 2024 City Council meeting agenda.

**COST AND FUNDING SOURCE:**

Fund #	Appn #	Appn. Name	Total Appn.	Amt. for Recommendation	2023-2024 Operating Budget Page	Last Budget Action (Date, Ord. No)
513	0762	NP/EQUIP-ENVIRONMENTAL SVCS	\$39,415,055	\$1,035,000	1054	10/17/23 30966

**FOR QUESTIONS CONTACT:** For program-related questions, please contact Mariana Chavez-Vazquez, RWF General Manager, at [mariana.chavez-vasquez@sanjoseca.gov](mailto:mariana.chavez-vasquez@sanjoseca.gov). For procurement- and contract-related questions, please contact Albie Udom, Deputy Director of Finance – Purchasing and Risk Management Division, at [albie.udom@sanjoseca.gov](mailto:albie.udom@sanjoseca.gov).