

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE FORMAL BID REQUIREMENT, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A THREE-YEAR MASTER SERVICES AGREEMENT WITH OPEN COUNTER ENTERPRISES, INC. AND APPROPRIATING FUNDS THEREFORE

WHEREAS, economic development efforts are critical for the City of Chula Vista to ensure a vibrant, healthy, and diverse local economy; and

WHEREAS, continued and expanded economic development support for local businesses is required for Chula Vista to further generate sales tax and provide residents with viable options; and

WHEREAS, city staff receives, on average, 20 to 30 inquiries per month from existing businesses and start-up businesses on zoning, permitting and fee information in relation to their proposed project; and

WHEREAS, a custom online interface that allows citizens, developers and businesses to obtain reliable and timely information about zoning, permits and fees will further the City's economic development efforts; and

WHEREAS, OpenCounter Enterprises Inc. ("Consultant") offers a uniquely proprietary product that the City is unaware of other similarly designed products and therefore a formal solicitation of proposed services would not be productive; and

WHEREAS, pursuant to Chula Vista Municipal Code (CVMC) Section 2.56.070 and the above facts, OpenCounter Enterprises Inc., is uniquely qualified to serve as the Consultant for this project and staff is recommending the City Council waive the formal bidding process and enter into an agreement with OpenCounter Enterprises Inc as a sole source; and

WHEREAS, the Consultant warrants and represents that they are experienced and staffed in a manner such that they are and can prepare and deliver the services required of Consultant to City within the timeframes herein provided all in accordance with the terms and conditions of the subject Agreement, a copy of which is on file in the City Clerk's Office.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Chula Vista does hereby find that the City's competitive bidding requirements as applied to the subject Agreement would be impractical for the reasons stated herein, and hereby waives the competitive bidding process.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it approves the Agreement, between the City and OpenCounter Enterprises, Inc., in the form

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substantially presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk and authorizes the City Manager or designee to execute same.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it approves an appropriation of \$86,000 to the Economic Development's Supplies and Services budget to be offset by unanticipated revenue.

Presented by

Approved as to form by

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Eric Crockett  
Director of Economic Development

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Glen R. Googins  
City Attorney