

..Explanation

This ordinance is needed to amend Ordinance 3201-2021 which authorized Director of Finance and Management to enter into a contract and issue a purchase order as needed with Fyda Freightliner Columbus, Inc. for the purchase of a pothole patching truck. This amendment is needed to authorize payment of a surcharge to cover increased production costs due to increases in material prices. This equipment is necessary for repairing and maintaining city streets.

Additional funding of \$2,900.00 from the Municipal Motor Vehicle Tax Fund is needed to amend Ordinance 3201-2021, which passed City Council on December 13, 2021.

Emergency action is requested for this amendment in order to ensure that city street repair and maintenance is not interrupted.

FISCAL IMPACT: Funding of \$207,275.00 is on ACPR002124 and funds are available and appropriated for the surcharge of \$2,900.00 within the Municipal Motor Vehicle Tax Fund, Fund 2266.

..Title

To amend Ordinance Number 3201-2021 for the purchase of a pothole patching truck with Fyda Freightliner Columbus; and to declare an emergency. (\$2,900.00)

..Body

WHEREAS, it is necessary to amend Ordinance No. 3201-2021 for the contract with Fyda Freightliner Columbus for the purchase of a pothole patching truck; and,

WHEREAS, it is necessary to expend additional funds to pay for the equipment surcharge of \$2,900.00; and

WHEREAS, this ordinance is being submitted as an emergency measure so that city repair and maintenance can proceed without interruption; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the payment of the surcharge for increased material costs for the immediate preservation of the public health, peace, property, safety and welfare; **Now, therefore,**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Explanation of Ordinance No. 3201-2021 is amended to read:

Explanation

1. BACKGROUND

This ordinance authorizes the Director of Finance and Management to enter into a contract and issue a purchase order as needed with Fyda Freightliner Columbus, Inc. for the purchase of a pothole patching truck. This purchase will be made for the Department of Public Service, Division of Infrastructure Management.

The Division of Infrastructure Management will use the equipment for repairing and maintain city streets. The City of Columbus, Fleet Management Division, approved the purchase of this equipment to replace equipment that has reached the end of its useful life.

The Purchasing Office advertised and solicited competitive bids in accordance with the relevant provisions of City Code Chapter 329 relating to competitive bidding (Solicitation RFQ020262) through Vendor Services. The City received one bid for the pothole patching truck on November 22, 2021 and it was tabulated as follows:

<u>Company Name</u>	<u>Bid Amount</u>	<u>City/State</u>	<u>Majority/MBE/FBE</u>
Fyda Freightliner Columbus	\$207,275	Columbus, OH	Majority

The bid did not meet the full specifications, but is acceptable as submitted. The minimum capacity of 220 gallon heating oil transfer system specification was not met, and a reduced capacity of 150 gallons was accepted instead. **After the bidding period, the vendor submitted a request to Purchasing and was granted permission to add a surcharge to cover increased production costs due to material price increases.** The Department of Public Service, Division of Infrastructure is requesting to waive bidding provisions of City Code Chapter 329, enter directly into contract with Fyda Freightliner Columbus, Inc., and to establish a purchase order with Fyda Freightliner Columbus, Inc. to purchase the pothole patching truck offered in its bid of \$207,275.00 **with the added surcharge of \$2,900.00 for a total of \$210,175.00.**

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Fyda Freightliner Columbus, Inc.

SECTION 2. That the Title of Ordinance No. 3201-2021 is amended to read:

Title

To authorize the Director of Finance and Management to enter into a contract with Fyda Freightliner Columbus, Inc. for the purchase of a pothole patching truck; to waive the competitive bidding provisions of City Code Chapter 329; to authorize the expenditure of up to \$207,275.00 from the Street Construction Maintenance and Repair Fund **and up to \$2,900.00 from the Municipal Motor Vehicle Tax Fund** to purchase the equipment; and to declare an emergency. (~~\$207,275.00~~**\$210,175.00**)

SECTION 3. That the Body of Ordinance No. 3201-2021 is amended to read:

Body

WHEREAS, the Department of Public Service, Division of Infrastructure Management, needs to purchase a pothole patching truck to maintain and repair the streets throughout the City of Columbus; and

WHEREAS, this purchase has been approved by the City's Fleet Management Division; and

WHEREAS, the Purchasing Office received a formal bid on November 22, 2021, for a pothole patching truck for the Division of Infrastructure Management; and

WHEREAS, Fyda Freightliner Columbus, Inc., submitted a bid in the amount of \$207,275.00 for a pothole patching truck; and

WHEREAS, Fyda Freightliner Columbus, Inc., submitted a request to add a surcharge of \$2,900.00 per affected vehicle due to increased material costs; and

WHEREAS, the bid did not fully meet the specifications, but is acceptable for the intended use; and

WHEREAS, it is in the City's best interests to waive the competitive bidding provisions of City Code Chapter 329 for purchases from Fyda Freightliner Columbus, Inc. as existing equipment reaches end of life, it is in the department's best interest to replace it with similar equipment being used currently; and

WHEREAS, it is necessary to expend funds to pay for the equipment; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Finance and Management Director to enter into a contract with Fyda Freightliner Columbus, Inc. in accordance with the terms, conditions, and specifications of Solicitation Number

RFQ020262 **and surcharge request** on file in the Purchasing Office, and so this equipment can be put into service as quickly as possible to prevent interruption to, or disruption of, the city's concrete work and other various special projects, thereby preserving the public health, peace, property, safety, and welfare; **now, therefore**

SECTION 3. That the Sections in Ordinance No. 3201-2021 are amended to read:

SECTION 1. That the Director of Finance and Management be and is hereby authorized to enter into a contract with and issue a purchase order to Fyda Freightliner Columbus, Inc. for the purchase of a pothole patching truck.

SECTION 2. That the expenditure of \$207,275.00, or so much thereof as may be needed, is hereby authorized in Fund 2265 (Street Construction Maintenance and Repair Fund), Dept-Div 5911 (Infrastructure Management), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 3. That the expenditure of \$2,900.00, or so much thereof as may be needed, is hereby authorized in Fund 2266 (Municipal Motor Vehicle Tax Fund), Dept-Div 5911 (Infrastructure Management), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 34. That this Council finds it in the City's best interest to waive the competitive bidding provisions of Columbus City Code Chapter 329.

SECTION 35. Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

SECTION 46. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.