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**CITY OF COLUMBUS - BID WAIVER INFORMATION FORM  
TO ACCOMPANY LEGISLATION WHICH WAIVES ANY PROVISIONS OF  
COLUMBUS CITY CODES CHAPTER 329  
(PLEASE LIMIT YOUR RESPONSE TO THIS SHEET)**

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1. **In accordance with section 329.27 of the Columbus City Code, City Council may determine that the City's best interest is served by waiving the City Code Formal Bid procedures for the following reason(s): (Note that these reasons are all based on time. Currently, formal bid average completion time is 160 calendar days.)**
- An unanticipated breakdown created an unplanned, emergency need.
- The item to be purchased is of a perishable nature, the price or availability will perish before the formal bid process can be completed.
- Need to extend an existing contract for one year or more where no provision for extension was included in the original bid/contract.
- Need to increase a contract for additional supplies/services, although the original contract obligations have been fulfilled.
- A new law or regulation requires immediate compliance; there is insufficient time to accomplish formal competitive bidding and satisfy the needs in order to comply.
- Other : The Purchasing Office advertised and solicited competitive sealed bids in accordance with the relevant provisions of Section 329 (Solicitation SA005913). Seventy (70) vendors (66 MAJ/4 MBR) were solicited and two (2) bids (2 MAJ) were received and opened on July 9, 2015. FYDA Freightliner Columbus, Inc. submitted a bid in the total amount of \$355,497.00 and ESEC Corp dba Columbus Peterbilt submitted a primary bid in the total amount of \$377,082.00 and an optional bid in the total amount of \$397,362.00. The Purchasing Office noted during their review that the low bidder, FYDA Freightliner Columbus, Inc. failed to include with their bid submittal the required addenda. As part of the review process FYDA Freightliner Columbus, Inc. was contacted by the Purchasing Office and received confirmation that the addenda omission was inadvertent and that they are in full compliance with the technical specifications. The Purchasing Office determined that the omission of the addenda by FYDA Freightliner Columbus, Inc. was a material omission and the bid submittal was determined to be non-responsive. The Division of Water completed a subsequent review of the bids submitted by FYDA Freightliner Columbus, Inc. and ESEC Corp dba Columbus Peterbilt. FYDA Freightliner Columbus, Inc. was found to be in compliance of the technical specifications. However, taking into account the non-responsiveness of FYDA Freightliner Columbus, Inc., the primary and optional bids submitted by ESEC Corp dba Columbus Peterbilt's bid were also reviewed. The bids submitted from ESEC Corp dba Columbus Peterbilt's were found to be non-responsive due to exceptions related to the hydro excavator body (details concerning the exceptions are contained in the Division's recommendation letter on file with the Purchasing Office). After careful consideration of the City's procurement code, and in consultation with the Purchasing Office, the Department of Public Utilities, Division of Water finds that FYDA Freightliner Columbus, Inc.'s material omission did not provide them with a competitive advantage. The Department of Public Utilities, Division of Water therefore finds it is in the best interest of the rate payers to reject both bids, waive the competitive bidding provisions of the Columbus City Code, Section 329, and to ask the Purchasing Office to enter in contract negotiations with FYDA Freightliner Columbus, Inc., the lowest bidder and only bidder found to be in compliance with the technical specifications. The Department of Public Utilities, Division of Water recommends FYDA Freightliner Columbus, Inc. be awarded this contract for a total amount of \$355,497.00. FYDA Freightliner Columbus, Inc. does not have MBE/FBE status.

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2. Informal bid procedure used:  Yes  No Explain:

N/A

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3. Informal bids received and prices for each:

N/A

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4. If lowest bid was not accepted, Explain:

N/A

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Ordinance No.: 2109-2015

Approved By: Authorized Approval on Corresponding Legislative File

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