



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 4/15/2024 **In control:** Public Utilities & Sustainability Committee

On agenda: 5/6/2024 **Final action:** 5/9/2024

Title: To amend the 2023 Capital Improvement Budget; to authorize the Director of Finance and Management to associate all General Budget reservations resulting from this ordinance with Ohio Machinery Co. dba Ohio Peterbilt; to authorize the expenditure of up to \$194,375.70 from the Refuse Bond Fund for the cost of surcharges; and to declare an emergency. (\$194,375.70)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 1147-2024 Roll-off Hoist Trucks-Surcharges

| Date | Ver. | Action By | Action | Result |
|----------|------|-----------------------|----------|--------|
| 5/9/2024 | 1 | ACTING CITY CLERK | Attest | |
| 5/7/2024 | 1 | MAYOR | Signed | |
| 5/6/2024 | 1 | COUNCIL PRESIDENT | Signed | |
| 5/6/2024 | 1 | Columbus City Council | Approved | Pass |

1. BACKGROUND

This ordinance authorizes the Director of Finance and Management, on behalf of the Director of Public Service, to associate all General Budget Reservations resulting from this ordinance to pay for an increase in price for three (3) Peterbilt 348/ Galbreath Holtz Roll-off Hoist Trucks. This purchase was awarded through RFQ017103, and has been approved by the Division of Fleet Management.

The purchase of these trucks was originally authorized by Ordinance 0488-2021, and awarded to ESEC Corporation dba Columbus Peterbilt, on the original purchase order (PO267486) confirmed April 8, 2021. However, effective October 30, 2021, ESEC Corporation dba Columbus Peterbilt was acquired by Ohio Machinery Co. dba Ohio Peterbilt (FID 34-0672363), and all existing orders for ESEC Corporation were to be transferred to Ohio Machinery Co. dba Ohio Peterbilt (Ordinance 2634-2021). PO267486 was cancelled, and a new encumbrance was established (ACPR002599).

During the elapsed time between the initial order, and the upcoming delivery, surcharges in the amount of \$194,375.70 have been applied to the original purchase price of \$611,856.30 executed on PO267486, due to the increase of production costs associated with supply chain demands during the COVID-19 pandemic. The Department of Public Service, and the Division of Refuse collection have approved the increase in price. The Purchasing Department will approve the surcharge increase contingent upon documentation provided by the vendor prior to the approval of this legislation.

Ohio Machinery Co. dba Ohio Peterbilt is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Ohio machinery dba Ohio Peterbilt is CC006428 and expires 6/8/2024.

3. FISCAL IMPACT:

Funding for this purchase is available within the Refuse Bond Fund, Fund 7703. It is necessary to amend the 2023 Capital Improvements Budget to transfer budget authority within the fund to align with the proper project. The funds are appropriated.

4. MINORITY AND WOMAN OWNED BUSINESS ENTERPRISE & SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

This expenditure is for an equipment purchase and is exempt from the MBE/WBE program.

5. EMERGENCY DESIGNATION

This ordinance is to be considered an emergency to meet the urgent need of replacing trucks that are currently unavailable due to mechanical repairs that are not cost effective or the vehicles are no longer operational. Also as explained in the Background section above, the acquisition of the vendor with whom the original purchase order was executed, required a new PO to be executed with the new vendor. Therefore, since the order will soon be arriving, it is urgent that a new PO with the increase for surcharges is established in order to pay for the increase in price.

To amend the 2023 Capital Improvement Budget; to authorize the Director of Finance and Management to associate all General Budget reservations resulting from this ordinance with Ohio Machinery Co. dba Ohio Peterbilt; to authorize the expenditure of up to \$194,375.70 from the Refuse Bond Fund for the cost of surcharges; and to declare an emergency. (\$194,375.70)

WHEREAS, the Division of Refuse Collection purchased three (3) Roll-off Hoist Trucks; and

WHEREAS, the Division of Fleet Management approved replacing these vehicles; and

WHEREAS, the original order for these trucks was authorized by Ordinance 0488-2021 with ESEC Corporation dba Columbus Peterbilt; and

WHEREAS, ESEC Corporation dba Columbus Peterbilt was acquired by Ohio machinery Co. dba Ohio Peterbilt on October 30, 2021; and

WHEREAS, legislation authorizing the assignment modification of past, present and future business done by the City of Columbus from ESEC Corp., dba Columbus Peterbilt FID #34-1285858 to Ohio Machinery Co., dba Ohio Peterbilt, FID 34-0672363, was passed on October 18, 2021 (Ordinance 2634-2021); and

WHEREAS, PO267486 was cancelled and a new encumbrance was established with Ohio Machinery Co. dba Ohio Peterbilt; and

WHEREAS, authorization is required for additional surcharges in the amount of \$194,375.70 assessed by the vendor above and beyond the original purchase price established in the original order; and

WHEREAS, it is necessary to authorize the expenditure of up to \$194,375.70 from the Refuse Bond Fund, Fund 7703, to purchase these vehicles; and

WHEREAS, it is necessary to amend the 2023 Capital Improvements Budget; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Service to authorize the Director of Finance and Management to associate all general budget reservations with Ohio Machinery Co. dba Ohio Peterbilt in accordance with the terms, conditions and specifications of the Universal Term Contract Purchase Agreement, under which the original purchase order PO267486 was established; 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 Director of Finance & Management to enter into contracts to purchase front and

rear loading refuse trucks to replace trucks that are currently unavailable due to mechanical repairs that are not cost effective or the vehicles are no longer operational, thereby preserving 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 2023 Capital Improvements Budget be amended as follows to establish sufficient authority for this project:

Fund / Project / Project name / Current / Change / C.I.B. as Amended

7703 / P520001-100000 / Mechanized Collection Equipment (Voted Carryover) / \$13,619,468 / (\$194,376) / \$13,425,092

7703 / P520001-100018 / Mechanized Collection - Roll-off trucks 2021 (Voted Carryover) / \$0 / \$194,376 / \$194,376

SECTION 2. That the Director of Finance and Management be and is hereby authorized to associate all General Budget Reservations resulting from this ordinance for the purchase of Roll-off Hoist Trucks with Ohio machinery dba Ohio Peterbilt, for the Division of Refuse Collection.

SECTION 3. That the expenditure of \$194,375.70, or so much thereof as may be needed, is hereby authorized in Fund 7703 (Refuse Bond Fund), Dept-Div 5902 (Division of Refuse Collection), P520001-100018 (Mechanized Collection - Roll-off trucks 2021), in Object Class 06 (Capital Outlay), per the account codes in the attachment to this ordinance for surcharges in the amount of \$194,375.70 for three Roll-off Hoist Trucks.

SECTION 4. That City Council approves the purchase of more than \$100,000.00 from an individual for the purchase of refuse trucks for the Division of Refuse Collection.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

SECTION 8. 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.