



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed
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On agenda: 10/28/2013 **Final action:** 10/30/2013

Title: To authorize the Finance & Management Director to enter into contracts for the option to purchase parts for existing 96 Gallon Automated Refuse Containers on an as needed basis with Toter LLC; to authorize the expenditure of One (1) dollar from the Mail, Print Services and UTC Fund, to waive competitive bidding provisions of the Columbus City Codes, 1959; and to declare an emergency. (\$1.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Waiver Form

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 10/30/2013 | 1 | CITY CLERK | Attest | |
| 10/29/2013 | 1 | MAYOR | Signed | |
| 10/28/2013 | 1 | COUNCIL PRESIDENT | Signed | |
| 10/28/2013 | 1 | Columbus City Council | Approved | Pass |

BACKGROUND: This ordinance is for the creation a Universal Term Contract for the option to purchase replacement parts for existing Toter 96 Gallon Automated Refuse Containers on an as needed basis by the Finance and Management Department for use by the Department of Public Service Division of Refuse Collection. These Toter Brand automated refuse containers are installed throughout the City of Columbus and utilized in residential refuse collections by fully automated and semi-automated collection. These items are being awarded in accordance with vendors' responses to this bid. This award for parts for existing containers will be needed to extend the useful life of the already deployed Toter brand containers as the contract for new containers is being awarded to a different manufacturer from the existing units and the parts are not interchangeable. Therefore, despite a change in container brands, it will still be necessary to contract with Toter in order to maintain current stock. The term of the proposed option contracts would be through June 30, 2016 with the option to renew for one (1) additional year subject to mutual agreement of both parties. The Purchasing Office opened formal bids on June 27, 2013.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA004990). Ninety One (91) Bids were solicited: (M1A-2, F1-1) Four (4) Bids were received.

This bidder is considered non-responsive to the requirements/specifications in that they cannot mold 2 inch high serial numbering, instead offering smaller numbering. Toter LLC met all other requirements of the bid.

The Purchasing Office recommends consideration of this bid on an informal basis and award of a contract to Toter LLC based on a negotiated contract and waive bidding requirements as per 329.27 as being in the City's best interest as there is insufficient time to conduct a new bid process and no indication that a new bid process would provide better results.

Toter, LLC CC#561362422 (expires 7-1-2015)

Total Estimated Annual Expenditure: \$100,000.00

This company is not debarred according to the Federal Excluded Parties Listing or the State Auditor's Findings For Recovery Database.

This ordinance is being submitted as an emergency because, without emergency action, an uninterrupted supply of parts for existing 96 Gallon Automated Refuse Containers will not be maintained and the efficient delivery of valuable public services will be slowed. The previous contract for parts for 96 Gallon Automated Containers has expired and the current supply will be exhausted shortly.

FISCAL IMPACT: Funding to establish this option contract is budgeted in the Mail, Print Services and UTC Fund. The Department of Public Service Division of Refuse Collection will be required to obtain approval to expend from their own appropriations for their estimated annual expenditures.

To authorize the Finance & Management Director to enter into contracts for the option to purchase parts for existing 96 Gallon Automated Refuse Containers on an as needed basis with Toter LLC; to authorize the expenditure of One (1) dollar from the Mail, Print Services and UTC Fund, to waive competitive bidding provisions of the Columbus City Codes, 1959; and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 29, 2013 for 96 Gallon Automated Containers; and

WHEREAS, bids for parts to fit the containers currently in use were deemed non-responsive to the solicitation; and

WHEREAS, the Purchasing Office recommends consideration of the bids on an informal basis; waiving competitive bidding requirements as allowed under 329.27 and negotiating an agreement with the lowest bidder for these replacement parts (Toter LLC); and

WHEREAS, this ordinance addresses Purchasing objective of 1) maximizing the use of City resources by obtaining optimal products/services at low prices and 2) encouraging economic development by improving access to City bid opportunities and 3) providing effective option contracts for the purchase of parts for existing 96 Gallon Automated Refuse Containers; and

WHEREAS, these parts for existing 96 Gallon Automated Refuse Containers and associated parts are necessary to extend the life of the existing units and to allow the Department of Public Service Division of Refuse Collection to maintain their operations in the most efficient manner, this is being submitted for consideration as an emergency measure; and

WHEREAS, the contract will be in effect for three (3) years to and including June 30, 2016 with an option to extend for one (1) additional year subject to mutual agreement of both parties; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service Division of Refuse Collection, in that it is immediately necessary to enter into contracts for an option to purchase parts for existing 96 Gallon Automated Refuse Container, 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 Finance and Management Director be and is hereby authorized to enter into the following contract for an option to purchase parts for existing 96 Gallon Automated Refuse Containers for the term ending June 30, 2016 with the option to extend, subject to mutual agreement for One (1) year in accordance with a negotiated contract based on solicitation No. SA004990 as follows:

Toter, LLC Item 2 Amount \$1.00

SECTION 2. That city Council has determined that it is in the best interest of the City of Columbus that the formal competitive bidding requirements of the City Code be and are hereby waived for establishing an option contract with Toter LLC for the purchase of parts for existing containers.

SECTION 3, That the expenditure of \$1.00 is hereby authorized from the Mail, Print Services and UTC Fund, Organization Level 1: 45-01, Fund: 05-517, Object Level 3: 2270, OCA: 451130, to pay the cost thereof.

SECTION 4. 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 5. That for the reason stated in the preamble here to, 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.