



Legislation Details (With Text)

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On agenda: 4/5/2010 **Final action:** 4/6/2010
Title: To authorize and direct the Finance and Management Director to enter into a UTC contract for an option to purchase Hydrofluosilicic Acid with Pencco Inc., to authorize the expenditure of one dollar to establish the contract from the Mail, Print Services and UTC Fund, to waive the competitive bidding provisions of the Columbus City Codes; and to declare an emergency. (\$1.00)

Sponsors:

Indexes:

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Attachments: 1. waiverfluoride2010.pdf

Date	Ver.	Action By	Action	Result
4/6/2010	1	MAYOR	Signed	
4/6/2010	1	CITY CLERK	Attest	
4/5/2010	1	Columbus City Council	Approved	Pass
4/5/2010	1	COUNCIL PRESIDENT	Signed	
3/22/2010	1	Finance - Purchasing Drafter	Sent for Approval	
3/22/2010	1	Auditor Reviewer	Reviewed and Approved	
3/22/2010	1	CITY AUDITOR	Reviewed and Approved	
3/22/2010	1	Finance Drafter	Sent for Approval	
3/22/2010	1	CITY ATTORNEY	Reviewed and Approved	
3/22/2010	1	Finance Drafter	Sent to Clerk's Office for Council	
3/19/2010	1	EBOCO Reviewer	Sent for Approval	
3/19/2010	1	ODI DIRECTOR	Reviewed and Approved	
3/18/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
3/18/2010	1	Finance Drafter	Sent for Approval	
3/17/2010	1	Finance Reviewer	Reviewed and Approved	
3/16/2010	1	Finance - Purchasing Reviewer	Reviewed and Approved	
3/15/2010	1	Finance - Purchasing Drafter	Sent for Approval	

BACKGROUND: For the option to purchase Hydrofluosilicic Acid for the Division of Water, Department of Public Utilities. Hydrofluosilicic Acid is used in the City's water treatment process.

The term of the proposed option contract would be through March 31, 2011, with the option to extend for one additional year. The Purchasing Office opened formal bids on February 4, 2010.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA003485).

Forty one bidders were solicited (MBE:0, FBE:0) two (MBE:0, FBE:0) bids were received.

Two bids were received, both proposals were rejected by the City as current market conditions prohibit the bidders from complying with the City's specifications in their entirety. Upon approval by the Public Utilities Director, the Purchasing Office informally reconsidered both bids and entered into negotiations with the lowest numeric bidder. These successful negotiations resulted in an agreement in which the City agrees that the vendor will not be responsible for costs incurred by the City in the event of a market shortage. A contract will now be established with Pencco Inc., as the lowest and best bid received.

The Purchasing Office is recommending award of a contract to the lowest and best bid:

Pencco Inc. CC# 742333384, (Expires 2/13/11) Item #1.

Total Estimated Annual Expenditure: \$720,000.00

The company is not debarred according to the Excluded Parties Listing of the Federal Government and is not listed in the Auditor of State's database for Findings for Recovery.

This ordinance is being submitted as an emergency because, without emergency action, no less than 37 days will be added to this procurement cycle and the efficient delivery of valuable public services will be slowed.

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

To authorize and direct the Finance and Management Director to enter into a UTC contract for an option to purchase Hydrofluosilicic Acid with Pencco Inc., to authorize the expenditure of one dollar to establish the contract from the Mail, Print Services and UTC Fund, to waive the competitive bidding provisions of the Columbus City Codes; and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on February 4, 2010; and

WHEREAS, all bids were deemed non-responsive and the City conducted negotiations after considering all proposals on an informal basis; and

WHEREAS, after negotiations, Pencco Inc., was deemed the lowest and best bid received; and

WHEREAS, this ordinance addresses Purchasing objectives 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 City agencies to efficiently maintain their supply chain and service to the public; and

WHEREAS, Hydrofluosilicic Acid is used in the City's water treatment process, this is being submitted for consideration as an emergency measure; and

WHEREAS, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to enter into a contract for an option to purchase Hydrofluosilicic Acid, 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 and directed to enter into a UTC contract for an option to purchase Hydrofluosilicic Acid in accordance with Solicitation No. SA003193; the term of the contract is through March 31, 2011, with the option to extend for one additional year, considered informally, as follows: Pencco Inc., item #1.

SECTION 2. 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 3. That in accordance with Section 329.27 of the Columbus City Code, this Council finds the best interest of the City is served by waiving, and does hereby waive Section 329.06 (Formal Competitive Bidding) of the Columbus City Codes.

SECTION 4. 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.