



## Legislation Text

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**File #:** 2401-2013, **Version:** 1

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### **1. BACKGROUND**

The Department of Public Service, Division of Refuse Collection, utilizes Toter 96-gallon containers in its mechanized collection system for residential trash collection. The Division requires replacement parts for containers that are not covered by warranties. This legislation authorizes the Director of Finance and Management to establish a purchase order for the Division of Refuse Collection with Toter, Incorporated, for 96-gallon container replacement parts.

Toter was the contracted supplier of these containers and parts through a Universal Term Contract (UTC) established by the City's Purchasing Office. That contract expired and a bid for 96-gallon containers and replacement parts was conducted through the City's Purchasing Office. The new contract was awarded to another supplier. The Division of Refuse Collection has over 190,000 Toter 96-gallon containers which will require replacement parts and Toter parts are not interchangeable with the new supplier's parts. This Ordinance is contingent upon the passage of Department of Finance and Management Ordinance #2405-2013 to establish a Universal Term Contract for Toter 96-gallon replacement parts. The total expenditure authorized with this ordinance is \$100,000.00.

### **2. CONTRACT COMPLIANCE**

The Toter, Incorporated, contract compliance number is 561362422 and expires 7-1-15.

### **3. FISCAL IMPACT**

Funding is available within the Refuse G.O. Bonds Fund, #703, for project 520001-100001 (96 Gallon Containers) in an amount sufficient to fund this purchase. This purchase is contingent upon the passage of Ordinance #2405-2013 to establish a UTC contract with Toter for the purchase of replacement parts.

### **4. EMERGENCY**

Emergency action is requested to prevent an uninterrupted supply of 96-gallon container parts to ensure the continued delivery of trash collection services to all residents and to maintain the efficient delivery of a valuable public service.

To authorize the Director of Finance and Management to establish a purchase order with Toter, Incorporated, for the purchase of 96-gallon mechanized collection container parts for the Division of Refuse Collection per the terms and conditions of a citywide contract; to authorize the expenditure of \$100,000.00 or so much thereof as may be needed from the Division of Refuse Collection's General Obligations Bonds Fund; and to declare an emergency. (\$100,000.00)

**WHEREAS**, the Department of Finance and Management is establishing a new citywide UTC contract for the purchase of 96-gallon containers and replacement parts; and

**WHEREAS**, the Division of Refuse Collection has an ongoing need for replacement parts for the over 190,000 Toter 96-gallon containers deployed for residential collection; and

**WHEREAS**, Toter is the only source for these parts; and

**WHEREAS**, the purchase of these parts constitute a portion of the container replacement program and is a budgeted expense within the Division of Refuse Collection's Capital Improvement Budget; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Refuse Collection in that an uninterrupted supply of Toter 96-gallon replacement parts is necessary to ensure the continued delivery of trash collection service to all residents, 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 Director of Finance and Management be and hereby is authorized to establish a purchase order in the amount of \$100,000.00 with Toter, Incorporated, 841 Meacham Road, Statesville, NC, 28677, for the purchase of miscellaneous replacement parts for Toter 96-gallon containers in accordance with the terms of the Universal Term Contract (UTC) that will be established for this purpose.

**Section 2.** That to pay the cost of the aforementioned purchase order, the expenditure of \$100,000.00 or so much thereof as may be needed is hereby authorized from the Refuse G.O. Bonds Fund, No. 703, as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA code / Amount  
703 / 520001-100001 / 96 Gallon Containers (Councilmanic SIT Supported) / 06-6651 / 730101 / \$100,000.00

**Section 3.** 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 4.** 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 5.** 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 6.** 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.