



City of Columbus

Office of City Clerk
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Legislation Text

File #: 1787-2010, Version: 1

BACKGROUND: To modify the existing contract FL004382 with Traffic Control Products, Inc., for the option to purchase Traffic Pedestrian Signal Equipment to add additional items 5A, 6A, 7A, and 8A and the requirement that these items meet the provision of the American Recovery and Reinvestment Act of 2009 that sets forth the Buy American provisions.

The Purchasing Office established an option contract with Traffic Control Products in accordance with formal competitive bid SA003200 that was opened on March 19, 2009. The option contract is through May 31, 2011 with the option to extend two additional one-year periods.

The Department of Public Service, Division of Planning and Operations received grant money from the Department of Energy and has a need to purchase signal pedestrian housing for city projects. Contract FL004382 was established for these items with Traffic Control Products, the lowest, responsive bidder per solicitation SA003200.

Contract FL004382 did not have the requirement that products must meet the Buy American provision of the American Recovery and Reinvestment Act of 2009, accordingly the four items under this contract did not meet the Buy American provision. Traffic Control Products can modify the manufacture of these items awarded under contract FL004382. and at an additional cost, provide the items to meet the Buy American provisions.

The price of the items that meet the Buy American provision were negotiated. The increase in price for the items remains less than the price offered by the next lowest bidder for these items per solicitation SA003200.

Traffic Control Products, Inc., CC#341374949, Exp. 5/29/2011

This company is not debarred according to the Excluded Parties listing of the Federal Government and is not listed in the Auditor of States 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: No funding is required to modify this contract, city agencies must set aside their own funding for their estimated expenditures

To authorize and direct the Finance and Management Director to modify a contract with Traffic Control Products, Inc. for traffic pedestrian signal equipment to add additional items to the contract and to add the requirement that they comply with the Buy American provision of the American Recovery and Reinvestment Act of 2009; to waive the competitive bidding provisions of of the Columbus City Codes; and to declare an emergency.

WHEREAS, the Purchasing Office advertised and solicited formal bids on March 9, 2009 and awarded an option contract to Traffic Control Products, Inc. for items 5, 6, 7, and 8, the lowest, responsive bidder for these items; and

WHEREAS, the Department of Public Service, Division of Operations and Mobility, the largest user, has a need to purchase the items awarded; and

WHEREAS, The Department of Public Service was awarded a federal Department of Energy grant and intends to use the grant to purchase Traffic Pedestrian Signal Equipment and as a condition of the grant must comply with the requirement that manufactured items meet the Buy American provision of the grant; and

WHEREAS, To comply with the grant the contract for Traffic Pedestrian Signal Equipment with Traffic Control Products be modified to allow for the addition of items 5A, 6A, 7A, and 8A and add the requirement that they comply with the Buy American provision of the American Recovery and Reinvestment Act of 2009 that the items be "substantially transformed in the United States"; and

WHEREAS, in order to ensure Traffic Pedestrian Signal Equipment is supplied without interruption to enable the installation of traffic pedestrian signals at various roadways throughout the City of Columbus this is being submitted for consideration as an emergency measure; and

WHEREAS, this is being submitted in accordance with section 329.27; to waive section 329.06 of the Columbus City Code; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service Division of Planning and Operations in that it is immediately necessary to modify the option contract to allow for the purchase of Traffic Pedestrian Signal Equipment that meets the requirements of the Buy American provision of the American Recovery and Reinvestment Act of 2009 to comply with the provisions of the Department of Energy grant money to be used for the purchase 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 modify contract FL004382 with Traffic Control Products, Inc. to add items 5A, 6A, 7A, and 8A and that the manufacture of the items meet the requirement of the Buy American provision of the American Recovery and Reinvestment Act of 2009, and

SECTION 2. 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 (Competitive Sealed Bidding, the procurement of materials, supplies and equipment) of the Columbus City Code.

SECTION 3. 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.