



## Legislation Text

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**File #: 0455-2008, Version: 1**

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**BACKGROUND:** For the option to purchase Hydrofluosilicic Acid for the Division of Water, Department of Public Utilities. The term of the proposed option contract would be through March 31, 2009, with the option to extend for one additional year. The Purchasing Office opened formal bids on January 24, 2008.

The Purchasing Office advertised and solicited competitive bids in accordance with Section 329.06 (Solicitation No. SA002769). Eight bidders were solicited (MBE:0, FBE:0) one (MBE:0, FBE:0) bid was received.

This proposal was rejected by the City as current market conditions prohibit the bidder from complying with the City's specifications in their entirety. Upon approval by the Public Utilities Director, the Purchasing Office informally reconsidered this bid and entered into negotiations with the bidder. These successful negotiations resulted in an agreement in which the City agrees to place orders 30 days in advance (as opposed to 5 days) and maintains the bidder's responsibility to provide Hydrofluosilicic Acid in a timely manner. A contract will now be established with Lucier Chemical Industries LTD., as the lowest and best bid received.

The Purchasing Office is recommending award of a contract to the lowest and best bid:  
Lucier Chemical Industries LTD. CC# 133158103, (Expires 3/14/09) Item #1.  
Total Estimated Annual Expenditure: \$422,000.00

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 Purchasing Contract Account. 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 Lucier Chemical Industries LTD., to authorize the expenditure of one dollar to establish the contract from the Purchasing Contract Operation Fund, to waive formal competitive bidding requirements, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on January 24, 2008; 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, Lucier Chemical Industries LTD, 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. SA002769; the term of the contract is through March 31, 2009, with the option to extend for one additional year, considered informally, as follows: Lucier Chemical Industries LTD, item #1.

SECTION 2. That the appropriation and expenditure of \$1.00 is hereby authorized from the Purchasing UTC Account, 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.