



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

**File #: 0535-2009, Version: 1**

The purpose of this legislation is to authorize the Director of Public Utilities to enter into a service agreement with Madden Brothers Inc. for the purposes of providing Yard Waste and Log Grinding Services for the Division of Sewerage and Drainage, Compost Facility. This ordinance is being submitted as a waiver to Columbus City Code Section 329.06 because all bidders were non-responsive and the Division of Sewerage and Drainage feels that it is in the best interest of the City of Columbus to waive competitive bids and enter into the agreement for the lowest formal bid received.

The Division of Sewerage and Drainage, Compost Facility has a Universal Term Contract that provides the purchase of woodchips to be used as bulking agents for composting and to produce the product Com-Til. The services to be performed under this agreement call for Madden Brothers Inc. to provide equipment and operator to grind yard waste (shrubs, leaves, tree limbs, logs, etc). that are received by the Compost Facility. The finished product will be used as an alternative source for bulking agents. The contract language provides for a one (1) year agreement in effect to and including July 31, 2010. Furthermore, upon mutual agreement and approval by the Columbus City Council, this contract allows for two (2) extensions on a year to year basis and funds availability. The Compost Facility estimates that it will budget \$100,000.00 per year for this service.

The Director of Public Utilities received and opened formal bids on March 11, 2009. Three (3) bids were received. All bidders were deemed non-responsive. Due to that fact, to enter into an agreement from these proposals the Division of Sewerage and Drainage must waive the provisions of Columbus City Code section 329.06. Upon consultation with the City Attorney's office it is in the best interest of the City of Columbus to waive the provisions of Columbus City Code 329.06 and enter into an agreement with the lowest bid, Madden Brothers Inc. The reasons for the non-responsiveness are detailed below. Madden Brothers has supplied signatures and the required mobile air permit.

Madden Brothers Inc. Did not sign proposal and did not submit mobile air permit.

Ohio Mulch: Did not submit experience documentation, equipment list or mobile air permit

Park Enterprises: Did not submit experience documentation, equipment list or mobile air permit.

A tabulation of the formal proposals received follow:

Company	Item 1 Yard Waste Grinding	Item 2 Log Grinding
Madden Brothers	\$2.15/cubic yard	\$6.00/cubic yard
Ohio Mulch	\$3.65/cubic yard	\$6.90/cubic yard
Park Enterprises	\$3.98/cubic yard	\$10.00/cubic yard

**SUPPLIER:** Madden Brothers Inc. (34-1739227) Expires 3-30-11

**FISCAL IMPACT:** \$100,000.00 is needed and budgeted for this service.

\$100,000.00 was spent in 2008  
\$150,000.00 was spent in 2007

To authorize the Director of Public Utilities to enter into a service agreement with Madden Brothers Inc. for Yard Waste and Log Grinding Services for the Division of Sewerage and Drainage, to waive the provisions of competitive bids of the Columbus City Code, to authorize the expenditure of \$100,000.00 from the Sewerage System Operating Fund. (\$100,000.00)

**WHEREAS**, the Division of Sewerage and Drainage, Compost Facility has a Universal Term Contract that provides the purchase of woodchips to be used as bulking agents for composting and to produce the product Com-Til, and

**WHEREAS**, the services to be performed under this agreement call for Madden Brothers Inc. to provide equipment and operator to grind yard waste (shrubs, leaves, tree limbs, logs, etc). that are received by the Compost Facility, and

**WHEREAS**, the finished product will be used as an alternative source for bulking agents., and

**WHEREAS**, the contract will be in effect for a one (1) year agreement to and including July 31, 2010 and upon mutual agreement and approval by the Columbus City Council, this contract can be extended for two (2) additional years on a year to year basis and funds availability, and

**WHEREAS**, the Director of Public Utilities received formal bids on March 11, 2009. Three (3) bids were received. All bidders were deemed non-responsive, and

**WHEREAS**, the bidders were deemed non-responsive for the following reasons, Madden Brothers Inc. Did not sign proposal and did not submit mobile air permit; Ohio Mulch: Did not submit experience documentation or mobile air permit; and Park Enterprises: Did not submit experience documentation or mobile air permit, and

**WHEREAS**, , to enter into an agreement from these proposals the Division of Sewerage and Drainage must waive the provisions of Columbus City Code section 329.06, and

**WHEREAS**, it is in the best interest of the City of Columbus to waive the provisions of Columbus City Code 329.06 and enter into an agreement with the lowest bid, Madden Brothers Inc., now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That the Director of Public Utilities be and is hereby authorized to enter into a service agreement with Madden Brothers Inc. for Yard Waste and Log Grinding Services for the Division of Sewerage and Drainage.

**Section 2.** This agreement will be effective for one (1) year to an including July 31, 2010. Furthermore, upon mutual agreement and approval by the Columbus City Council, this contract allows for two (2) extensions on a year to year basis and funds availability.

**Section 3.** That this Council finds it in the best interest of the City of Columbus to waive the provisions of competitive bids as specified in Columbus City Code Section 329.06.

**Section 4.** That the expenditure of \$100,000.00 or so much thereof as may be needed, be and the same hereby is authorized from the Sewerage System Operating Fund, Fund No. 650 as follows:

OCA 605899  
Object Level 1: 03  
Object Level 03: 3377

**Section 5.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

