



## Legislation Text

---

**File #:** 1270-2017, **Version:** 1

---

### ..Explanation

**BACKGROUND:** This legislation is for the option to establish a Universal Term Contract (UTC) contract for Topsoil. The Department of Public Utilities is the main user. Topsoil is used for proper completion of sewer and waterline repairs and improvements to City properties as required. The term of the proposed option contract would be approximately two years, expiring July 30, 2019, with the option to renew for one (1) additional year. The Purchasing Office opened formal bids on March 16, 2017.

The Purchasing Office advertised and solicited competitive bids in accordance with the relevant provisions of Section 329.06 relating to competitive bidding (Request for Quotation No. RFQ004548). Twenty-eight (28) bids were solicited. Four (4) bids were received.

The Purchasing Office is recommending award to the overall lowest, responsive, responsible and best bidder as follows:

Kurtz Bros of Central Ohio, LLC, CC# CC001253 expires 3/10/2019, All Items, \$1.00  
Total Estimated Annual Expenditure: \$120,000, Department of Public Utilities, the main user

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search. 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 from the General Fund. City Agencies will be required to obtain approval to expend from their own appropriations for their estimated annual expenditures.

To authorize the Finance and Management Director to enter into a contract for the option to purchase Topsoil with Kurtz Bros, LLC.; to authorize the expenditure of \$1.00 to establish the contract from the General Fund; and to declare an emergency. (\$1.00).

**WHEREAS,** the Topsoil UTC will provide for the purchase of topsoil for use at sewer and waterline repair locations throughout the City; and

**WHEREAS,** the Purchasing Office advertised and solicited formal bids on March 16, 2017 and selected Kurtz Bros, LLC as the overall lowest, responsive, responsible and best bidder; and

**WHEREAS,** this ordinance addresses Purchasing objective 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,** an emergency exists in the usual daily operation of the Public Utilities Department in that it is immediately necessary to authorize the Finance and Management Director to enter into contract with Kurtz Bros, LLC, for the option to purchase Topsoil because the current contractor has failed to supply the product on demand, 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 to enter into the following contract for the option to purchase Topsoil in accordance with Request for Quotation RFQ004548 for a term of approximately two years, expiring July 30, 2019, with the option to renew for one (1) additional year, as follows:

Kurtz Bros, LLC, All Items, \$1.00

**SECTION 2.** That the expenditure of \$1.00 is hereby authorized in Fund 1000 General Fund in Object Class 02 Materials and Supplies per the account codes in the attachment of this ordinance to pay the cost thereof.

**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 for the reason 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.