



## Legislation Text

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**File #: 0467-2023, Version: 1**

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### **1. BACKGROUND**

This ordinance authorizes the Director of Finance and Management to enter into a contract with Cargill, Inc. for the purchase of one AccuBrine NXT-Gen brine maker for the Department of Public Service, Division of Infrastructure Management. The Division of Infrastructure Management will use it to make brine to improve various roadways in Columbus during the winter seasons.

The Department of Public Service started utilizing AccuBrine automated equipment at our newly constructed sites, and the brine systems were included in the bidding process for the new sites. This equipment has proprietary and protected processes not available on other brine making equipment. As existing equipment at other sites reaches end of life, it is in the department's best interest to replace it with the same equipment being installed at the new sites. This is important due to parts availability, software compatibility, servicing, and driver training. Due to space limitations, it is not economical to stock parts for multiple manufacturers, and the majority of the parts are not interchangeable. Having parts on hand for rapid repair of equipment during snow events is a necessity. The ability to manage software and service through one service contract is more cost effective and efficient, and this streamlines our operations as well. Driver and operator training is also a reason for maintaining one type of equipment. Drivers may be using equipment at several different sites during snow events. The equipment needs to have uniform function and programming to avoid confusion and misuse of equipment.

Ordinances 1378-2021 and 0939-2022 requested bid waivers to contract with the vendor due to protected proprietary processes used by the vendor/manufacture of the brine maker. This equipment is not available through other vendors.

The Department of Public Service, Division of Infrastructure is requesting to waive bidding provisions of City Code Chapter 329, for the Director of Finance and Management to enter directly into contract with Cargill, Inc., and to establish a purchase order with Cargill, Inc. to purchase the AccuBrine NXT-Gen brine maker.

Searches in the System for Award Management (Federal) and the Findings for Recovery list (State) produced no findings against Cargill, Inc.

### **2. CONTRACT COMPLIANCE**

The contract compliance number for Cargill, Inc. is CC007812 and expires on 05/11/2024.

### **3. FISCAL IMPACT**

Funding in the amount of up to \$242,288.00 is budgeted in the Street Construction Maintenance and Repair Fund within the Department of Public Service. This ordinance is contingent on the passage of the 2023 operating budget, Ordinance 2937-2022.

### **4. EMERGENCY DESIGNATION**

Emergency action is requested to ensure the Division of Infrastructure Management receives the AccuBrine brine maker as soon as possible so the division has it in place before the 2023-2024 winter season to improve roadways for the public.

To authorize the Director of Finance and Management to enter into contract with Cargill, Inc. to purchase an AccuBrine NXT-Gen brine maker to improve the roadways of Columbus during the winter months; to waive the competitive bidding provisions of City Code; to authorize the expenditure of \$242,288.00 from the Street Construction Maintenance and Repair Fund; and to declare an emergency. (\$242,288.00)

**WHEREAS**, the Department of Public Service, Division of Infrastructure Management needs an AccuBrine NXT-Gen brine maker to improve the roadways of Columbus during the winter seasons; and

**WHEREAS**, the department started utilizing AccuBrine automated equipment at our newly constructed sites; and

**WHEREAS**, it is in the City's best interests to waive the competitive bidding provisions of City Code Chapter 329 for purchases from Cargill, Inc. as existing equipment at other sites reaches end of life, it is in the department's best interest to replace it with the same equipment being installed at the new sites; and

**WHEREAS**, funds are available in the Street Construction Maintenance and Repair for this expense; and

**WHEREAS**, it has become necessary in the usual daily operation in the Department of Public Service to authorize the Director of Finance and Management to enter into a contract and authorize the expenditure with Cargill, Inc.

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Infrastructure Management, in that it is immediately necessary to authorize the Director of Finance and Management to enter into contract with Cargill, Inc. so that the brine maker can be put into service as quickly as possible, 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 is hereby authorized to establish a contract with Cargill, Inc. for the purchase of an AccuBrine NXT-Gen brine maker for the Department of Public Service, Division of Infrastructure Management.

**SECTION 2.** That the expenditure of \$242,288.00 or as much thereof as may be needed, is hereby authorized in Fund 2265 (Street Construction Maintenance and Repair Fund), Dept-Div 5911 (Division of Infrastructure Management) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That this Council finds it in the City's best interest to waive the competitive bidding provisions of Columbus City Code Chapter 329.

**SECTION 4.** 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 5.** 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 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.