CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Environmental Services**

AGENDA DATE: **March 3, 2009**

CONTACT PERSON/PHONE: **Kurt Fenstermacher, Assistant Director, 621-6892**
Terrence Freiburg, Purchasing Manager, 541-4313

DISTRICT (S) AFFECTED: **All**

SUBJECT:

Request that the Purchasing Manager of the Financial Services Department, Purchasing Division be authorized to purchase refuse containers (two-wheel carts) from Toter, Inc. This purchase is being facilitated through a state of Texas Term Contract with Toter, Inc. Since the total purchases will be excess of $100,000, approval by City Council is required.

BACKGROUND / DISCUSSION:

The Environmental Services Department would like to use Term Contract 450-A2. The purchase amount Will be $238,869.12 for a quantity of 4,704 refuse containers to be used as replacements and for new services.

PRIOR COUNCIL ACTION:

Council has approved participation in the Texas Procurement and Support Services (TPASS) program in February 2007.

AMOUNT AND SOURCE OF FUNDING:

The funding source for this purchase will be from
Fund 40403: Environmental Services
DeptID: 34010289
Account #: 508009
Class: 34000

BOARD / COMMISSION ACTION:

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required)

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

PROJECT FORM

DATE: February 12, 2009

PROJECT: Toter Refuse Containers
SOLICITATION NO: 2009-150
BUDGET NO: 34010289-508009-40403
FUNDING SOURCE: Environmental Services
REPRESENTATIVE DISTRICT(S): All

DEPARTMENT: Environmental Services

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RECOMMENDATION: Vendor: Toter, Incorporated
Statesville, NC
Item: All
Amount: $238,869.12

Request that the Purchasing Manager for Financial Services issue a purchase order to Toter Inc. for Garbage/Refuse Carts under Texas Procurement and Support Services (TPASS) contract number 450-A2 (Trash Receptacles and Two Wheeled Refuse Containers) in the amount of $238,869.12.

Toter Inc. pricing is fair and reasonable. The contract price from TPASS is lower than any of the responses to a recent request for bid by the City of El Paso. The TPASS contract price is lower than the Houston-Galveston Area Council Cooperative (HGAC) Purchasing Program price.

The participation by the City of El Paso in the TPASS Cooperative Purchasing Program was approved by Mayor and City Council on February 27, 2007.

BIDS SOLICITED- ___ (0 local)
BIDS RECEIVED- ___
"NO BID" RECEIVED ___

TOTAL RECOMMENDED AWARD: $238,869.12

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COUNCIL APPROVED ☑ REJECTED ☐ MUNICIPAL CLERK _____

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APPROVED: COUNCIL MEETING DATE: March 3, 2009

Terrence Freiburg
Purchasing Manager
Financial Services, Purchasing Division

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cc: Bid File

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SERVICE SOLUTIONS SUCCESS

MEMORANDUM

To: Terrance Freiburg, Purchasing Manager

Cc: Ed Hyatt, Administrative Analyst

From: Ellen A. Smyth, P.E., Director

Date: February 10, 2009

Subject: Purchase of Refuse Containers through Texas Procurement and Support Services, Term Contract 450-A2.

The following are the decision factors to be considered in determining whether utilizing a procurement program is the best approach to the purchase of a product (as approved by City Council on June 24, 2008). They are addressed in light of the proposed utilization of Texas Procurement and Support Services (TPASS) Term Contract 450-A2 to issue a $238,869.12 purchase order to Toter, Inc. for refuse containers (two-wheel carts). These carts are used to collect trash and recycling, and are needed to accommodate residential growth and replacement requirements.

1) *Is there an urgent need for the product/services? In other words, is time of the essence?*
Yes. Containers are used constantly to provide for the efficient and safe collection of solid waste and recycling items throughout the city.

2) *Does the purchasing through the Program promote the standardization of equipment?*
Yes. The City has originally contracted with Toter, Inc. for the rollout of the automated collection program (160,000 units). Toter Inc. was also the recent contract vendor of the rollout of the recycling program (160,000 units). With more than 320,000 units, we are moving toward establishing Toter Inc. as the standard. Storage, nesting, delivery and repair of these same units support the standardization of this equipment.

3) *Does the purchasing through the Program support local business? If not, is there a comparable product/service available locally?*
There are currently no local bin production facilities in El Paso. Toter, Inc. does, however, have a Texas distribution/manufacturer location in Del Rio, Texas.

4) *Do the available vendors have prior work experience and/or familiarity with the City?*
Yes. Toter, Inc. has worked extensively with the City of El Paso – first with the rollout of nearly 160,000 gray trash containers and then with the rollout of 160,000 blue recycling containers. Toter, Inc. continues to provide warrantee work on containers less than 10 years old.

THE CITY OF EL PASO TEXAS

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

ENVIRONMENTAL SERVICES DEPARTMENT

7969 SAN PAULO, EL PASO, TEXAS 79907 · 915-621-6700 · FAX 915-621-6711 · WWW.ELPASOTEXAS.GOV

5) *Is the pricing reasonable as compared to other similar products/work performed by the City of El Paso in the past or as quoted from other companies?*
Yes. Toter, Inc. has pricing that is fair and reasonable. The contract price from TPASS is lower than any of the responses to a recent request for bid by the City of El Paso. Consequently, all bids were rejected as pricing on the State contract is less expensive. Additionally, the TPASS contract price is lower than the Houston-Galveston Area Council Cooperative Purchasing Program price.

The Environmental Services Department recommends utilizing the Texas Procurement and Support Services (TPASS) Term Contract 450-A2 to issue a $238,869.12 purchase order to Toter, Inc. for all the above reasons.

The participation by the City of El Paso in the Texas Procurement and Support Services (TPASS) program was approved by Mayor and City Council on February, 2007.

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450-A2-TRASH RECEPTACLES (TCI) AND TWO WHEELED REFUSE CONTAINERS

11/2007 THRU 03/2009 450-A2

For Further information contact Dana Edwards, Purchaser E
at (512) 463-2563 or e-mail at Purchaser.E@cpa.state.tx.us

NOTE: The products listed are for the use by eligible State of Texas entities ONLY and are not for personal purchase or purchase by commercial entities.

collapse all sections | expand all sections

General Contract Information

Section 1 - Special Instructions and Conditions

1.1 DESCRIPTION: 450-A2 Trash Receptacles from TCI
Two Wheel Refuse Containers/Carts

1.2 TYPE OF CONTRACT: Automated Firm Price with Escalation at renewal.

1.3 TERM OF CONTRACT: The term of this contract is November 8, 2007 thru March 31, 2009.

Option to Renew: Two (2) additional one (1) year period(s). This will be done in writing and at the State's exclusive option.

First renewal period - April 1, 2009 through March 31, 2010
Second renewal period - April 1, 2010 through March 31, 2011

1.4 DELIVERY FOR TCI TRASH RECEPTACLES: 90-120 Days after receipt of order
DELIVERY FOR TWO WHEEL CARTS: 45 days after receipt of order

1.5 MINIMUM ORDER - TWO WHEEL CONTAINERS: 50 each

1.6 SPOT PURCHASE OPTION: Not applicable to TCI products

TWO WHEEL CONTAINERS - State agencies may spot purchase if need is less than 50 each. Orders should not be split to meet this requirement.

1.7 SHIPPING INFORMATION:

TCI SHIPMENTS: PLUS FREIGHT

SHIPPING INFORMATION APPLICABLE TO TWO WHEEL CONTAINERS ONLY:
Orders totaling $1,000.00 or more shipped to a single destination:
F.O.B. destination, freight prepaid and allowed

Orders totaling less than $1,000.00 shipped freight prepaid and added as a separate item on invoice.

Qualified ordering entities must not be charged freight for partial shipments of any order with a net total of $1000.00.

1.9 WARRANTY: Two wheel carts: Manufacturer's Standard Warranty or 10 years, whichever is longer.

1.10 PRICE CHANGES: Prices will remain firm until August 31, 2008.
Prices may be decreased at any time after award.

1.11 CPA CONTRACT MANAGER: Any questions concerning the terms and conditions and technical specifications shall be directed in writing to the address below.

DANA L. EDWARDS, CTPM
Texas Comptroller of Public Accounts
Texas Procurement and Support Services Division
P. O. Box 13186
Austin, TX 78711-3186
PHONE: (512) 463-2563
FAX: (512) 475-0851

1.12 PURCHASE ORDERS: Only contract purchase orders issued by the TPASS or orders issued through a TPASS contract are eligible for contract pricing.

1.13 ASSEMBLY CHARGES FOR TWO WHEEL CONTAINERS:

OTTO INDUSTRIES, INC.: Does not offer assembly.

REHRIG PACIFIC COMPANY: Does not offer assembly.

TOTER, INC.: Assembly pricing available using the following commodity codes:

450-34-90001- Minimum Order of 2,500 required
450-34-90002- For Municipalities with an applicable Living Wage Ordinance Minimum Order of 2,500 required

1.14 STYLE DESCRIPTIONS/INFORMATION FOR TWO WHEEL CONTAINERS:

Detailed Style descriptions available on each line item.

Additional information regarding Styles:

Style 1. A semi-automated lifting area shall be integrally molded and recessed within the body of the cart.

a. The locking bar shall be designed to freely rotate a full 360 degrees and shall be constructed of zinc-coated, cadmium, or plated steel to prevent rust and corrosion. Devices used to secure the locking bar in place must fit snugly, be of durable material, remain securely in place, and allow the complete 360 degree rotation of the locking bar.

b. No permanent deformation to the holes in the semi-automated lifting area of the cart, which support the locking bar, shall occur when a force is applied sufficient to bend the metal locking bar more than 1 inch.

c. The hole for the locking bar shall not have a greater diameter than 1/16 inch of the size of the locking bar.

d. The locking bar shall extend a minimum of 1-1/2 inch beyond the point at which it penetrates the wall of the cart body or attachment point on both sides. The ends of the bar shall not touch the inside wall of the cart when the bar is pushed to the extreme left or right.

Style 2. Same as Style 1 except, the locking bar shall be integrally molded for and be a part of the cart body.

Style 3. A cart manufactured without pickup point for use with fully automated lifting mechanism

MARKINGS: At contract user's option, the cart shall have a name molded into its lid as a minimum or its body or both in letters at approximately 1-1/2" high. The information will take the following format as an example: "Property of the State of Texas." Any limitation on the number or size of letters used in the molding process shall be stated in the bid response section. The minimum order for implementing this option at no cost to buyer shall be stated in the area labeled accessories.

SERIAL NUMBER: At the contract user's option, each cart shall be hot stamped with a unique serial number at approximately 1" high on the front body of the cart. Each serial number will be unique to the individual cart for each ordering entity and match the following format: The 1st two numbers shall be the last two digits of the year manufactured, and the last six numbers shall be a sequential manufacturing number of all carts manufactured for a specific ordering entity. The minimum order for having this option at no cost to the ordering entity is stated in the area labeled accessories.

SPECIALIZED TOOLS: One (1) set of any specialized tools which may be required to assemble any carts provided shall be provided to the ordering entity by contractor at no cost to user for outright ownership.

GARBAGE/REFUSE CARTS, STYLE 1 UNIVERSAL, NESTABLE/STACKING INCLUDES ONE HOTSTAMP

Vendor Number: 68982 TOTER INCORPORATED

450-34-87960-6 EA

1: CART VOLUME: 96.35 GALS.
2: WEIGHT LESS WHEELS AND AXLE: 30.3 LBS.
3: TOTAL WEIGHT: 35.2 LBS.
4: LOAD RATINGS: 335 LBS.
5: ABRASION PROTECTED BOTTOM, MOLDED IN
6: AXLE SIZE: 5/8 IN.
7: WHEEL MATERIAL AND SIZE: HDPE 10 IN.
8: MATERIAL CAN BE RECYCLED
9: RECYCLED POST CONSUMER PLASTIC CONTENT: 10-15%
10: COLORS AVAILABLE: GREEN, BLUE, BROWN BLACK, GREY & FOREST GREEN
11. INCLUDES ONE (1) HOTSTAMP
12: TRUCKLOAD QTY: ONE (1) TRUCKLOAD = 588 CARTS
- TOTER INC. EVR II UNIVERSAL/NESTABLE - #79296 *** MINIMUM ORDER 50 EA *** - RECYCLED
NIGP 45065184041

QUANTITY	50 THRU 50	51 THRU 99	100 THRU 299	300 THRU 499	500 THRU 999
PRICE	59.78	59.78	58.28	54.28	51.78

QUANTITY	1000 THRU 2499	2500 THRU 4999	5000 THRU 9999	10000 THRU 24999	25000 THRU 49999
PRICE	51.28	50.78	50.28	49.78	49.28

QUANTITY	50000 THRU 99999	100000 AND OVER
PRICE	48.78	48.28