

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

DEPARTMENT: Environmental Service

AGENDA DATE: July 29, 2008

CONTACT PERSON/PHONE: Kurt Fenstermacher, Assistant Director 621-6700
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 in 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 \$109,908.96 for a quantity of 2,352 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:

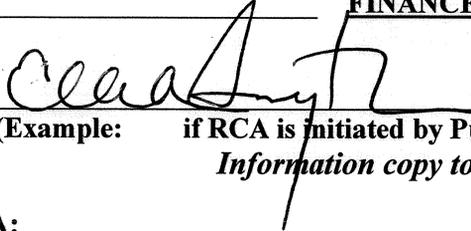
The funding source for this purchase is coming from Fund 40403 (Environmental Services), Deptid 34010289, Account 508009, Class 34000.

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:** _____

FINANCIAL SERVICES DEPARTMENT, PURCHASING DIVISION

DATE: July 14, 2008
TO: Municipal Clerk
FROM: Terrence Freiburg
Purchasing Manager, ext. 4313

Please place the following item on the CONSENT Agenda for the Council Meeting of **July 29, 2008.**

Item should read as follow:

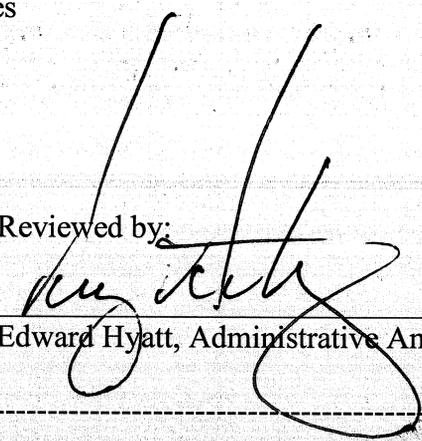
Request that the Purchasing Manager, Financial Services, Purchasing Division, be authorized to issue a Purchase Order to TOTER, Inc., under the Texas Procurement and Support Services (TPASS) TERM CONTRACT 450-A2 for Garbage/Refuse Carts. Total estimated expenditures are \$109,908.96.

Total Estimated Award: \$109,908.96
Funds Available in: 34010289-508009-40403-34000
Funds Source: Solid Waste Management

Department: Environmental Services

SPECIAL INSTRUCTIONS:

Reviewed by:


Edward Hyatt, Administrative Analyst

Municipal Clerk's Use

ITEM NO. _____

cc: BID FILE

JOHN COOK
MAYOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON
CITY MANAGER

PATRICIA ADAUTO
DEPUTY CITY MANAGER

ELLEN A. SMYTH, P.E.
DIRECTOR

ENVIRONMENTAL SERVICES

To: Terry Freiburg, Purchasing Department
Michael Lau, Purchasing Department

Cc: Kurt Fenstermacher, Assistant Director
John Garza, Assistant Director
Yana Alatorre, Accountant

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

Date: July 15, 2008

Subject: TPASS Procurement and Support Services - Toters

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 \$109,908.96 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 growth and replacement requirements.

1. *Is there an urgent need for the product/service? 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 recyclable items throughout the City.

2. *Does the purchase 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 for 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 purchase 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/manufacturing location in Del Rio, TX.

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.

5. Is the pricing reasonable as compared to other similar products/work performed for 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 the HGAC current contract price and the Toter price on a recent request for bid.

The Environmental Services Department recommends utilizing the Texas Procurement and Support Services (TPASS) Term Contract 450-A2 to issue a \$109,908.96 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.

/ged

450-A2-REFUSE CONTAINERS (TWO-WHEEL CARTS)

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 Refuse Containers(Two-Wheel Carts)
 - 1.2 TYPE OF CONTRACT: Automated Firm Price with Escalation at renewal.
NOTE: Multiple awards have been made to multiple vendors meeting terms and specifications.
 - 1.3 TERM OF CONTRACT: The term of this contract is November 8, 2007 thru March 31, 2009. (See 1.10 for price changes)
 - 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: 45 days after receipt of order (ARO)
 - 1.5 MINIMUM ORDER: 50 carts
 - 1.6 SPOT PURCHASE OPTION: 50 carts
 - 1.7 ZONE: This contract is bid statewide.
 - 1.8 SHIPPING INFORMATION:
 - 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: 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:

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:

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.

- 3: TOTAL WEIGHT: 27.8 LBS.
- 4: LOAD RATINGS: 224 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 AVAILBLE: GREEN, BLUE, BROWN,
BLACK, GREY & FOREST GREEN
- 11: INCLUDES ONE (1) HOTSTAMP
- 12: TRUCKLOAD QTY:
ONE (1) TRUCKLOAD = 840 CARTS
- TOTES INC. EVR II UNIVERSAL/NESTABLE -
#79264 *** MINIMUM ORDER 50 EA *** - RECYCLED
NIGP 45065184025

THRU 499	500 THRU 999	50 THRU 50	51 THRU 99	100 THRU 299	300
44.03	41.03	47.73	47.73	46.23	

THRU 24999	25000 THRU 49999	1000 THRU 2499	2500 THRU 4999	5000 THRU 9999	10000
39.03	38.53	40.53	40.03	39.53	

QUANTITY 50000 THRU 99999	100000 AND OVER
PRICE 38.03	37.53

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
- TOTES INC. EVR II UNIVERSAL/NESTABLE -
#79296 *** MINIMUM ORDER 50 EA *** - RECYCLED
NIGP 45065184041

THRU 499	500 THRU 999	50 THRU 50	51 THRU 99	100 THRU 299	300
49.73	47.23	55.23	55.23	53.73	

THRU 24999	25000 THRU 49999	1000 THRU 2499	2500 THRU 4999	5000 THRU 9999	10000
45.23	44.73	46.73	46.23	45.73	

QUANTITY 50000 THRU 99999	100000 AND OVER
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