

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

**DEPARTMENT:** Environmental Service

**AGENDA DATE:** October 7, 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 \$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:**

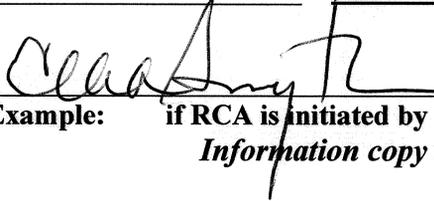
The funding source for this purchase is coming from Fund 40403 (Environmental Services), Deptid 34010289, Account 508009, Class 34000.

**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:** \_\_\_\_\_

PROJECT FORM

DATE: September 24, 2008

PROJECT: Garbage/Refuse Carts  
SOLICITATION NO: 2009-040  
BUDGET NO: 34010289-508009-40403  
FUNDING SOURCE: Environmental Services  
REPRESENTATIVE DISTRICT(S): All

DEPARTMENT: Environmental Services

RECOMMENDATION: Vendor: Toter, Inc.  
Statesville, NC  
Item: Garbage/Refuse Carts  
Amount: \$238,869.12

Request that the Purchasing Manager for Financial Services Department 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 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.

\*\*\*\*\*  
COUNCIL APPROVED  REJECTED  MUNICIPAL CLERK \_\_\_\_\_  
\*\*\*\*\*

APPROVED:

COUNCIL MEETING DATE: October 7, 2008

  
Terrence Freiburg  
Purchasing Manager  
Financial Services, Purchasing Division



cc: Bid File

JOHN COOK  
MAYOR

JOYCE WILSON  
City Manager

TERRY FREIBURG  
PURCHASING MANAGER



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

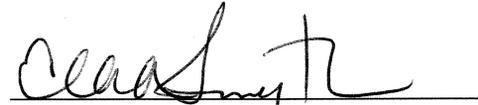
---

To: Terrence Freiburg, Purchasing Manager  
Ed Hyatt, Administrative Analyst

From: Ellen A. Smyth, Director

Date: September 17, 2008

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

  
Authorized Signature

---

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 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 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 27, 2007.

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

Search Term Contracts

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](mailto: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 TRAS 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:

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.

12: TRUCKLOAD QTY:  
 ONE (1) TRUCKLOAD = 840 CARTS  
 - TOTER INC. EVR II UNIVERSAL/NESTABLE -  
 #79264 \*\*\* MINIMUM ORDER 50 EA \*\*\* - RECYCLED  
 NIGP 45065184025

		QUANTITY	50 THRU 50	51 THRU 99	100 THRU
299	300 THRU	499	500 THRU 999		
		PRICE	51.21	51.21	
49.71		47.51	44.51		
		QUANTITY	1000 THRU 2499	2500 THRU 4999	5000 THRU 9999
10000 THRU 24999		25000 THRU 49999			
		PRICE	44.01	43.51	
43.01		42.51	42.01		
		QUANTITY	50000 THRU 99999	100000 AND OVER	
		PRICE	41.51	41.01	

\* 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	* <span style="border: 1px solid black; padding: 2px;">50.78</span>	
50.28		49.78	49.28		
		QUANTITY	50000 THRU 99999	100000 AND OVER	
		PRICE	48.78	48.28	