



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: AUGUST 15, 2023

FROM: PUBLIC WORKS DEPARTMENT WARDS: ALL

SUBJECT: EMERGENCY CHANGE ORDER TO PURCHASE ORDER NO. 231405 WITH Toter, INC. OF STATESVILLE, NORTH CAROLINA, IN THE AMOUNT OF \$73,504.70 FOR THE PURCHASE OF AUTOMATED REFUSE, GREEN WASTE, AND RECYCLING CARTS FROM Toter, INC., FOR A REVISED TOTAL COMPENSATION AMOUNT OF \$1,048,049.06

ISSUE:

Consider ratification of an Emergency Change Order to Purchase Order No. 231405 with Toter, Inc of Statesville, North Carolina, in the amount of \$73,504.70, for the purchase of automated refuse, green waste, and recycling carts and a revised total compensation amount of \$1,048,049.06.

RECOMMENDATIONS:

That the City Council:

1. Ratify an Emergency Change Order of \$73,504.70, by the Assistant City Manager on July 14, 2023, in accordance with Purchase Resolution No. 23914, Section 301(c), to cover the one month of purchases to maintain services; and
2. Authorize the City Manager, or designee, to execute purchase orders and change orders with Toter, Inc., including making any minor and non-substantive changes subject to the availability of funds.

BACKGROUND:

The Public Works Department's Solid Waste Division purchases automated carts for new residences and to replace damaged, lost, or stolen carts for City customers, including those serviced by Private haulers. Currently, there are approximately 67,000 households in the City, and based on an assessment of ongoing needs and previous purchase amounts, the Public Works Department purchased 12,248 carts between July 1, 2022, and June 30, 2023.

DISCUSSION:

Toter, Inc. holds a Cooperative Agreement (Contract No. 171717-01) with Omnia Partners, the parent organization of National IPA and U.S. Communities. Purchasing Resolution 23914, Section 602 states that, “Competitive procurement through Informal Procurement and Formal Procurement process shall not be required in any of the following circumstances: ...(f) When Cooperative Purchasing is available and undertaken or Goods can be obtained through Federal, State and/or other public entity pricing contracts or price agreements”.

In October 2021, the City of Tucson exercised an amendment to renew the cooperative agreement until January 31, 2023. On May 10, 2022, Council approved the purchase of 12,248 automated refuse, green waste, and recycling carts from Toter, Inc for \$990,000 utilizing pricing under Omnia Partners Cooperative Agreement (Contract No. 171717-01). Pricing under Contract No. 171717-01 has since been extended until July 31, 2023.

Toter, Inc. is the current provider of automated carts and has proven to be a top-quality product with no warranty issues. The emergency change order will allow staff to pay for carts ordered in May 2023, utilizing the renewed cooperative pricing.

After the fact, the Public Works Department requested an increase of \$73,504.70 Emergency procurement to Purchase Order No. 231405 for a revised total compensation of \$1,048,049.06.

The Purchasing Manager concurs that the recommendation is in compliance with Purchasing Resolution 23914.

STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority 4 – Environmental Stewardship** and **Goal 4.4 – Implement measures and educate the community to responsibly manage goods, products and services throughout their life cycle to achieve waste reduction outcomes.**

This project aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – In addition to assessing inventory levels and general adherence to purchasing criteria, City staff are encouraged to partner in waste reduction efforts which would make a real difference in maintaining positive energy and dedication to sustain environmental programs for community engagement.
2. **Equity** – The Riverside Public Works-Solid Waste Division will work to engage difficult-to-reach populations by collaborating with community groups to address environmental and Health-related challenges. City staff will provide the community with education and outreach to achieve waste reduction outcomes.
3. **Fiscal Responsibility** – The City will be able to expand its capabilities to reduce waste Reduction. These funds are used to purchase equipment, education, and outreach to the community.
4. **Innovation** – City provides the value our community expects to meet the trash hauling needs by purchasing durable products with a longer and more efficient life cycle.
5. **Sustainability & Resiliency** – City will continue to contribute and protect the environment

and our community for future generations towards a zero-waste lifestyle.

FISCAL IMPACT:

The total fiscal impact of this action is \$73,504.70. Sufficient funds are budgeted and available in the Refuse Fund, Solid Waste-Collection, Special Department Supplies account number 4130100-426800.

Prepared by: Gilbert Hernandez, Public Works Director
Certified as to
availability of funds: Edward Enriquez, Assistant City Manager/Chief Financial Officer
Approved by: Kris Martinez, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachment: Toter Cooperative Agreement Extended through July 31, 2023