



## Legislation Text

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**File #:** 23-389, **Version:** 1

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*Report Prepared by: Monique Gama, Recycling Coordinator, Public Works Department*

**SUBJECT:** Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of 24,192 Kitchen Bins Through a Cooperative Purchasing Agreement with Sourcewell via Toter LLC, for \$133,964.06

### REPORT IN BRIEF

Considers approving to waive the competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase kitchen bins mostly funded through a CalRecycle issued grant, currently budgeted, and Council approved through the government procurement program Sourcewell.

### RECOMMENDATION

**City Council** - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 and authorizing the purchase to be made with a cooperative purchase agreement through Sourcewell, a government procurement program; and,
- B. Approving the purchase of 24,192 kitchen bins in the amount of \$133,964.06 from Toter LLC., through Sourcewell contract # 041521-TOT; and,
- C. Authorizing the City Manager or the Deputy City Manager to execute any necessary documents for the purchases specified above, the Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders, and approval of change orders not to exceed 10% of the total purchase price.

### ALTERNATIVES

- 1. Approve, as recommended by staff; or,
- 2. Approve, subject to other than recommended by staff (identify specific findings and/or conditions amended to be addressed in the motion); or,
- 3. Deny; or,
- 4. Refer to staff for reconsideration of specific items; or,
- 5. Continue to a future meeting (date and time to be specified in the motion).

### AUTHORITY

Merced City Charter, Section 200. Municipal Code Section 3.04.210 - Exemptions from competitive bidding.

## **CITY COUNCIL PRIORITIES**

As provided for in the 2022-23 Adopted Budget.

## **DISCUSSION**

Sourcewell offers a product and equipment/vehicle purchase program to government entities nationwide; specifications are created, and Request for Bids are sought by Sourcewell for a wide variety of products and equipment used by local governments. As a result of the nationwide scope of these programs, the City can purchase specialized equipment for much less than the more traditional method of creating specifications and soliciting bids in-house.

Over the last several years, the City has purchased a variety of equipment not provided by local vendors including, street sweepers, leaf trucks, fire trucks, refuse trucks, etc. through the Sourcewell government procurement program with great success.

Buying the kitchen pail containers directly through this outside program requires waiving the City's competitive bid requirements. In addition to cost savings, purchasing directly from Sourcewell allows the City to purchase enough containers with the available grant funds to distribute to each of our residential service customers. Giving residents the tools they need to easily participate in the coming food waste/organics program with the City of Merced will aid in increased participation and the City's compliance with SB 1383 regulations.

The Public Works Department, Solid Waste Division, is requesting Council authorize the purchase of the currently budgeted kitchen pails utilizing the nationwide government procurement service Sourcewell via Toter, LLC.

The kitchen pails are budgeted in the FY 22/23 adopted budget. Funding for the purchase of kitchen pails was secured through the SB 1383 Local Assistance Grant Program. The City of Merced received an award of \$129,234.00 for the submitted project of purchasing one-to-two-gallon kitchen pails to be distributed to City of Merced residential customers.

Section 3.04.210 of the Merced Municipal Code provides that the City Council can approve a waiver of the City's competitive bidding requirements when such purchases are made pursuant to cooperative purchasing in conjunction with other governmental entities. Staff requests waiving the bidding requirements to utilize the government pricing contract.

## **IMPACT ON CITY RESOURCES**

This container purchase is approved in the FY 2022/23 Council adopted budget; no additional funding is needed. The containers will be purchased using funds budgeted in Fund 6002 - Refuse Operations.

## **ATTACHMENTS**

1. Toter LLC Sales Quote
2. Sourcewell Certificate of Membership