

**CITY COUNCIL COMMUNICATION 98-074
MARCH 2, 1998 AGENDA**

SUBJECT:

**PURCHASE OF POWER FILE, IN
ACCORDANCE WITH CITY BID G98-165**

SUBMITTED BY:

**HAROLD SMITH
CITY ENGINEER**

SYNOPSIS –

Concurrence of staff's February 16, 1998, recommendation to reject the \$8,450 bid submitted by Allied Handling Equipment because it did not comply with the bid requirements at the time the bid was submitted. Recommend acceptance of the \$9,107 bid submitted by Office System Division Inc., as the lowest responsible, responsive bid.

FISCAL IMPACT –

Funding for the equipment is available in the Engineering Department Operating Budget, Index Code 021014.

RECOMMENDATION –

Approval of the \$9,107 bid submitted by Office Systems Division Inc., as the lowest responsible, responsive bid for the power file in accordance with City Bid G98-165.

BACKGROUND –

Proposals were received from two companies for a Power File (including disposal of old file) with bids as follows:

Allied Handling Equipment \$8,450
Gordon Demaine, President
1509 SE Cortina Drive
Ankeny, Iowa 50021

Office Systems Division, Inc. \$9,107
Dean Sandstoe, President
1615 Second Avenue
Des Moines, Iowa 50314

On February 16, 1998, under Roll Call No. 98-445, the City Council deferred action to award the low compliant bid of Office Systems Division, Inc. (OSDI), in the amount of \$9,107 on a power file to be used by the Engineering Department, and referred the matter to the City Manager and Legal Department to report on the noncompliant bid submitted by Allied Handling Equipment Company (Allied), Ankeny, Iowa, and ADA compliance questions on the equipment of both suppliers.

On January 16, 1998, the Purchasing Agent opened bids for a power file (Bid No. G98-165). The low dollar bid submitted by Allied Handling Equipment Co., Ankeny, Iowa, in the total amount of \$8,450 did not agree to meet the specifications requiring the trading of a lateral file carrier for a security carrier at no charge at a later date, liquidated damages for late service response time, and a carrier height of 10.5 inches. Staff reviewed the proposal from Allied Handling Equipment and determined that based on information in their submittal, the bid was not acceptable because the clear height between the drawers or carriers was 9.84 inches on the 11 inch pitch unit bid. The specification clearly required a height of at least 10.5 inches on an 11 inch pitch machine to accommodate existing top tab files used by the Engineering Department. These existing 10-1/8 inch files simply would not fit in the 9.84 inch clear opening between the drawers of the Remstar LGL1411-1205 bid by Allied Handling Equipment. The Engineering Department did not plan to replace all the existing files as the labor and material expense is prohibitive. The Kardex Lektriever 102 equipment bid by Office Systems Division, Inc., has a 10.5 inch clear height between drawers as specified and would allow use of existing files.

On February 4, 1998, Allied was notified its bid had been declared noncompliant and that the bid would be awarded to OSDI at the February 16, 1998 Council meeting.

On February 16, 1998, representatives from Allied protested the bid at the Council meeting based upon the attached February 13, 1998 letter to Members of the City Council.

On February 18, 1998, staff representing the Legal, Purchasing, and Engineering Departments met with OSDI to discuss Allied's claim that the Kardex Lektriever 102 equipment bid by OSDI did not meet Americans with Disabilities Act (ADA) requirements. Allied's protest of OSDI's equipment concerned raising of the posting board to close and lock the file and if this closing operation was ADA compliant. OSDI Vice President, Brad Sandstoe, has provided information stating the height of the door from the floor is 64 inches. ADA reach limits are:
High Forward Reach Limit 48 inches
High Side Reach Limit 54 inches

The lifting effort to raise the posting board can be adjusted so that it does not violate ADA strength requirements. ADA requirements were created in part to allow handicapped persons access to equipment and facilities. As Mr. Sandstoe states below, OSDI's equipment is designed to be operated by a handicapped person. Accommodations may need to be made to have another

employee unlock the file at the start of the day and lock the file at the end of the day. Having another employee open and close the file is a reasonable accommodation which would be acceptable to staff and ADA requirements. Mr. Sandstoe has submitted the attached letter dated February 19, 1998, stating:

Kardex Systems Inc., published information states that they are ADA compliant. The Lektriever is designed to store and deliver files. The ADA regulations that are applied by manufacturers to these machines pertain to forward reach, side reach, and knee clearance and toe clearance. These functions are that which allow a physically challenged person to access the files within the Lektriever. The Kardex Lektriever complies with the ADA on all accounts. By design the Kardex posting board may be in a seated position which complies with all ADA requirements. The posting board may also be raised to accommodate a standing position for an individual or application that does not require a seated position.

Mr. Sandstoe further states:

As Vice President of OSDI and on the behalf of Kardex Systems, Inc. I would like to state again for the record, Kardex Lektriever is ADA compliant. OSDI and Kardex are prepared to provide an ADA compliant Lektriever to the City of Des Moines Engineering Department.

Staff had a confirmed meeting time with Mr. Brian Dawson, of Allied Handling Equipment Co., (the protesting company) on February 19, 1998, to discuss his February 13, 1998 protest letter to the City Council and the compliance of the Remstar equipment. Mr. Dawson did not show up for the meeting nor has he contacted staff to reschedule the meeting. Mr. Dawson's February 13, 1998 letter to Council confirms the items in Allied's original bid which staff determined to be noncompliant. Mr. Dawson's letter withdraws Allied's exceptions to meet the specifications requiring the trading of a lateral file carrier for a security carrier at a no charge at a later date, liquidated damages for later service response time, and further states that they submitted the wrong specification information regarding the 9.84 inch clearance between drawers and that their product has 10.43 inch clearance.

Note that this letter was presented to Council for the February 16, 1998 meeting which was some 30 days after the January 16, 1998 bid opening. Staff made its determination of noncompliance based upon the information submitted by Allied with its bid on January 16, 1998. It is the bidder's responsibility to submit a complete and accurate bid prior to the opening date, not to expect to make revisions almost 30 days after the bid opening.

Staff has reviewed its recommendation to the City Council on February 16, 1998, and now confirms that its original determination of noncompliance of the bid submitted by Allied Handling Equipment Company for Remstar equipment is still valid. Staff recommends acceptance of the bid submitted by Office Systems Division, Inc., for Kardex Lektriever 102 equipment in the amount of \$9,107.

Attachments