

Date October 10, 2016

WHEREAS, Fleet Maintenance requested the Finance Department Procurement Division to solicit bids for one replacement volumetric cement mixer truck for use by the Public Works Department, Sewer Maintenance Division; and

WHEREAS, the Procurement Division solicited bids by advertisement and mailing Invitation to Bid V16-087 to seven (7) potential bidders with seven (7) bidders responding with ten (10) proposals; and

WHEREAS, the low dollar compliant bid was received from Truck Country Quad Cities, 2350 W. 76<sup>th</sup> Street, Davenport, IA 52806, Doug McCoy, President, at a total cost of \$219,839.00; and

WHEREAS, funding is available from PW247410/Storm Sewer Maintenance; and

WHEREAS, the Procurement Administrator and the Fleet Maintenance Manager recommends approval of the low dollar compliant bid;

NOW THEREFORE BE IT RESOLVED, that the Des Moines City Council hereby accepts and approves the low dollar compliant bid for one replacement volumetric cement mixer truck from Truck Country Quad Cities at a total cost of \$219,839.00.

Moved by \_\_\_\_\_ to adopt

Approved as to form:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

(Council Communication No. 16-573)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

CITY OF DES MOINES - DEPARTMENT OF FINANCE - PURCHASING DIVISION					
	<b>Cement Mixer Truck</b>	<b>Public Works</b>	<b>Bid No. V16-087</b>		
	<b>Opened: 06/08/16</b>	<b>Opened by: mv</b>	<b>Req. # 16909241</b>		
Bidder	O'Halloran International, Inc.	<b>Truck Country Quad Cities</b>	GATR Truck Center	Harrison Truck Center	O'Halloran International, Inc.
Address	3311 Adventureland Drive	<b>2350 W. 76th Street</b>	5325 NE 14th Street	3601 Adventureland Drive	3311 Adventureland Drive
City	Altoona, IA 50009	<b>Davenport, IA 52806</b>	Des Moines, IA 50313	Altoona, IA 50009	Altoona, IA 50009
Terms	Net 15	<b>Net 30</b>		Net 30	Net 15
FOB:	City Garage			City Garage	City Garage
Delivery:	120 - 160 days	<b>100 days</b>		180 - 210 days	120 - 160 days
1 Each - Volumetric Cement Mixer Truck	\$216,839.00	<b>\$219,839.00</b>	\$240,419.00	\$240,925.00	\$242,444.00
Cab/Chassis Make/Model/Year	International/Workstar/2017	<b>Freightliner 114SD 2017</b>	Volvo VHD64F200, 2017	Freightliner 114SD, 2017	International/Workstar/2017
Body Make/Model	Omega Rhino Mobile Mixer	<b>ProAll Riemer Commander P85</b>	CemenTech C60 Mobile Mixer	CemenTech C60	CemenTech C60 Mobile Mixer
Bidder	MHC Kenworth	Housby Mack, Inc.	Peterbilt of Des Moines	Housby Mack, Inc.	Housby Mack, Inc.
Address	4111 Delaware Avenue	4747 NE 14th Street	3445 Adventureland Drive	4747 NE 14th Street	4747 NE 14th Street
City	Des Moines, IA 50313	Des Moines, IA 50313	Altoona, IA 50009	Des Moines, IA 50313	Des Moines, IA 50313
Terms					
FOB:	Des Moines				
Delivery:	120 days	150 days	130 days	150 days	150 days
1 Each - Volumetric Cement Mixer Truck	\$250,380.00	<b>\$254,828.00</b>	\$257,000.00	\$264,428.00	\$264,828.00
Cab/Chassis Make/Model/Year	Kenworth T880, 2017	<b>Mack GU713, 2017</b>	567 Peterbilt, 2017	Mack GU713, 2017	Mack GU713, 2017
Body Make/Model	CemenTech C60 10 yd.	<b>CemenTech C60</b>	CemenTech C60	CemenTech C60	CemenTech C60

44 B

44B



**From:** Dan Ritter, Interim Finance Director

**Date:** October 3, 2016

**Subject:** Appeal of Decision to Award Volumetric Cement Finisher Truck Purchase

---

The Finance Department, Procurement Division, issued Invitation to Bid No V16-087 "Volumetric Cement Mixer Truck," on May 11, 2016. Bids were due by June 8, 2016.

Based on review of the file documentation, initial tabulation shows a bid submitted by O'Halloran International, Inc., as low cost bid. It was determined after bid opening that the O'Halloran bid, with the Omega Rhino Mobile Mixer body as submitted, was not compliant with the bid specifications. Truck Country Quad Cities submitted the next low bid which was deemed compliant.

On September 8, 2016, O'Halloran submitted notice to the Procurement Administrator of an appeal to the award recommendation that was being submitted for Council approval. A letter to appeal the recommended approval was included from John Brandt, COO/CFO/Co-Owner of Omega Mixers, L.L.C. (the body maker).

In that letter, two points were mentioned:

Omega Concrete Mixers challenged bid specification Section W, item number 10, which specified a certain type of conveyor belt edge. The challenge explains that Omega uses a skirt board to accomplish the same goal as the belt edge described in the specifications and questions whether the low compliant bid utilizes the specified belt.

Omega Concrete Mixers indicates the conveyor in their bid did not provide an auto stow function as required in Section AA, item number 10 of the bid specifications, for reasons they believe the City should consider.

**Review Response:**

Municipal Code Section 2-727 provides that bid awards shall be to the lowest compliant, responsible bidder.

On page 1 of the specifications, highlighted in italics, as an item labeled Bidder Instructions, it states that "...bidders MAY NOT take any exceptions when bidding. Changes will only be made to specifications if inquiries about these specifications are made as described below and the City has provided an ADDENDUM with revised specifications." The file shows that inquiries were made and an addendum was sent out on May 27, 2016. Omega Concrete Mixers did not

use the required process to request an exception to the conveyor belt or to the auto stow function.

It would not be in the best interest of the City, as it would denigrate the integrity of a bidding process to allow the negotiation of specifications after bids are submitted. Therefore the City established process to question and suggest changes prior to bid submittal must be used.

The auto function feature was a minimum qualification listed in the bid specification and questions could have been raised prior to bid submittal. Omega Concrete Mixes elected not to utilize this feature.

The file also show the City Fleet Services Manager reviewed the specifications for the low compliant bidder and found the bid to be compliant on Section AA, item number 10 and Section W, item number 10.

**Decision:** Truck Country Quad Cities is the low compliant bid and the appeal is denied. Per the City of Des Moines, Iowa, Department of Finance, Procurement Division Additional Bidding Instructions Section I.O, on page 5, -- this decision may be appealed to the City Council on the date of Council action on the award of bid, currently scheduled for the October 10, 2016 City Council meeting.

44.B



**From:** Dan Ritter, Interim Finance Director

**Date:** October 3, 2016

**Subject:** Appeal of Decision to Award Volumetric Cement Finisher Truck Purchase

---

The Finance Department, Procurement Division, issued Invitation to Bid No V16-087 "Volumetric Cement Mixer Truck," on May 11, 2016. Bids were due by June 8, 2016.

Based on review of the file documentation, initial tabulation shows a bid submitted by O'Halloran International, Inc., as low cost bid. It was determined after bid opening that the O'Halloran bid, with the Omega Rhino Mobile Mixer body as submitted, was not compliant with the bid specifications. Truck Country Quad Cities (Truck Country) submitted the next low bid which was deemed compliant.

On September 22, 2016, GATR Truck Center (GATR) (the next low bidder) submitted notice to the Procurement Administrator of an appeal to the award recommendation that was being submitted for Council approval.

The appeal states that GATR has reviewed the product line of ProAll, the body maker in the bid submitted by Truck Country, and based on their review they believe the product offered will not meet seven separate specification in the bid requirements or that the City will be receiving a non-commercial unit.

**Review Response:**

I have reviewed the seven specifications which GATR alleges the ProAll body does not meet and find GATR's arguments to be without merit. GATR appears to base its arguments on review of prior ProAll product lines and not on the specific ProAll product described in Truck Country's bid proposal. The information submitted by Truck Country/ProAll and quote sheet, for the ProAll Mobile Concrete Mixer Commander P85, meets or exceeds specifications as required in the bid documents.

**Decision:** Truck Country Quad Cities is the low compliant bid and the appeal is denied. Per the City of Des Moines, Iowa, Department of Finance, Procurement Division Additional Bidding Instructions Section I.O, on page 5, -- this decision may be appealed to the City Council on the date of Council action on the award of bid, currently scheduled for the October 10, 2016 City Council meeting.