

★ Roll Call Number,  
10-1294

Agenda Item Number  
36

Date August 9, 2010

APPROVING AN EXCEPTION TO THE PROCUREMENT ORDINANCE COMPETITIVE BIDDING REQUIREMENTS FOR GOOD CAUSE AND PROCUREMENT OF SOLID WASTE CARTS FROM TOTER, INC.

WHEREAS, in 2003 the City of Des Moines Public Works Department Solid Waste Division implemented automated solid waste collection; and

WHEREAS, in 2008 the Public Works Department Solid Waste Division implemented automated solid waste recycling; and

WHEREAS, carts are required in order for the Public Works Department to implement solid waste, yard waste, and recycling automated collection throughout the City; and

WHEREAS, on January 7, 2002 by Roll Call No. 02-088, the City entered into a contract with Toter, Inc. to purchase such carts over a ten year period expiring September 31, 2010, with no more than a three percent annual price increase; and

WHEREAS, the Metro Waste Authority has entered into an agreement with Toter, Inc. to purchase such carts at a price which is \$6.07 less than cost of the City's contract with Toter, Inc. and such MWA contract provides that this pricing may be extended to the MWA governmental entities; and

WHEREAS, the Public Works Department wishes to enter into a contract with Toter, Inc. for such pricing subject to an annual increase of 3 percent for the procurement of 7,500 carts and for future annual purchases for a period of 10 years.

WHEREAS, the City Manager recommends that the procurement of solid waste, yard waste, and recycling automated collection carts be exempted from the competitive bidding requirements for good cause shown, pursuant to Section 2-710(a) of the Municipal Code of the City of Des Moines; and

WHEREAS, funding is available from PWK100101 EN151 and PWK100119 EN151, at an annual estimated amount \$400,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that good cause has been shown to exempt the procurement of solid waste, yard waste, and recycling automated collection carts from the Procurement Ordinance competitive bidding requirements.

BE IT FURTHER RESOLVED that the City Council hereby accepts and approves the procurement of solid waste, yard waste, and recycling automated collection carts under the above described terms and the Procurement Administrator is hereby authorized to enter into a contract with Toter, Inc. for further purchase of these carts at the contract rates through September 20, 2020.

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(Council Communication No. 10- 496 )

Moved by Moore to adopt

Approved as to Form:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh City Clerk