THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: November 14, 2023

Subject: The exception to competitive bidding for Procurement from Southern Vac

Staff Resource(s): Greg Shuler, Public Works Director; Jakob Klodt, Fleet Division Manager: Keith Leader, Project Manager - Fleet Management; and Amy Patterson, Purchasing Manager

Action Requested: Adoption of a resolution authorizing the exception to competitive bidding on procurement of goods and services from Southern Vac for fleet management parts and equipment.

Background:

- The City owns and operates three Vacuum Suction Trucks equipped with Vac-Con Equipment.
- City of Asheville Unit# 1437 requires replacement of the Vacuum Compressor Assembly.
- Vacuum components are manufactured by Vac-Con and are only available through authorized dealers.
- Southern Vac is the only distributor authorized to sell new equipment and parts, and provide warranty and repair services for Vac-Con Components in our geographic area.
- Use of OEM (original equipment manufacturer) parts is recommended to maintain the equipment up to the manufacturer's warranty standards.
- Manufacturer warranty varies based on type of equipment as well as type of product or service provided.
- Warranty terms are provided at time of purchase.

Vendor Outreach Efforts:

- This is an exception to the competitive bidding process to allow procurement from the sole distributor authorized to sell OEM parts.

Council Goal(s):

- A Well-Planned and Livable Community
- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- This resolution will allow the Fleet Division to efficiently purchase the parts required to repair and maintain the City's existing Vac-Con equipped Vacuum Suction Trucks
- City of Asheville Unit# 1437 will be repaired and returned to service.
- This will assist in allowing the City to meet obligations of a federally mandated stormwater permit.

Con(s):

- None

Fiscal Impact:

- Funding for these purchases, estimated at $60,000, is available in the Public Works Department operating budget.

Suggested Motion:

- Motion to adopt a resolution approving the exception to competitive bidding for procurement of Vac-Con Parts and Service from Southern Vac

Attachment(s):

- Resolution
- Letter

RESOLUTION NO. 23-____

RESOLUTION AUTHORIZING THE EXCEPTION TO FORMAL BIDDING IN PROCUREMENT OF GOODS AND SERVICES FROM SOUTHERN VAC FOR FLEET PARTS AND EQUIPMENT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-20.1 to contract with private entities to carry out any public purpose that the City is authorized by law to engage in; and

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 143-129, which details the procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. §143-129(e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. §143-129(e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material, or equipment without formal bidding when "(i) performance or price competition for a product are not available… and (iii) standardization or compatibility is the overriding consideration;" and

WHEREAS, Section 7.4(a) of the City of Asheville Contracting Policy states that formal bidding is not required where the City Council approves the purchase of apparatus, supplies, material or equipment where (i) Performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration; and

WHEREAS, the Stormwater & Water Resources Department utilize vacuum suction vehicles with Vac-Con devices used for depositing solid waste into the trucks; and

WHEREAS, Vac-Con has certified to the City that Southern Vac is the only authorized vendor of Vac-Con parts & services in the City of Asheville's geographic region, and the use of only original equipment manufacturer ("OEM") parts is necessary to ensure continued proper functionality of the City's existing Vac-Con equipped vehicles;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City of Asheville to purchase Vac-Con OEM parts from Southern Vac, as permitted under N.C.G.S. § 143-129(e)(6), for equipment standardization for as long as the City continues to use Vac-Con equipment on its vehicles.

Read, approved and adopted this the 14th day of November, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney