THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: May 23, 2023

Subject: Sole source purchase of Irwin Seating parts

Staff Resource(s): Chris Corl, Director Community & Regional Entertainment Facilities

Action Requested: Adoption of a resolution supporting the sole source procurement of Irwin Seating Company Inc. parts and any future parts for consistency in operation and functionality at the Harrah's Cherokee Center; and a three year service agreement with Irwin Seating Company Inc.

Background:

- The Telescopic seating system at the Harrah's Cherokee Center - Asheville (HCCA) was bid for and installed in 2011 as part of the first phase of renovations completed at the facility.
- The initial purchase and installation of the seating system provided annual maintenance by the seating company for three years as well as additional spare parts and equipment for HCCA staff use when necessary for repairs.
- Spare parts inventory is low, and due to the age of the system, an annual service agreement with the manufacturer for inspections and necessary repairs is best practice for operations of the equipment and safety of the HCCA's guests.
- The telescopic seating system is proprietary to the manufacturer as well as official inspection practices.

Council Goal(s):

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

Committee(s):

- Civic Center Commission - May 2, 2023 - Discussed, no formal vote

Pro(s):

- This resolution will allow the Harrah's Cherokee Center to efficiently purchase the needed parts required to repair and maintain the Telescopic seating system installed in 2011.

Con(s):

- None

Fiscal Impact:

- Funding for these expenses (estimated at $5,400 in the current year) is available in the HCCA Fund.
- An additional $4,001 will be spent annually for each of the next three fiscal years for the service agreement.

Suggested Motion:

- Motion to adopt a resolution supporting the sole source procurement of Irwin Seating Company Inc. parts and any future parts for consistency in operation and functionality at the Harrah's Cherokee Center; and a three year service agreement with Irwin Seating Company Inc.

Attachment(s):

- Resolution

RESOLUTION NO. 23-____

RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF IRWIN SEATING COMPANY INC. PARTS FOR TELESCOPIC SEATING FROM IRWIN SEATING COMPANY INC., THE SOLE SUPPLIER OF IRWIN SEATING COMPANY PARTS IN THE UNITED STATES

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 "(iii) standardization or compatibility is the overriding consideration;" and

WHEREAS, Section 6.5(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 Harrah's Cherokee Center - Asheville utilizes Irwin Seating Company telescopic seating for flexible and temporary seating set ups for events; and

WHEREAS, Irwin Seating Company is the only supplier of the parts in the United States, and the use of only original equipment manufacturer ("OEM") parts is necessary to ensure continued proper functionality of the telescopic seats;

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 OEM parts from Irwin Seating Company, Inc. , as permitted under N.C.G.S. § 143-129(e)(6) for sole source parts supply for as long as the Harrah's Cherokee Center continues to use Irwin Seating Company telescopic seats for event set ups and seating, and to enter into a three year service agreement with Irwin Seating Company, Inc. for a total purchase and contract amount not to exceed $19,000.

Read, approved and adopted this the 23rd day of May, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney