THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: April 27, 2021

Subject: Sole Source Procurement of AccuBrine System Maintenance, Repair, Parts, and Upgrades

Staff Resource(s): Greg Shuler, PW Director; Chad Bandy, Streets Division Manager; Jerry Yates, Streets Operations Manager

Action Requested: Adoption of a resolution supporting the sole source procurement of AccuBrine system maintenance, repair, parts, and upgrades, and that such items be exempt from competitive bidding per the sole source statute based on standardization, until the end of life of the Cargill AccuBrine system.

Background:

- In May 2020, the Streets Division of the Public Works Department was contacted by its representative from Cargill Salt - Road Safety, the manufacturer of AccuBrine (the system used to produce brine for anti-icing in the winter).
- The Cargill representative stated that the software and electric controls for the current system are no longer manufactured or supported, making Asheville's current system obsolete.
- The existing proprietary AccuBrine system thus requires upgrades that must use Cargill parts and all upgrade designs.
- According to NCGS §143-29, Procedure for letting of public contracts, one of the exceptions to the bidding requirement is standardization: "Purchases of apparatus, supplies, materials, or equipment when: (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" (NCGS § 143-129 (e)(6)).
- Any maintenance, repair, parts, and upgrades to the AccuBrine system must be consistent in parts and design with the current Cargill brining system, thus meeting the standardization exception.

Council Goal(s):

- Transportation & Accessibility

Pro(s):

- Upgrades the current AccuBrine system, and allows for future procurement of maintenance, repair, parts, and upgrades to keep the entire brining system standardized with Cargill AccuBrine equipment.

Con(s):

- None

Fiscal Impact:

- Funding for this purchase ($88,460) has been previously approved and is available for expenditure in the Streets Division of the Public Works Department budget for Fiscal Year 2020-21.

Suggested Motion:

- Motion to adopt a resolution supporting the sole source procurement of AccuBrine system maintenance, repair, parts, and upgrades, and that such items be exempt from competitive bidding per the sole source statute based on standardization, until the end of life of the Cargill AccuBrine system.

Attachment(s):

- Resolution

RESOLUTION NO. 21-_____

RESOLUTION AUTHORIZING THE PROCUREMENT OF MAINTENANCE, REPAIR, PARTS, AND UPGRADES FOR THE ACCUBRINE SYSTEM FROM CARGILL SALT - ROAD SAFETY INC. UNTIL THE SYSTEM'S END OF LIFE

WHEREAS, NCGS § 143-129 details procedures for the letting of public contracts; and

WHEREAS, NCGS § 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of NCGS § 143-129 (e) states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: “(iii) standardization or compatibility is the overriding consideration”; and

WHEREAS, maintenance, repair, and upgrades to the AccuBrine system must use Cargill parts and all upgrade designs and be standardized with the current brining system from Cargill Salt - Road Safety Inc., thus meeting the "standardization" exception.

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

The City Council hereby authorizes the procurement of maintenance, repair, parts, and upgrades for the AccuBrine system as permitted under NCGS § 143-129 (e)(6) from standardized vendor Cargill Inc., until the system's end of life.

Read, approved, and adopted this the 27th day of April 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney