

# Mayor and Council Communication

**DATE:** 06/27/23

**M&C FILE NUMBER:** M&C 23-0590

**LOG NAME:** 13PCOOP SW041521-TOT WASTE CARTS LSJ CODE

**SUBJECT**

(ALL) Authorize the Execution of an Agreement with Toter, LLC for the Purchase, Delivery and Maintenance of Garbage, Recycling and Yard Waste Carts in an Amount Up to \$2,660,095.00 for the Initial Term, Using Sourcewell Cooperative Contract 041521- TOT, for the Code Compliance Department

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**RECOMMENDATION:**

It is recommended that the City Council authorize the execution of an agreement with Toter, LLC for the purchase, delivery and maintenance of garbage, recycling and yard waste carts in an amount up to \$2,660,095.00 for the initial term, using Sourcewell Cooperative Contract 041521-TOT for the Code Compliance Department and authorize four consecutive, one-year renewals options at 5% annual increase every term.

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**DISCUSSION:**

The Code Compliance (Code) Department approached Purchasing about entering into an annual agreement for recycling, garbage, yard carts and maintenance services. Since November 2002, the City of Fort Worth has contracted with Toter, LLC (Toter) (now wholly owned by Wastequip, LLC) for the purchase, delivery, maintenance and replacement of recycling and garbage and yard carts for Fort Worth residents. In order to maintain consistency in the cart size and appearance and also to ensure efficient repair and replacement of parts, the City will continue its contractual relationship with Toter using the Sourcewell Cooperative Agreement No. 041521 TOT. Under this Agreement with Toter, the service levels will remain consistent with current service levels. Staff recommends awarding a one-year Agreement with Toter, LLC with four optional one-year renewal terms.

State law provides that a local government purchasing an item under a cooperative purchasing agreement satisfies state laws requiring that the local government seek competitive bids for purchase of the item. Sourcewell cooperative contracts have been competitively bid to increase and simplify the purchasing power of government entities.

Funding is budgeted in the Other Contractual Services account of the Code Compliance Department's rollup within the Solid Waste Fund. Approval of this M&C authorizes the City to spend up to \$2,660,095.00 for the first term with Toter for the recycling, garbage, yard carts and maintenance services. Actual usage in any term can be up to the authorized amount and will be dependent upon actual appropriations for this purpose in the departments' budget.

AGREEMENT TERMS - Upon City Council approval the agreement will begin upon execution and ends May 28, 2024 to correspond with the terms of the cooperative contract. This Agreement may be renewed for up to four additional one-year terms at the City's option for the following amounts: Year Two \$2,667,574.00; Year Three \$2,736,451.00; Year Four \$2,807,091.00, and Year Five \$2,879,538.00. This action does not require specific City Council approval provided that the City Council has appropriated sufficient funds to satisfy the City's obligations during the renewal term.

ADMINISTRATIVE CHANGE ORDER - An administrative change order or increase may be made by the City Manager up to the amount allowed by relevant law and the Fort Worth City Code and does not require specific City Council approval as long as sufficient funds have been appropriated.

DIVERSITY & INCLUSION - A Business Equity goal is not assigned when purchasing from an approved purchasing cooperative or public entity.

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**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated in the Solid Waste Fund. Prior to an expenditure being incurred, the Code Compliance Department has the responsibility to validate the availability of funds.

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