

December 23, 2009

MEMORANDUM

TO: City Council

FROM: David J. Deutsch, City Manager

SUBJECT: Ratification of a Waiver of the Competitive Bidding Requirement of Section 61 of the Charter of the City of Bowie for the Acquisition and Installation of a New Rooftop 15 Ton Air Conditioning Unit with Gas Heat at the Bowie Playhouse

On December 10, City Council was made aware of an emergency situation that had occurred at the Bowie Playhouse located in Whitemarsh Park. The facility is served by two rooftop heating and air conditioning units. Unfortunately, one of the two units that serve the main auditorium seating area failed and could not be repaired. This project was originally anticipated as a capital improvement project by staff for the upcoming budget process.

The facility was booked for the two subsequent weekends of "A Christmas Carol" by our resident group Prince George's Little Theater. Although temporary heating units were acquired, a permanent solution was necessary given the time of the year. This matter was discussed with the City Attorney and a decision was made that an emergency existed that required immediate resolution. Staff contacted its heating and air conditioning maintenance provider and determined that a unit could be located and installed in approximately two weeks at a cost of \$26,625. A purchase order was issued to the vendor to initiate this process. Without a bid waiver, this process would have resulted in this work not being completed until the end of January 2010.

The purpose of this memorandum is to recognize this process occurred at the first available City Council agenda in order to formally approve a ratification of a bid waiver required for such an acquisition. Funds for this rooftop unit will be used from the Facility Preventative Maintenance capital budget in the adopted Fiscal Year 2010 Budget.

Recommendation: I recommend approval of R-8-10 which would ratify the waiver of the competitive bidding requirement in accordance with Section 61 of the Charter of the City of Bowie to award a contract to Clean Air Mechanical, Inc. of Bowie, Maryland in the amount of \$26,625 for the acquisition and installation of a 15 ton rooftop unit at the Bowie Playhouse.

RESOLUTION

**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND BY
TWO THIRDS VOTE RATIFYING THE WAIVER OF THE
COMPETITIVE BIDDING REQUIREMENT IN ACCORDANCE
WITH SECTION 61 OF THE CHARTER OF THE CITY OF
BOWIE TO AWARD A CONTRACT TO ACQUIRE AND
INSTALL A 15 TON ROOFTOP AIR CONDITIONING AND
HEATING UNIT AT THE BOWIE PLAYHOUSE**

WHEREAS, the City of Bowie is the owner of the Bowie Playhouse, located in Whitemarsh Park; and

WHEREAS, the Bowie Playhouse is a year round indoor 150 seat theater providing valuable entertainment to the community; and

WHEREAS, the heating unit serving the main auditorium seating area failed and was deemed unrepairable; and

WHEREAS, since the Bowie Playhouse was booked for the two following weekends with shows patronized by the public, and heat was deemed necessary for these performances, an emergency existed which was discussed with the City Attorney; and

WHEREAS, since an emergency existed that required immediate action, a bid waiver was determined to be the best approach to resolve the situation; and

WHEREAS, the City Council was notified on December 10, 2009 of this emergency and the actions taken by staff to resolve the matter; and

WHEREAS, a suitable 15 ton unit was identified by Clean Air Mechanical, Inc. of Bowie, MD that met our facility needs; and

WHEREAS, funds for the rooftop unit are available for this project in the Facility Preventative Maintenance capital account in the Fiscal Year 2010 Budget;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Bowie, Maryland that the Council, by a two-thirds vote, in accordance with the City Charter Section 61, hereby waives the competitive bidding requirements for good cause;

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Council of the City of Bowie, Maryland that the Council ratifies the authority of the City Manager to sign a contract with Clean Air Mechanical, Inc. in the amount of \$26,625.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on January 4, 2009.

G. Frederick Robinson,
Mayor

ATTEST:

Pamela A. Fleming
City Clerk