

## MEMORANDUM

TO: City Council

FROM: David J. Deutsch, City Manager

SUBJECT: Request to Waive Bidding Requirements of Section 61 of the City Charter to Allow the City Manager to Contract for Services for the Public Works Department with a Company Granted Sole Source Authorization from the City's Grantor, the U.S. Department of Energy (DOE) – Resolution R-41-10.

DATE: June 16, 2010

As you are aware, the City of Bowie has received an Energy Efficiency and Conservation Block Grant (EECBG) issued by the U.S. Department of Energy (DOE) for several projects. One of these projects is a pilot program to provide 65-gallon recycling carts to certain sections of Bowie. The sections to be included in this demonstration project are Chapel Forge, Overbrook, Idlewild, Yorktown, Saddlebrook East and Victoria Heights.

Beginning next Thursday, our Public Works Department will begin weighing the recycling tonnage put out by the residents in these sections. This process will continue for five to six weeks. By then, we expect to have the new carts delivered. Every home in these sections will receive a cart. Attached to the cart will be information on the pilot program along with additional materials on recycling. In addition, we will aggressively advertise this program to solicit support from the residents in these sections to recycle as much as possible.

After the carts are received by all residents in these sections, Public Works will again begin weighing the recycling tonnage put out by these residents. Based on the experience that many other jurisdictions have had, we hope to see an increase in recycling tonnage of at least twenty (20) percent. Depending on the results of the Pilot Program, we may request that Council budget funds to expand this pilot program to other sections of the City.

Please note that the reason Public Works recommended implementing the Pilot Program in these particular six sections is that they are located closest to Public Works, where we have our only large truck scale to weigh the trucks.

Public Works checked numerous references from other jurisdictions which use these particular carts, including Howard County. Based on this feedback, it appears that the Rehrig-Pacific carts have held up well in other jurisdictions. They also come with an unconditional ten year warranty.

We recommend the City of Bowie purchase the Rehrig-Pacific manufactured containers through cooperative purchasing agreement with Howard County. As noted before, the Howard County Department of Public Works has completed its competitive bidding process and has selected Rehrig-Pacific as its successful vendor.

The U.S. Department of Energy Efficiency Block Program has approved the City to move forward with a direct purchase process for this procurement.

We recommend that Council adopt Resolution R-41-10 and authorize the Waiver of Section 61 of the City Charter in order to purchase 1700 recycling carts of 65 gallon capacity from the Rehrig-Pacific Company of Erie, Pennsylvania at \$42.03 each for a total cost not-to-exceed of \$71,451.00.

**RESOLUTION**  
**BY TWO-THIRDS VOTE OF THE COUNCIL OF THE CITY OF BOWIE,**  
**MARYLAND WAIVING THE BIDDING REQUIREMENTS OF SECTION 61**  
**OF THE CITY CHARTER TO ALLOW THE CITY TO ENTER INTO A**  
**CONTRACT WITH REHRIG PACIFIC, COMPANY, FOR 65 GALLON**  
**RECYCLING CONTAINERS FOR THE PILOT RECYCLING PROGRAM;**  
**BASED UPON THE DIRECT PURCHASE AUTHORIZATION PROVIDED BY**  
**THE U.S. DEPARTMENT OF ENERGY AND AUTHORIZING THE CITY**  
**MANAGER TO ENTER INTO AN AGREEMENT FOR THIS PURCHASE.**

**WHEREAS**, the charter of the City of Bowie, Maryland (hereinafter, “the City”) requires, in section 61, that all expenditures for, *inter alia*, materials, construction of public improvements or contractual services involving more than ten thousand dollars be made by written contract upon sealed bids to the lowest responsible bidder, except where the City Council by two-thirds vote waives the bidding requirements for good cause shown; and

**WHEREAS**, the City is in need of procuring 65 gallon recycling carts from Rehrig-Pacific Company of Erie, Pennsylvania for a Pilot Recycling Program for the Department of Public Works; and

**WHEREAS**, the Pilot Recycling Program will service over fifteen hundred homes in the Chapel Forge, Overbrook, Yorktown, Idlewild, Saddlebrook East, and Victoria Heights neighborhoods within the City; and

**WHEREAS**, the City has received an Energy Efficiency and Conservation Block Grant issued by the U.S. Department of Energy for the procurement of recycling containers; and

**WHEREAS**, it is estimated that the total price for the purchase in question will exceed ten thousand dollars; and

**WHEREAS**, it has come to the City's attention the Rehrig-Pacific is the vendor that supplies the same recycling containers to Howard County Maryland, Public Works Department; and

**WHEREAS**, the U.S. Department of Energy has authorized the City to enter into a "Sole Source" procurement relationship with Rehrig-Pacific; and

**WHEREAS**, City research has determined that Rehrig Pacific manufactures and supplies a quality product that demonstrates cost effective procurement; and

**WHEREAS**, the City Council deems the aforestated economic efficiencies to constitute good cause to waive the bidding requirements otherwise required by the Charter.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Bowie, Maryland, upon a two-thirds vote, that the bidding requirements of Section 61 of the City Charter are hereby waived with respect to single stream recycling equipment, funded by the Energy Efficiency and Conservation Block Grant received from the U.S. Department of Energy, to allow the City to enter into a contract with the Rehrig-Pacific Company, of Erie, Pennsylvania, for the procurement of 65 gallon recycling containers for the City's Pilot Recycling Program; at a total price not to exceed \$71,451.00; and the City Manager is authorized to enter into an agreement with the said company for these services. **INTRODUCED AND PASSED** by the Council of the City of Bowie, Maryland at a Meeting on June 21, 2010 by a vote of at least two-thirds of the members of the Council.

**WITNESS:**

**THE CITY OF BOWIE, MARYLAND**

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Pamela A. Fleming  
City Clerk

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G. Frederick Robinson, Mayor

**APPROVED AS TO FORM AND  
SUFFICIENCY:**

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Robert H. Levan, City Attorney