

**CITY OF HOBART BOARD OF PUBLIC WORKS & SAFETY
Resolution No. 2014-05**

**A Resolution Authorizing Special Purchase
of 10,920 Refuse and Recycling Receptacles as a Special Purchase**

WHEREAS, the Board of Public Works and Safety (“Board”) of the City of Hobart, Indiana (“City”) is the purchasing agency for the City pursuant to §31.004(A) of the Municipal Code of the City of Hobart enacted pursuant to the authority of I.C. §5-22-4-5(a); and

WHEREAS, the Board, as the City’s purchasing agency, has all of the powers and duties authorized under the laws of the State of Indiana governing purchasing under I.C. §5-22; and

WHEREAS, the City of Hobart has previously purchased several thousand Toter EVRII Refuse containers for use in the City as part of the City’s refuse disposal automation program, said containers being duly configured for emptying by the City’s recently-acquired automated refuse trucks; and

WHEREAS, approximately 40 percent of the City’s households have been provided the new containers, but the City administration desires to complete equipping the balance of the City’s households which will require approximately ten thousand (10,000) receptacles, five thousand (5,000) each with two different color lids, one (black) for garbage, and the other (green) for recycling; and

WHEREAS, the Toter EV II is sold only through a single supplier in the State of Indiana, Best Equipment Company, Inc. of 5550 Poindexter Drive, Indianapolis, Indiana 46234. Best is offering said receptacles at a special price of \$60.20 each (\$657,384.00 total) which represents a temporary special price for this purchase only; and

WHEREAS, the trash receptacles offered by other manufacturers are not compatible with the Toter model in that the Toter is fully stackable making retrieval, transport and storage of the receptacles much easier and requiring much less storage space; and

WHEREAS, having a single source of receptacles of the same type throughout the City will assure consistency, neighborhood to neighborhood, and avoid personal preferences among residents; and

WHEREAS, the total purchase price for 10,920 96 gallon Toter EVRII reptacles is \$657,384.00; and

WHEREAS, because there is a single source for the Toter receptacles, because the purchase of this type receptacle at this time affords the City a unique opportunity to acquire this equipment at substantial savings, and because only the Toter model is compatible with the receptacles already owned and distributed to residents by the City, the Board has been advised that the purchase of the receptacles under the above described conditions constitutes a special purchase, not subject to bid, pursuant to I.C. §§5-22-10-5, 8, 13 and 14(2); and

WHEREAS, the City Executive has determined that said receptacles be acquired through a lease-purchase arrangement of five (5) annual payments, first payment in advance, commencing with the first payment in August 2015 or upon delivery, and subsequent payments due annually thereafter through 2018. Lease proposals were obtained from U.S. Bancorp Government Leasing and Finance, Inc. (USBGLF), TCF Equipment Finance, Inc., Horizon Bank, and Main Source Bank Equipment Finance. The proposal of USBGLF has an annual interest rate of 1.853% with the sum of the lease payments amounting to \$681,735.95. Both the interest rate and sum of the payments is lowest among all of the proposals received; and

WHEREAS, the Board, having obtained the foregoing information, and desiring to authorize said special purchase now makes the following findings of fact, enters the orders below, and desires to spread same upon the public record.

THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City of Hobart, Indiana, that:

1. The Board now finds and determines that all facts stated in the above prefatory paragraphs of this Resolution are true.
2. The Board further finds and concludes that:
 - a. the acquisition of the receptacles described above under the terms set forth herein constitutes a unique opportunity to obtain said equipment at a substantial savings to the City pursuant to I.C. §5-22-10-5;
 - b. that the compatibility of equipment, accessories, or replacement parts is a substantial consideration in the purchase of the receptacles and only one (1) source meets the City's reasonable requirements pursuant to I.C. §5-22-10-8; and
 - c. that the purchase of the receptacles as outlined above is advantageous to the Board's interest in efficiency and economy pursuant to I.C. §5-22-10-14(2),

Accordingly, the Board concludes and finds that the acquisition of said receptacles under such terms constitute a qualified special purchase and that such receptacles may be purchased without soliciting bids or proposals pursuant to the meaning and intent of I.C. §5-22-10-1, *et seq.*

3. The Board further finds that the terms of the lease proposed by U.S. Bancorp Government Leasing and Finance, Inc. (USBGLF) for the acquisition of the receptacles over five (5) years provides for an interest rate of 1.853% *per annum* which is within a reasonable range for municipal borrowing for equipment of this type, and the Board accepts the terms of said lease as an addition to the proposed contract for the purchase pursuant to I.C. §5-22-7.3-12, it being the determination of the Board that the addition of such lease to the contract of acquisition of this equipment is not prejudicial to the interest of the City or to fair competition and concludes that the lease arrangement proposed by USBGLF should be accepted. Accordingly, the Board

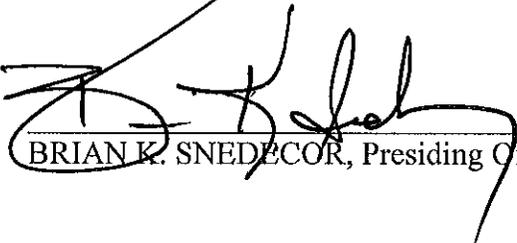
authorizes said lease for the acquisition of the receptacles. At the end of said lease, upon payment of the sum of \$1.00, the City will assume ownership of same.

4. Based on the foregoing findings, the Board now orders and directs that 10,920-96 gallon Toter EVRII receptacles of the colors described above be purchased at the price stated above, \$657,384.00 total from Best Equipment Company, Inc. of 5550 Poindexter Drive, Indianapolis, Indiana 46234.

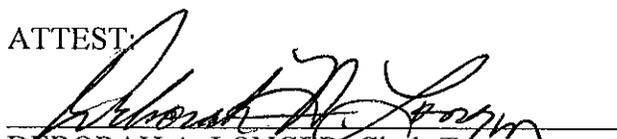
5. Further, the Board authorizes the City Executive and Clerk-Treasurer to execute and deliver a lease for the acquisition of said receptacles upon the terms stated above with USBGLF as lessor, and to sign all other documents necessary to carry out said lease-purchase.

6. The Board directs the officials of the City to document said transaction in the manner required by law. In particular, pursuant to the provisions of I.C. §5-22-10-1, *et seq.*, the staff of the Clerk-Treasurer shall maintain all pertinent contract records for the special purchase authorized by this Resolution in a separate file. This Resolution, and the findings and conclusions stated therein, shall constitute the written determination of the purchasing agency of the City for this special purchase and the selection of a particular seller. In addition, the acquisition and lease authorized herein shall be included in the City's record listing of all contracts made as special purchases under I.C. §5-22-10 for a minimum of five (5) years. Such record must contain each contractor's name, the amount and type of each contract, and a description of the equipment purchased under each.

ALL OF WHICH IS ADOPTED as the Resolution of the City of Hobart Board of Public Works & Safety on this 6th day of August, 2014.


BRIAN K. SNEDECOR, Presiding Officer:

ATTEST:


DEBORAH A. LONGER, Clerk-Treasurer