

CITY OF HOBART BOARD OF PUBLIC WORKS & SAFETY

Resolution No. 2017-13

**A Resolution Authorizing the Acquisition of a
Rear Loader Garbage Truck by the City 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 I.C. §5-22; and

WHEREAS, the Board has been informed by the Department of Public Works of the City (“DPW”) that it again requires the urgent acquisition of a replacement garbage truck, caused by the break-down of one of the Department’s rear-loading units which has created significant inefficiencies in handling the City’s refuse pick-up and disposal; and

WHEREAS, for this reason, a conventional solicitation for sealed bids is not feasible since a thirty to forty-five day period is required to conduct such a bid, and because the DPW is not in a position to wait for production of an ordered unit, while the unit described below can be delivered in a matter of a few days; and

WHEREAS, the Department of Public Works has searched for vehicles immediately available. As part of this effort, the DPW obtained a quote through the National Joint Powers Alliance (NJPA), an intergovernmental organization organized under Minnesota law which negotiates and competitively bids contracts for the supply of vehicles and equipment available to governmental agencies throughout the United States. NJPA is a cooperative purchasing organization pursuant to I.C. §5-22-4-7. The organization is the purchasing agency for a governmental body with respect to the purchases made for the governmental body by the cooperative purchasing organization. An individual designated by the cooperative purchasing organization is a purchasing agent for the governmental body with respect to the purchases made for the governmental body by the cooperative purchasing organization. Under Indiana law, purchasing through such entities as NJPA presents a purchasing governmental entity with a unique opportunity to obtain supplies or services at a substantial savings to the governmental body obviating the need for a competitive bid pursuant to I.C. §5-22-10-5, and also because the market structure is based on price but the governmental body is able to receive a dollar or percentage discount off the established price pursuant to I.C. §5-22-10-12, and

WHEREAS, NJPAA quoted the following unit and price through its Member Number 43085, Best Equipment Company, Inc. of Indianapolis, Indiana:

One (1) New Leach 25 yard Rear Loader refuse Collection Body mounted on a
2018 Freightliner M2-106 chassis with two (2) Perkins 6620 Hydraulic Tipper

46 with Hydraulic kick bar, ears and latches—Labrie awarded NJPA Contract No.
47 12014LEG;

48
49 Purchase Price \$176,577.50. Payment due on Delivery, FOB Hobart, Indiana; and
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51 WHEREAS, the Department has requested that the Board authorize the immediate
52 purchase of the garbage truck identified above, and the Board through this resolution, desires to
53 authorize said immediate purchase; and
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55 WHEREAS, under the foregoing circumstances, the Board has been advised that
56 acquisition of the quoted vehicle also constitutes a “special purchase” pursuant to I.C. §5-22-10-
57 9 in that purchase of the required equipment under another purchasing method would seriously
58 impair the functioning of the using agency; and
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60 WHEREAS, the Board, having obtained the foregoing information, and desiring to
61 authorize said special purchase now makes the following findings of fact, enters the orders
62 below, and desires to spread same upon the public record.
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64 THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City
65 of Hobart, Indiana, that:
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67 1. The Board now finds and determines that all facts stated in the above prefatory
68 paragraphs of this Resolution are true.
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70 2. The Board further finds and concludes that the acquisition of the vehicle
71 described above under the terms set forth herein constitutes a “special purchase” pursuant to I.C.
72 §5-22-10-9 in that purchase of the required equipment under another purchasing method article
73 would seriously impair the functioning of the DPW. In addition, the Board determines that the
74 proposed purchase constitutes a unique opportunity to obtain supplies or services at a substantial
75 savings to the City pursuant to I.C. §5-22-10-5. Accordingly, such vehicle may be purchased
76 without soliciting bids or proposals pursuant to the meaning and intent of I.C. §5-22-10-1.
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78 3. Based on the foregoing findings, the Board now orders and directs that one (1)
79 New Leach 25 yard Rear Loader refuse Collection Body mounted on a 2018 Freightliner M2-106
80 chassis with two (2) Perkins 6620 Hydraulic Tippers with Hydraulic kick bar, ears and latches—
81 Labrie awarded NJPA Contract No. 12014LEG, offered by Best Equipment Company, Inc. of
82 Indianapolis, Indiana be purchased immediately at the price stated above, \$ \$176,577.50,
83 payment due on delivery FOB Hobart, Indiana.
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85 4. Further, the Board authorizes that the Executive and Clerk-Treasurer to execute
86 and deliver all documents necessary for the immediate acquisition of said vehicle and equipment
87 upon the terms stated above, and further authorizes the encumbrance of funds from the moneys
88 available in the City’s 2017 budget to support the acquisition.
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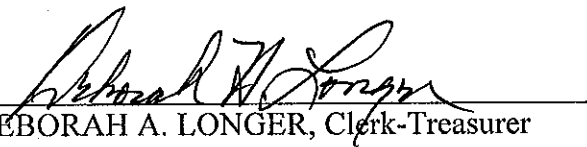
90 5. The Board directs the officials of the City to document said transaction in the
91 manner required by law. In particular, pursuant to the provisions of I.C. §5-22-10 the staff of the

92 Clerk-Treasurer shall maintain all pertinent contract records for the special purchase authorized
93 by this Resolution in a separate file. This Resolution, and the findings and conclusions stated
94 therein, shall constitute the written determination of the purchasing agency of the City for this
95 special purchase and the selection of a particular supplier. In addition, the acquisition authorized
96 herein shall be included in the City's record listing of all contracts made as special purchases
97 under I.C. §5-22-10 for a minimum of five (5) years. Such record must contain each contractor's
98 name, the amount and type of each contract, and a description of the equipment purchased under
99 each.

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101 ALL OF WHICH IS ADOPTED as the Resolution of the City of Hobart Board of Public
102 Works & Safety on this 29th day of December, 2017.

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109 BRIAN K. SNEDECOR, Presiding Officer:

110 ATTEST:

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114 DEBORAH A. LONGER, Clerk-Treasurer
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