

City of Fayetteville Item Review Form

2014-0224

Legistar File Number

June 3, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

Submitted By

Transportation Services

Department

Action Required:

A resolution awarding Bid 14-25 to Lewis Ford of Fayetteville for the purchase of one Ford F150 with Maxon Lift Gate in the amount of \$25,652.40 for use by Recycling and Trash Collection Division.

Does this item have a cost? Yes

\$25,653.00

Cost of this request

\$800,500.00

Category or Project Budget

Light / Medium Utility Vehicles

Program or Project Name

9700.1920.5802.00

Account Number

\$428,722.00

Funds Used to Date

Vehicles and Equipment

Program or Project Category

02078.2014

Project Number

\$346,125.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item? No

Budget Adjustment Attached? Yes

V20130812

Previous Ordinance or Resolution # _____



Original Contract Number: _____



Comments:

[Signature] 5/15/14

Paul a. Becker 5-15-2014

[Signature] 5-16-14
[Signature]



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 3, 2014

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation *TG*
FROM: Jesse Beeks, Fleet Operations Superintendent *JB*
DATE: May 14, 2014
SUBJECT: Purchase of one F150 with Maxon Lift Gate

RECOMMENDATION:

That City Council approve the purchase of one Ford F150 Pickup with Maxon Lift Gate from Lewis Ford of Fayetteville in the amount of \$25,653 for use by Recycling and Trash Collection.

BACKGROUND:

Unit 2081 is a 2005 Ford F250 4x4 extended cab pickup that was scheduled for replacement in 2015, however, it needs to be replaced now. Bid 14-25 was opened on April 17, 2014; a copy of the bid tab is attached.

DISCUSSION:

The low bidder is from out of state. According to Arkansas law, we are not allowed to purchase a vehicle whose primary purpose is transporting people - from a dealer who is not licensed in Arkansas. (See letter attached.) Lewis Ford of Fayetteville is the second low bidder and they meet all specs. The price difference is \$219.

The replacement truck has been down sized from a $\frac{3}{4}$ ton to a $\frac{1}{2}$ ton truck.

Fleet recommends the purchase of one Ford F150 with Maxon Lift Gate from Lewis Ford of Fayetteville in the amount of \$25,653 for use by Recycling and Trash Collection.

BUDGET/STAFF IMPACT:

Sufficient replacement funds have been collected to replace this unit. As it was budgeted to replace in 2015, a Budget Adjustment is needed to move the funds to the 2014 Fleet expense account.

Attachments:

Bid Tab, Bid 14-25
Letter from Office of City Attorney
Purchase Requisition
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-25 TO LEWIS FORD SALES, INC. OF FAYETTEVILLE, ARKANSAS FOR THE PURCHASE OF A FORD F150 PICKUP TRUCK WITH MAXON LIFT GATE IN THE AMOUNT OF \$25,652.40 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #14-25 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas and approves the purchase of a Ford F150 pickup truck with Maxon Lift Gate in the amount of \$25,652.40 for use by the Recycling and Trash Collection Division.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 3rd day of June, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

A. 4
 Bid #14-25 Lewis
 Ford Sales, Inc.
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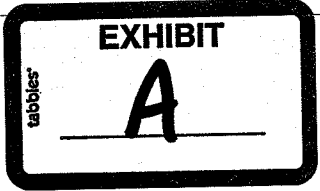
Budget Year 2014	Division: Fleet Operations Dept.: Transportation Services Requestor: Barbara Olsen	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

To replace an F250 ext cab pickup, SWST_F014, unit 2081. New unit will be #2184. Sufficient funds remain to meet City objectives.

<p>RESOLUTION/ORDINANCE</p>	<p>COUNCIL DATE: <u>6/3/2014</u></p> <p>LEGISTAR FILE ID#: <u>2014-0224</u></p> <p style="text-align: center;"><i>Kevin Springer</i> 5/14/2014 12:30 PM</p> <p style="text-align: center;">Budget Director Date</p> <p>TYPE: _____</p> <p>DESCRIPTION: _____</p> <p>GLDATE: _____</p> <p>POSTED: <u> / /</u></p>
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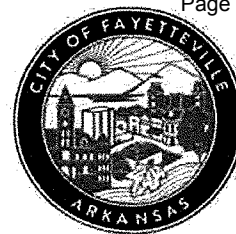
TOTAL	26,000	26,000					v.20140428
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
9700.1920.5802.00	26,000	-	02078	2014	EX	Vehicles And Equipment	
9700.0970.4999.99	-	26,000			RE	Use of Fund Balance	





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Andrea Foren, Purchasing Agent**

FROM: **Blake Pennington, Assistant City Attorney**

A handwritten signature in black ink, appearing to be "B. Pennington", written over the printed name.

DATE: **April 28, 2014**

RE: **Bids by Out-of-State Car Dealers**

You asked me to research the law regarding bids on vehicle RFPs by dealers not located in Arkansas and advise whether we can accept a bid by a dealer located in Republic, Missouri. You also asked me about how Arkansas law defines a "vehicle" for purposes of this situation.

First, the sale of motor vehicles is governed by the Arkansas Motor Vehicle Commission Act (the "Act") codified at A.C.A. § 23-112-101, *et seq.* The Act defines a motor vehicle as "a self-propelled vehicle having two (2) or more wheels that has as its primary purpose the transportation of a person, including without limitation all-terrain vehicles, automobiles, trucks, motorcycles, motor-driven cycles, motor scooters, and low speed vehicles." A.C.A. § 23-112-103. Therefore, any car, truck or other vehicle that is used primarily for transporting people is governed by the Act.

Vehicles used primarily for another purpose (*e.g.* trash, dump, and fire trucks) are not governed by this Act and we would simply need to follow standard purchasing laws. You have to look at the intended purpose for the vehicle that is being purchased to determine out whether the Act controls or not. That intended purpose of the vehicle should be clearly stated in the bid forms for the benefit of both the City and potential bidders.

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If the Act controls the purchase, then the limitations for sales to the State of Arkansas explained in Attorney General Opinion 2009-057 also apply to purchases by the City of Fayetteville. The motor vehicle dealer must be licensed by the Arkansas Motor Vehicle Commission in order to sell motor vehicles in Arkansas.

A.C.A. § 23-112-301 makes it illegal for any unlicensed dealer (whether located in Arkansas or another state) to sell motor vehicles in Arkansas. Therefore, accepting a bid from an unlicensed motor vehicle dealer and entering into a contract for the purchase of a motor vehicle would be illegal.

In accordance with the Attorney General's opinion and the foregoing statutes, it is my opinion that the City must refuse bids from and refuse to award contracts for the sale of motor vehicles to any unlicensed motor vehicle dealer, regardless of the state of residency. The Arkansas Motor Vehicle Commission provides an online search tool at its website (<http://amvc.arkansas.gov>) to confirm whether a bidder is licensed by the State of Arkansas to sell motor vehicles.

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date: 5/8/2014	Bid #14-25 Lewis Ford Sales, Inc.
P.O Number:	Expected Delivery Date: Page 7 of 8	

Vendor #: 7040	Vendor Name: LEWIS FORD	Mail Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
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Address:	Fob Point:	Taxable Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	Quotes Attached Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
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City:	State:	Zip Code:	Ship to code: 50	Division Head Approval: <i>Jeane Beckler</i>
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 3485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FORD F150 WITH MAXON LIFT GATE, PER	1	EA	25,652.40	\$25,652.40	9700.1920.5802.00	02078.2014		702184
2	BID SPECS, BID 14-25, TO BE UNIT 2184.				\$0.00				
3	FIXED ASSET 702184				\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:	Subtotal: \$25,652.40
	Total: \$25,652.40

Approvals:

Mayor: _____	Department Director: _____	Purchasing Manager: _____
Finance & Internal Services Director: _____	Budget Manager: _____	IT Manager: _____
Dispatch Manager: _____	Utilities Manager: _____	Other: _____



Bid: 14-25
 4/17/2014
 2:00 PM
 City of Fayetteville

BID 14-25, Extended Cab 4x4 Truck

BIDDER	Manufacturer	Model	Qty	Price Each	Total Bid
Lewis Ford Sales Inc	Ford	F150 with Maxon Lift Gate	1	\$ 25,652.40	\$ 25,652.40
Republic Ford Inc	Ford	F150	1	\$ 25,433.00	\$ 25,433.00
Terex	Ford	F150 with Tommy Gate	1	\$ 29,112.00	\$ 29,112.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED:

P. Vice

P. Vice, Purchasing Manager

Carolyn Reef
 Witness

4-22-14

Date