



Legislation Details (With Text)

**File #:** 21-1616      **Version:** 1      **Name:** 10/18/21 Toter Change Order  
**Type:** Resolution      **Status:** Passed  
**File created:** 10/18/2021      **In control:** City Council  
**On agenda:** 10/18/2021      **Final action:** 10/18/2021  
**Enactment date:** 10/18/2021      **Enactment #:** R-21-385

**Title:** Resolution to Approve a Change Order with Toter LLC for Solid Waste Containers (\$50,000.00, total Purchase Order of \$148,000.00) and Appropriate \$50,000.00 from fund balance (8 Votes Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Master08-Sep-2021-03-52-04.pdf, 2. Tucson RFP.pdf, 3. Amendment Toter.pdf, 4. Amendment 22.pdf

| Date       | Ver. | Action By    | Action   | Result |
|------------|------|--------------|----------|--------|
| 10/18/2021 | 1    | City Council | Approved | Pass   |

Resolution to Approve a Change Order with Toter LLC for Solid Waste Containers (\$50,000.00, total Purchase Order of \$148,000.00) and Appropriate \$50,000.00 from fund balance (**8 Votes Required**)  
The City maintains a supply of solid waste collection containers to replace aging containers and to distribute when new solid waste customer accounts are added. The City’s approved Solid Waste Resource Management Plan also has a goal to increase recycling at commercial and multi-family properties. In order to accomplish this goal, the City must have the ability to purchase containers for new or expanded recycling service.

Resolution R-21-054 approved on February 16, 2021 appropriated funding and authorized an annual purchase of solid waste containers with Toter LLC for \$98,000.00. Staff ordered a sufficient number of containers in FY21 to spend the full approved amount, but due to supply chain issues, Toter could not deliver all containers before the end of the fiscal year. The City received delivery of 60 containers totaling \$56,616.12 in FY21. The remainder of the order anticipated for FY21 did not arrive until early July 2021, after the start of FY22. More containers have since been ordered and the additional purchasing authority is needed to fulfill current and future inventory needs for the remainder of the fiscal year, necessitating the change order of \$50,000.00 as well as an appropriation of funding.

Public Works requests the authorization of an increase to the annual purchase order with Toter, LLC in the amount of \$50,000.00 for a total FY22 expenditure of \$148,000.00. Funds for this purchase are available in the Solid Waste Fund Unobligated Fund Balance (\$50,000.00) and the Approved FY22 Operations and Maintenance Budget (\$98,000.00)

Toter, LLC uses the National Intergovernmental Purchasing Alliance (IPA) agreement with the City of Tucson (RFP No. 171717 contract for Refuse and Recycling Container Solutions and Related Products, Equipment and Services).

Toter, LLC complies with the City’s conflict of interest, non-discrimination and living wage ordinances.

Budget/Fiscal Impact: Due to delays in delivery of the FY 21 order, funding for the change order requires an appropriation; as well as, an increase of purchasing authority. Funding for the amount of this change order is available in the Solid Waste Fund Unobligated Fund Balance (\$50,000.00). The annual purchase of \$98,000.00 is available in the approved FY22 Solid Waste Fund Operations and Maintenance budget

..Staff

Prepared by: Molly Maciejewski, Public Works Manager  
Reviewed by: Craig Hupy, Public Services Area Administrator  
Approved by: John Fourier, Acting City Administrator

Whereas, The City needs to maintain a stock of solid waste collection containers to replace existing containers, to provide larger containers and establish service for new customers;

Whereas, Toter, LLC is party to the National Intergovernmental Purchasing Alliance (IPA) agreement with the City of Tucson;

Whereas, This agreement provides competitive pricing that other municipalities can use;

Whereas, Council approved an appropriation of funding and a purchase order with Toter for \$98,000.00 in FY21 (R 21 054);

Whereas, Staff ordered containers and expected delivery in FY21 but shipping delays resulted in delivery of some containers after the fiscal year ended;

Whereas, Additional containers have been ordered and are needed in FY22 which will result an exceedance of the FY22 purchasing authority;

Whereas, Funding is available in the Unrestricted Fund Balance of the Solid Waste fund and the FY22 Solid Waste Fund Operations and Maintenance Budget; and

Whereas, Toter, LLC complies with the City's non-discrimination and living wage ordinances.

RESOLVED, That City Council approve an increase in the purchase order with Toter, LLC for \$50,000.00 for a total FY22 purchase order not to exceed \$148,000.00;

RESOLVED, That \$50,000.00 increase be appropriated from the Solid Waste Unrestricted Fund Balance thereby increasing the revenue and expenditure budgets of the Solid Waste Fund Operations and Maintenance Budget; and

RESOLVED, That the City Administrator be authorized to take the necessary actions to implement this resolution.