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**Title:** CONSIDER APPROVAL OF A PURCHASE AGREEMENT WITH RJ THOMAS MANUFACTURING COMPANY, INC. FOR THE PURCHASE OF 32 PARK BENCHES FOR VARIOUS CITY PARKS (CITY COUNCIL)

**Sponsors:** Community Services

**Indexes:**

**Code sections:**

**Attachments:** 1. IFB 23-01 PURCHASEOF PARK BENCHES\_Final For Posting 02.06.23 (003), 2. Bid Register, 3. Purchase Agreement\_Park Benches (RJ Thomas)

Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Tuesday, April 18, 2023

Consent

**SUBJECT:**

**CONSIDER APPROVAL OF A PURCHASE AGREEMENT WITH RJ THOMAS MANUFACTURING COMPANY, INC. FOR THE PURCHASE OF 32 PARK BENCHES FOR VARIOUS CITY PARKS (CITY COUNCIL)**

**I. SUMMARY**

The Community Services/Parks & Recreation Department wishes to purchase thirty-two (32) new park benches to be installed by City staff at various City parks. An Invitation for Bids (IFB) (Exhibit 1) was advertised through the Planet Bids portal from February 9, 2023, through February 23, 2023. The proposal submitted by R.J. Thomas Manufacturing Company, Inc. was the lowest bid with an amount of \$40,083.20. Staff is requesting that City Council approve the purchase of the benches from this vendor.

**II. RECOMMENDATION**

TAKE all of the following actions:

- (1) WAIVE any irregularities or informalities in the bids or bidding pursuant to CMC 2610(k)
- (2);

(2) APPROVE the Purchase Agreement for the purchase of 32 park benches for various City parks from R.J. Thomas Manufacturing Company, Inc. for a total do-not-exceed cost of \$40,083.20 (Exhibit No. 3; the “Purchase Agreement”); and

(3) AUTHORIZE the Mayor to execute the Purchase Agreement following approval as to form by the City Attorney.

**III. ALTERNATIVES**

1. REJECT all bids, and DIRECT staff to initiate a new Invitation for Bids (IFB) process.
2. TAKE another action the City Council deems appropriate.

**IV. BACKGROUND**

Community Services staff has identified eight (8) parks - Anderson Park, Calas Park, Dominguez Park, Dolphin Park, Foisia Park, Hemingway Park, Stevenson Park, and Veterans Park - in need of new benches for the tennis courts. To select a vendor, from February 9, 2023, through February 23, 2023, an Invitation for Bids (IFB) was completed via Planet Bids.

Five (5) proposals from the following vendors were received by the deadline: R.J. Thomas Manufacturing (“RJ Thomas”), A&M Church and School Furniture (“A&M”), Bliss Products and Services, Inc. (“Bliss”), Belson Outdoors, LLC (“Belson”), and ConServ Company. The bid amounts are as detailed below:

<b>Vendor</b>	<b>Bid Amount</b>
R.J. Thomas Manufacturing	\$40,083.20
A&M Church and School Furniture	\$49,881.28
Bliss Products and Services, Inc.	\$55,294.08
Belson Outdoors, LLC	\$61,162.88
ConServ Company	\$105,261.76

Under CMC 2610(i), unless all bids are rejected, the award shall be made to the lowest responsive and responsible bidder.

RJ Thomas’ bid specifies seat slat dimensions of 1/8” x 2” flat bar, whereas the IFB specifies seat slat dimensions 3/16” x 1-1/2” flat bar. A&M’s bid and Bliss’ bid both specified cast aluminum bench legs, whereas the IFB specifies cast iron bench legs. Accordingly, after reviewing the bids, staff initially determined that the bid from Belson (the fourth lowest

bidder) was the lowest responsive bid meeting the exact specifications of the IFB. However, Belson subsequently informed Community Services staff that Belson's product is no longer composed of cast iron, but cast aluminum instead, contrary to the bid that Belson had submitted. Cast aluminum legs are less durable than cast iron legs, and Community Services staff desires a durable product.

After being informed that Belson no longer offers the product it bid with the cast iron legs, staff determined that R.J. Thomas' bid was/is the lowest and closest to meeting the IFB's requirements of the product specifications and project scope, with cast iron frame and seat slats at 1/8" x 2" flat bars instead of the IFB-specified 3/16" x 1 1/2" flat bars. This discrepancy in the seat slat dimensions is minor and immaterial to the City. City Council has the authority to waive any irregularities or informalities in any bid or bidding pursuant to CMC 2610(k)(2), and doing so in this case would make RJ Thomas the lowest responsive and responsible bidder under CMC 2610(i).

If Council approves the Purchase Agreement with RJ Thomas as recommended, RJ Thomas will deliver the benches to the City's Corporate Yard. City staff will handle offloading and subsequent installation of the benches at the aforementioned City parks.

## **V. FISCAL IMPACT**

Funds for this purchase were allocated in the adopted FY 2022/23 budgets of each park. The following amounts will be charged to each account to reach the total purchase cost of \$40,083.20:

- Anderson Park (101-90-950-257-6027) - \$ 5,010.40
- Calas Park (101-90-950-258-6027) - \$ 5,010.40
- Dominguez Park (101-90-950-257-6027) - \$ 5,010.40
- Dolphin Park (101-90-950-355-6027) - \$ 5,010.40
- Foisia Park (101-90-950-150-6027) - \$ 5,010.40
- Hemingway Park (101-90-950-159-6027) - \$ 5,010.40
- Stevenson Park (101-90-950-253-6027) - \$ 5,010.40
- Veterans Park (101-90-950-260-6027) - \$ 5,010.40

## **VI. EXHIBITS**

1. IFB 23-01 Park Benches (pgs. 4 - 41)
2. IFB 23-01 Bid Register (pg.42)
3. R.J. Thomas Purchase Agreement (pgs. 43 - 54)

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