



## Legislation Text

File #: 2022-095, Version: 1

### Report to Mayor and City Council

Tuesday, March 01, 2022

Consent

#### **SUBJECT:**

**CONSIDER APPROVING THE PURCHASE OF BUS SHELTERS AND BUS BENCHES FROM TOLAR MANUFACTURING COMPANY, INC. AT A DO-NOT-EXCEED TOTAL COST OF \$475,616.02 (CITY COUNCIL)**

#### **I. SUMMARY**

The City provides fixed-route bus service through Long Beach Transit (LBT) and the Carson Circuit. As part of these services, the City also owns and maintains bus shelters and benches to accommodate riders at bus stops. Due to constant exposure to outdoor elements, the amenities have aged considerably, with visible signs of wear and tear.

In recent years, Public Works and Transportation staff have replaced 26 shelters and benches with newer units from Tolar Manufacturing Company, Inc. (Tolar). These shelters exhibit a custom perforated rear wall with the logo "CARSON" as part of their design. Staff would like to extend this unified look across the City's remaining bus stops by ordering an additional 18 Carson-branded bus shelters and 216 bus benches from Tolar. This procurement would essentially complete efforts to upgrade and beautify every bus stop in Carson.

The total cost of the order is \$452,967.64 (Exhibit No. 1; Tolar Quote). To account for any unanticipated charges, staff is requesting an additional 5% contingency, for a do-not-exceed total cost of \$475,616.02.

#### **II. RECOMMENDATION**

1. WAIVE the bidding requirements in Chapter 6 ("Purchasing System") of Title II of the Carson Municipal Code (CMC), pursuant to CMC Section 2611(e) ("Sole Source Purchasing"); and
2. APPROVE the purchase of 18 bus shelters and 216 bus benches from Tolar Manufacturing Company, Inc. at a do-not-exceed total cost of \$475,616.02.

### **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate.

### **IV. BACKGROUND**

The City provides fixed-route bus service through Long Beach Transit (LBT) and the Carson Circuit. As part of these services, the City also owns and maintains bus shelters and benches to accommodate riders at bus stops. Due to constant exposure to outdoor elements, the amenities have aged considerably, with visible signs of wear and tear.

In recent years, Public Works and Transportation staff have replaced 26 shelters and benches with newer units from Tolar Manufacturing Company, Inc. (Tolar). These shelters exhibit a custom perforated rear wall with the logo "CARSON" as part of their design.

To maintain this unified appearance across the City's remaining bus stops, the City Council is asked to approve waiver of the bidding requirements of the purchasing ordinance pursuant to the sole source purchasing exception, as defined by Section 2611 (e) of the Carson Municipal Code (CMC) below, for the purchase of 18 additional Carson-branded bus shelters and 216 bus benches from Tolar (Exhibit No. 3; Shelter and Bench drawings).

"(e) Sole Source Purchasing. The City Manager may dispense with this Chapter's bidding requirements if he or she finds that the materials, supplies, equipment, or services are unique because of their quality, durability, availability, or fitness for a particular use and are available only from one (1) source, or, if available from more than one (1) source, can be purchased from the manufacturer or service provider for a lower price. If the cost of such sole source purchasing is \$25,000 or greater, then the City Council's approval shall be required."

It is important to note that although the City can pursue competitive bidding for a procurement of bus shelters and benches, the specifications and architecture provided by a different vendor would contradict Tolar units, both in terms of design and aesthetics. Tolar owns, as part of its intellectual property, the designs, custom metal and gasket extrusions that are unique to their products (Exhibit No. 2; Sole-source correspondence). Manufacturers outside of Tolar are restricted from fabricating the custom "CARSON" logo, nor able to obtain the specific parts and specifications from Tolar to replicate any parts of the shelters or benches. As such, staff would like to complete bus stop upgrades with Tolar units to avoid pronounced offsets across the City's bus stops.

The total cost of the order is \$452,967.64. To account for any unanticipated charges, staff is requesting an additional 5% contingency, for a do-not-exceed total cost of \$475,616.02.

At the City's Parks, Recreation and Cultural Arts Commission meeting on February 24, 2022, staff took the opportunity to discuss the proposed purchase and gather input from commissioners. Regarding the design of the amenities, there was a mutual desire to maintain and extend the existing designs across the City's remaining bus stops.

Should the City Council approve the proposed order, the City's Corporate Yard does not have the space to store the materials. Additionally, Public Works staff have confirmed their inability to perform installation within the requested window of two months. As such, and should this order be approved, a Request for Proposals will be issued to solicit bids for the installation. Finished materials from Tolar can be delivered directly to the vendor performing the installations.

Pursuant to CMC Section 2605(b)(1)(ii), the proposed purchase would require a separate written contract absent waiver of the requirement in the sole discretion of the Purchasing Manager. Since Tolar will not be performing any installations, or any services for that matter, the City Manager, serving dually as the Purchasing Manager, has waived said written contract requirement (Exhibit No. 4; Waiver). It is important to note that the waiver of the City's standard written contract does not result in the City being held responsible to Tolar's terms and conditions outlined in pages 3 and 4 of their quote (Exhibit No. 1; Tolar Quote). The City will not sign on to said Tolar terms; rather, Tolar will agree to the terms of the City's standard form purchase order pursuant to CMC 2605(a).

## **V. FISCAL IMPACT**

None. Funds for this procurement were included in the Fiscal Year 2021-22 budget in Proposition A account no. 218-90-940-101-6009 and Proposition C account no. 219-90-940-180-6009 in the amounts of \$190,246.41 and \$285,369.61 respectively.

## **VI. EXHIBITS**

1. Tolar Quote (pgs 4-7).
2. Sole source correspondence (pg 8).
3. Shelter and Bench drawings (pgs 9-13).
4. Waiver (pg 14).

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