

The Town of Upper Marlboro

RESOLUTION: 2021-21
SESSION: Regular Town Meeting
DATE: August 10th, 2021

A RESOLUTION OF THE BOARD OF COMMISSIONERS AUTHORIZING THE TOWN OF UPPER MARLBORO TO PURCHASE TRASH CARTS AND RELATED PRODUCTS AND SERVICES FROM TOTER, INC., PURSUANT TO A NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE COOPERATIVE PURCHASING CONTRACT FOR THE PURCHASE OF A QUANTITY OF 450, 64-GALLON, TOTER RESIDENTIAL RECYCLING BINS

WHEREAS, pursuant to Section 82–81 (Acquisition, Possession, and Disposal [of Property]) of the Charter of the Town of Upper Marlboro, the Town may acquire real, personal, or mixed property within or without the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, convey, or otherwise dispose of or encumber any property belonging to the Town; and

WHEREAS, pursuant to Section 82–44 (Over–Expenditure Forbidden) of said Charter, no officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter, and that any contract, verbal or written, made in violation of the Charter shall be null and void, but that nothing in said section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease, or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law; and

WHEREAS, the Board of Town Commissioners finds that the City of Tucson, AZ has publicly solicited and awarded to Toter, LLC a cooperative purchasing agreement (Contract #171717) for Toter refuse containers, related waste, and recycling products, and this cooperative purchasing agreement is available to public agencies and non-profit entities nationwide via the National Intergovernmental Purchasing Alliance (NIPA or National IPA, now OMNIA Partners, Public Sector); and

WHEREAS, the Board of Town Commissioners further finds that Toter, LLC is a North Carolina business entity registered and in good standing with the State of Maryland as a foreign limited liability company; and

WHEREAS, the Board of Town Commissioners further finds that the Town’s current residential recycling bins are past their recommended life expectancy and are in need of being replaced; and

WHEREAS, the Board of Town Commissioners under the Public Works line item in the FY 2022 Condensed Budget has appropriated \$25,000 for the purchase of new recycling bins; and

WHEREAS, after research by the staff, the Board of Town Commissioners further finds that Quote Number WQ-10177451 from Toter, LLC trading as Toter in cooperation with Omnia Partners (formerly U.S. Communities Government Purchasing Alliance) of \$24,846.02 for 450 Qty (\$50.86 sales

The Town of Upper Marlboro

price each), Model 79264 - Toter 64 Gallon EVR II Universal/Nestable Carts is a reasonable and cost effective quote; and

WHEREAS, pursuant to Section 82–56 (Purchasing and Contracts) of said Charter, all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall typically be subject to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

WHEREAS, the Board finds that according to Town Ordinance 2011-02, Section 6(c) (Cooperative and wholesale purchasing), notwithstanding any other provision of said Ordinance, the Board of Commissioners may contract with any supplier who offers goods or services on the same terms as provided other state or local governments or agencies thereof if the Board of Commissioners finds that the cost of the items to be purchased is equal to or less than that which could be obtained by competitive procurement; and

WHEREAS, the Board finds that according to Town Ordinance 2011-02, Section 6(a), that the cost of the items to be purchased under Quote Number WQ-10203740, as amended, is equal to or less than that which could be obtained by competitive procurement (to wit: originally in 2017 under the Tucson Contract (Contract #171717) the unit price was \$50.86 per cart with the contract allowing for quarterly price adjustments to reflect the current resin market and the Plastics News Resin Index), and that NIPA (National IPA, now OMNIA Partners, Public Sector) and Toter have implemented a new 5-year contract that extends this competitive pricing until 2023.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the Board hereby approves the purchase of trash carts and related products and services from Toter, Inc., pursuant to a National Intergovernmental Purchasing Alliance cooperative purchasing contract, through January 31, 2023, and any future renewal periods, as referenced above; and

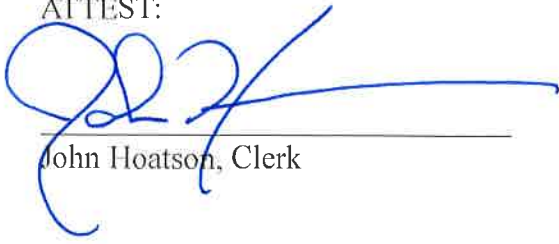
BE IT FURTHER RESOLVED that this purchase hereby awarded as a cooperative purchase in accordance with Section 6(c) of Ordinance 2011-02, and approved in accordance with the terms and conditions of the Wastequip Terms and Conditions of Sale available at www.wastequip.com/terms-conditions-of-sale; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to purchase 450, Model 79264 - Toter 64 Gallon EVR II Universal/Nestable Carts and execute any related addenda, schedules, purchase orders or exhibits thereto pertaining to carry out the intent of this Resolution.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular public meeting on the 10th day of August, 2021.

The Town of Upper Marlboro

ATTEST:

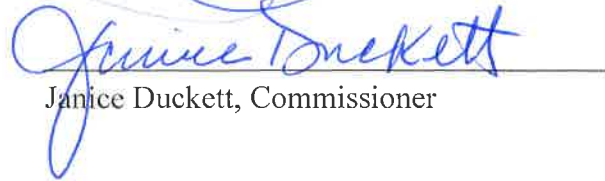


John Hoatson, Clerk

BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO, MARYLAND



Linda Pennoyer, President

Sarah Franklin, Commissioner

Janice Duckett, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 18 day of August, 2021.



John Hoatson, Clerk



841 Meacham Rd, Statesville, NC, 28677
 PHONE: 800-424-0422 FAX: 833-930-1124
 WQ-10203740

Sell To:

Contact Name	Kyle Snyder	Ship To Name	Town of Upper Marlboro
Bill To Name	Town of Upper Marlboro	Ship To	14211 School Ln
Bill To	14211 School Ln Upper Marlboro, MD 20772 USA		Upper Marlboro, MD 20772 USA
Email	deputyclerk@uppermarlboromd.gov		
Phone	(301) 627-6905 x1104		
Mobile	(301) 609-0447		

Quote Information

Salesperson	Shane Gore	Created Date	8/13/2021
Salesperson Email	sgore@wastequip.com	Expiration Date	8/27/2021
		Quote Number	WQ-10203740
			Please Reference Quote Number on all Purchase Orders

Product	Product Description	Selected Option	Quantity	Sales Price	Total Price
**Plastics - 79264	Model 79264 - Toter 64 Gallon EVR II Universal/Nestable Cart	---Body Color - (709) Bluestone ---Lid Color - (705) Blue ---Body Hot Stamp on Both Sides (New) in White ---Wheels - 10in Sunburst ---Toter Serial Number Hot Stamped on Front of Cart Body in White ---2/3 Assembled with Lid (down), Stop Bar and Axle Factory Installed ---Warranty - 12 Yrs Cart Body, All other components 10 Yrs	450.00	\$50.86	\$22,887.00
2	---Body Hot Stamp on Front/Saddle (Existing)		450.00	\$0.25	\$112.50

Payment Terms	Net 30 Days if credit has been established	Subtotal	\$22,999.50
Shipping Terms	FOB Origin	Shipping	\$1,846.52
		Tax	\$0.00
		Grand Total	\$24,846.02

Additional Information

Additional Terms Our Quote is a good faith estimate, based on our understanding of your needs. Subject to our acceptance, your Order is an offer to purchase our Products and services in accordance with the Wastequip Terms & Conditions of Sale ("WQ T&C") located at: <https://www.wastequip.com/terms-conditions-of-sale>, as of the date set forth in Section 1(b) of the WQ T&C, which are made a part of this Quote. These WQ T&Cs may be updated from time to time and are available by hard copy upon request.

Additional Information Pricing is based on your anticipated Order prior to the expiration of this Quote, including product specifications, quantities and timing, accepted delivery within 45 days of Order acceptance by Toter. Any differences to your Order may result in different pricing, freight or other costs. Due to volatility in petrochemical, steel and related Product material markets, actual prices and freight, are subject to change. We reserve the right, by providing notice to you at any time before beginning Product manufacturing, to increase the price of the Product(s) to reflect any increase in the cost to us which is due to any factor beyond our control (such as, without limitation, any increase in the costs of labor, materials, or other costs of



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manufacture or supply). Unless otherwise stated, materials and container sizes indicated on sales literature, invoices, price lists, quotations and delivery tickets are nominal sizes and representations – actual volume, Products and materials are subject to manufacturing and commercial variation and Wastequip's practices, and may vary from nominal sizes and materials. All prices are in US dollars; this Quote may not include all applicable taxes, brokerage fees or duties. If customer is not tax exempt, final tax calculations are subject to change.

Special Contract Information Please Note: Pricing and Product offerings is based on the OMNIA Partners, Public Sector (subsidiaries National IPA and U.S. Communities) agreement through Toter's Contract No. 171717 as awarded by the City of Tucson on 02-01-2018. Per the terms of this contract, pricing and products are evaluated every three (3) months for price adjustments based on current market conditions, at any time without prior notice, and after City of Tucson approval. The current pricing is effective 11-1-2020 through 1-31-2021. Toter, LLC Product Warranties, Disclaimers, Limitation of Liability and Remedies, and Limited Warranty Provisions apply to all purchases thereunder.

Signatures

Accepted By: _____

Company Name: _____

Date: _____

Purchase Order: _____

Please Reference Quote Number on all Purchase Orders