

Council Agenda

November 23, 2009, 6:30 p.m., Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE

ROLL CALL

CORRECTION AND APPROVAL OF MINUTES OF PRECEDING SESSIONS:

- November 9, 2009 regular council meeting.

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PERSONAL APPEARANCES:

REMARKS OF COUNCIL:

PETITIONS:

- 09-24 from Annie Jamieson-Urena, AKT Peerless Environmental and Energy Services, requesting a public hearing be held on Monday, December 7, 2009 at 6:30 p.m. for the purpose of amending the City's Brownfield Plan to include 1200 Leon Scott Court, for Project Infinity whereby Global Watt plans to invest \$177 million for a solar modular production plant creating approximately 500 jobs.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND
APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

REPORTS FROM MANAGER:

Recommended Actions:

1. Recommending approval of the Memorandum of Understanding between the City of Saginaw and the Bureau of Alcohol, Tobacco and Firearms, and that the City Manager or his designee be authorized to execute the Agreement. Further recommend that the City Manager or his designee be authorized to execute all similar Memoranda of Understanding until June 30, 2012.
2. Recommending that Council waive the potential conflict of interest present and allow the law of Braun, Kendrick, Finkbeiner, PLC to represent the Temple Theatre Foundation in a proposed acquisition of a parking lot owned by the City of Saginaw and associated with the Morley Building. This firm has routinely represented the City of Saginaw on a

number of other matters, but will not be representing the City on the negotiation of this project. No adverse effects are expected, but Braun, Kendrick, Finkbeiner, PLC is obligated by ethical considerations to obtain the City's authorization prior to proceeding.

3. Recommending that a budget adjustment be completed to increase the Drug Forfeiture Fund's – Fund Equity revenue line item no. 264 0000 680 0000 from \$65,933.00 to \$90,285.00, which equates to a \$24,352.00 increase. The increase in revenue will be offset by an increase in the Professional Services expenditure line item no. 264 3040 731 8001 by the same amount.
4. Recommending that a budget adjustment be completed to increase the following Capital Outlay/Office Equipment line items: City Manager's Office, Account No. 101-1710-701.97-60 by \$685, City Clerk's Office, Account No. 101-1730-701.97-60 by \$1,520, Fiscal Services Administration, Account No. 101-1740-711.97-60 by \$2,260, and Public Services Building, Grounds and Maintenance, Account No. 101-7575-821.97-60 by \$2,920. This represents a total increase in expenditures of \$7,385, which will be offset by an increase in General Fund Revenue - Reimbursement of Insurance Proceeds Account No. 101-0000-602.68-04 from \$10,000 to \$17,385. This adjustment reflects the purchase of security enhancements for City Hall and funds that will be provided to the City in the form of a reimbursement from its insurance carrier.
5. Recommending issuance of a purchase order to Audio Central Alarm in the amount of \$7,385.00 for the purchase of additional security equipment to be utilized at City Hall. The funds are available in the following Capital Outlay/Office Equipment line items: City Manager's Office, 101 1710 701 9760 (\$685.00), City Clerk's Office, 101 1730 701 9760 (\$1,520.00), Fiscal Services Administration, 101 1740 711 9760 (\$2,260.00) and Public Services Building, Grounds and Maintenance, 101 7575 821 9760 (\$2,920.00). This purchase will provide necessary video surveillance coverage throughout City Hall and will provide upgrades to some older model cameras that may no longer provide images up to today's standard.
6. Recommending that the phone equipment maintenance agreements with I.T.I., Inc. be approved and that a purchase order be approved and issued to them in the amount of \$1,965.82. These maintenance agreements cover the telephone equipment located at City Maintenance & Service Water and Sewer, and the Water Treatment Plant for a one-year period from December 1, 2009 through November 30, 2010. Funds are budgeted and available in the Information Services Operating Services Account No. 658 1720 711 8005.
7. Recommending acceptance of the quote and issuance of a purchase order to Advantage Business Systems in the amount of \$3,068.35 for a floor safe to be used by the Treasurer's Office. Funds are budgeted in the General Fund Treasurer's Capital Outlay – Less Than \$5,000.00 Account, No. 101 1743 711 9705.
8. Recommending acceptance of the State bid and issuance of a purchase order to Gexpro in the amount of \$3,701.64 for the purchase of various traffic signal bulbs. Funds are available in the Major Streets Traffic Engineering Parts and Supplies Account, No. 202 4621 791 7330.
9. Recommending acceptance of the low bid and issuance of a purchase order to American Plumbing & Heating in the amount of \$1,540.00 for fiscal year 2010 and \$1,540.00 for fiscal year 2011, totaling \$3,080.00, for testing backflow prevention devices. Funds are available in the Sewer Operation and Maintenance Operating Services Accounts, Nos.

590 4835 861 8005 (\$1,400.00) and 590 4830 861 8005 (\$140.00) and will be budgeted in these accounts for fiscal year 2011.

10. Recommending acceptance of the bid and issuance of a purchase order to Hamilton Electric Co. in the amount of \$7,433.00 for the purchase of two Franklin submersible motors. Funds are available in the Sewer Operation and Maintenance Parts and Supplies Account, No. 590 4835 861 7330.
11. Recommending that payment be made to Pumps Plus, Inc. in the amount of \$9,175.20 for the emergency purchase of grit snail parts to be used by the Wastewater Treatment Plant. Pump Plus, Inc. is the sole source for these parts. Funds are available in the Sewer Operation and Maintenance Parts and Supplies Account, No. 590 4830 861 7330.
12. Recommending acceptance of the low bid from John E. Green in the amount of \$2,690,000.00 and that a contract be awarded to them in that amount for Wastewater Treatment aeration basin improvements. Further recommend that the Sewer Operations and Maintenance Fund – Sewer Bond’s Divisions Construction Projects Account, No. 590 4843 881 8047 be increased from \$265,752.00 to \$4,765,752.00, which equates to a \$4,500,000.00 increase. This increase will be offset by an increase to the Sewer Operations and Maintenance Fund’s – Bond Proceed Account, No. 590 0000 696 0000 by \$4,500,000.00. The revenue will be made available by the State of Michigan Revolving Fund in the form of a loan and ARRA funds. This contract is subject to approval by the City Manager as to substance and the City Attorney as to form.

INTRODUCTION OF ORDINANCES:

1. An Ordinance to amend Section 130.52, “Parental Responsibility”, and Section 130.54, “Violation and Penalty”, of Sections 130.50, Et. Seq., “Curfews for Minors”, of Chapter 130, “Offenses Against Public Peace and Safety”, of Title XIII, “General Offenses”, of the City of Saginaw

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to amend Subsection C, of Section 50.09, “Fees”, of Chapter 50, “Solid Waste”, of Title V, “Public Works”, of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

- Motion to go into closed session to discuss pending litigation in a police procedure case.

Darnell Earley
City Manager

COUNCIL COMMUNICATION

From: The City Manager

Subject: Franklin Submersible Motors

Manager's Recommendation:

I recommend that the only bid received from Hamilton Electric Co. be accepted and that a purchase order be issued to them in the amount of \$7,433.00 for the purchase of eight (8) Franklin submersible pumps.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Sewer Operation and Maintenance Parts and Supplies Account No. 590-4835-861.73-30.

Justification:

We have eight Franklin submersible pumps, which are used to feed chlorine at the plant and at several of our remote stations. The motors on two of these units need to be replaced. Sealed bids were received and opened on 10/27/09. Hamilton Electric Company was the only bidder on this item.

Council Action

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Backflow Prevention Testing

Manager's Recommendation:

I recommend that the bid from American Plumbing & Heating be accepted and that purchase orders be issued to them in the amount of \$1,540.00 for fiscal year 2010 and \$1,540.00 for fiscal year 2011, totaling \$3,080.00 for the purchase of backflow prevention testing.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Sewer Operation and Maintenance Operating Services Account nos. 590-4835-861.80-05 (\$1,400.00) and 590-4830-861.80-05 (\$140.00) and will be budgeted for the same amounts in the same account numbers for fiscal year 2011.

Justification:

We have several backflow prevention devices at the Wastewater Treatment Plant and seven (7) remote facilities. These devices assure that non-potable water does not enter the City's drinking water system and must be inspected and tested by a state certified inspector on an annual basis. Sealed bids were opened on 10/27/09 to provide this service. Following is a tabulation of the bids received by the Purchasing Committee:

COUNCIL COMMUNICATION

	<u>FY2010</u>	<u>FY2011</u>
American Plumbing & Heating Birch Run, MI	\$1,540.00	\$1,540.00
Remer Plumbing & Heating Saginaw, MI	\$1,750.00	\$1,750.00
Dynamic Piping Co. Hemlock, MI	\$2,046.00	\$2,046.00
J.E. Johnson Co. Midland, MI	\$2,145.00	\$2,310.00
W.M. Walter Mechanical Saginaw, MI	\$2,750.00	\$2,750.00
John E. Green Saginaw, MI	\$3,532.32	\$3,745.32

Council Action

Council _____ moved that the recommendation of the
City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Grit Snail Parts

Manager's Recommendation:

I recommend that payment be made to Pumps Plus Inc. in the amount of \$9,175.20 for an emergency purchase order of grit snail parts to be used by the Wastewater Treatment Plant.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Sewer Operation and Maintenance Parts and Supplies Account No. 590-4830-861.73-30.

Justification:

On October 30, 2009, one of the two grit snails at the wastewater treatment plant failed. The grit snail is part of a process to remove grit from the plant influent and convey it to a dumpster. After maintenance disassembled and inspected the unit, it was determined that the belt and several other parts would need to be replaced. During dry weather flows, the plant can operate with just one snail in service. However, during wet weather events, both snails are needed to handle the increased volume of grit. Pumps Plus, Inc. is the representative for Eutek, manufacturer of the grit snail, and is the sole source for replacement parts.

Council Action

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: I.T.I., Inc. Maintenance Agreements

Manager's Recommendation:

I recommend that the phone equipment maintenance agreements with I.T.I., Inc. be approved and that a purchase order be approved and issued to them in the amount of \$1,965.82. It is further recommended that the City Manager or his designee be authorized and directed to execute the maintenance agreements. These agreements were approved by the City Manager as to substance and the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting and Selling Procedure," of Chapter 14, "Financing and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this payment are budgeted and available in the Information Services Operating Services Account No. 658-1720-711.80-05.

Justification:

These maintenance agreements cover the telephone equipment located at City Maintenance and Service, Water and Sewer, and the Water Treatment Plant for a one-year period from 12-1-09 to 11-30-10. The agreements cover all services under normal wear and tear including parts, labor and travel time. It also includes free user training, charges for service related software updates, free loaner equipment and 24-hour, 7-day service without paying any after hour premium.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Purchase Floor Safe Treasurer's Office

Manager's Recommendation:

I recommend acceptance of the quote and issuance of a purchase order to Advantage Business Systems in the amount of \$3,068.35 for a floor safe to be used in the Treasurer's Office.

This vendor meets all requirements of §14.23, " Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing, of "Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds are budgeted in the General Fund Treasurer's Capital Outlay – Less Than \$5,000 Account No. 101-1743-711-9705.

Justification:

On November 10, 2009, a quote was received from Advantage Business Systems for the purchase and inside delivery of the Floor Safe 1-hr Class 350, 5 security drawers keyed individually, with an outside door digital lock and non-swivel casters. The current safe can no longer be repaired and replacement parts are no longer available due to its age. The outside door is broken and does not close.

The Purchasing Division issued two previous bids for a new safe, but no responses were received. Advantage Business Systems has been the only quote received.

Council Action

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Budget Adjustment Drug Forfeiture

Manager's Recommendation:

It is recommended that a budget adjustment be completed to increase the Drug Forfeiture Fund's – Fund Equity revenue line item 264-0000-680.00-00 from \$65,933.00 to \$90,285.00, which equates to a \$24,352.00 increase. The increase in revenue will be offset by an increase in the Professional Services expenditure line item 264-3040-731.80-01 by the same amount.

Justification:

The adjustment reflects the court judgments from the Saginaw County Prosecuting Attorney's Office ruling that monies confiscated from reviewed drug trafficking cases are to be forfeited to the Saginaw Police Department.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Traffic Signal Bulbs

Manager's Recommendation:

I recommend that the State bid from Gexpro be accepted and a purchase order be approved and issued to them in the amount of \$3,701.64 for the purchase of 2,988 various traffic signal bulbs.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Major Streets Traffic Engineering Parts and Supplies Account No. 202-4621-791-7330.

Justification:

On April 18, 1977, City Council approved a cooperative purchasing agreement with the State of Michigan, which allows the City to purchase material and equipment at State bid pricing. In the past, we have purchased various materials and equipment utilizing these State bids.

The Traffic Engineering Division is required to relamp and maintain 106 traffic signals within the City of Saginaw annually.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Approval of ATF Memorandum of Understanding

Manager's Recommendation:

I recommend approval of the Memorandum of Understanding between the City of Saginaw and the Bureau of Alcohol, Tobacco and Firearms ("ATF"), and that the City Manager or his designee be authorized to execute the Agreement. I also recommend that Council authorize the City Manager or his designee to execute all similar Memoranda of Understanding until June 30, 2012. This Agreement has been approved by the City Manager as to substance and the City Attorney as to form.

Justification:

This Memorandum of Understanding has been proposed by the ATF to regulate the relationship between the ATF and the City with regard to their joint public safety activities. It is the standard format used by the ATF when cooperating with local police agencies, and covers topics such as operations, resources, media policy and liability.

This is a document that is renewed at least once per year and a continuing authorization will allow its renewal without the necessity of bringing it back before Council each time.

Council Action:

Council _____ moved that the recommendation from the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Waiving a Potential Conflict of Interest

Manager's Recommendation:

I recommend that Council waive the potential conflict of interest present and allow the law firm of Braun, Kendrick, Finkbeiner, P.L.C. to represent the Temple Theatre Foundation in a proposed acquisition of a parking lot owned by the City of Saginaw and associated with the Morley Building.

Justification:

The City of Saginaw owns a parking lot adjacent to and used by tenants of the Morley Building pursuant to a long-term lease. The Saginaw Community Foundation contemplates purchase of the Morley Building and wishes to secure a longer-term interest or outright purchase of this parking lot. The Temple Theatre Foundation operates the Temple Theatre nearby and desires to enter into an agreement with the City and the Saginaw Community Foundation for the shared use of this parking lot.

The Temple Theatre Foundation has previously retained attorney David L. Turner of the local law firm of Braun, Kendrick, Finkbeiner, P.L.C. in this area of law and wishes to use his services for this project as well. That firm has routinely represented the City of Saginaw on a number of other matters, but will not be representing the City on the negotiation of this project. No adverse effects are expected, but Braun, Kendrick, Finkbeiner, P.L.C. is obligated by ethical considerations to obtain the City's authorization prior to proceeding.

Braun, Kendrick, Finkbeiner, P.L.C. requests that City Council confirm the City of Saginaw's waiver of the potential conflict of interest in this matter.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Amendment to Curfew Ordinance

Manager's Recommendation:

I recommended that Sections 130.52 and 130.54 of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses" of the City of Saginaw Code of Ordinances, O-1, be amended. An Ordinance has been prepared and appears under the regular order of business.

Justification:

The parental responsibility section has been modified to require proper supervision when the parent is not home and to forbid the minor from keeping stolen property or illegal firearms or drugs. It also now requires a parent to seek help from appropriate governmental authorities to assist in handling the minor, when necessary.

The violation and penalty section has been amended to create a rebuttable presumption that the parent has assisted and aided a minor if the minor commits a delinquent act. The amendment also allows for a probation condition of attending and completing a parent-based treatment program.

Council Action:

This Council Communication is being submitted to explain the ordinance to be introduced in a subsequent portion of the agenda.

COUNCIL COMMUNICATION

Council _____ introduced an ordinance entitled and reading as follows:

AN ORDINANCE TO AMEND SECTION 130.52, "PARENTAL RESPONSIBILITY", AND SECTION 130.54, "VIOLATION AND PENALTY", OF SECTIONS 130.50, ET SEQ., "CURFEW FOR MINORS", OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY", OF TITLE XIII, "GENERAL OFFENSES", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

Laid over under the Charter provision.

COUNCIL COMMUNICATION

Council _____ moved that an ordinance introduced

November 23, 2009, entitled and reading as follows, be taken up and enacted:

AN ORDINANCE TO AMEND SECTION 130.52, "PARENTAL RESPONSIBILITY", AND SECTION 130.54, "VIOLATION AND PENALTY", OF SECTIONS 130.50, ET SEQ., "CURFEW FOR MINORS", OF CHAPTER 130, "OFFENSES AGAINST PUBLIC PEACE AND SAFETY", OF TITLE XIII, "GENERAL OFFENSES", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Section 130.52 "Parental Responsibility" of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.52. PARENTAL RESPONSIBILITY.

(A) The parent of any minor has a continuing responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

(B) The parental responsibility to exercise reasonable control includes the following duties, set forth for the purpose of illustration and not limitation:

1. To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;
2. To keep illegal firearms out of the home, and keep legal firearms out of the possession of the minor except when being used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent;

COUNCIL COMMUNICATION

3. To know the Curfew Ordinance of the City of Saginaw (this subchapter) and to require the minor to observe the Curfew Ordinance;
4. To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission.
5. To arrange for proper supervision for the minor when the parent must be absent;
6. To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to the City;
7. To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

Section 2. Section 130.54 "Violation and Penalty" of Chapter 130 "Offenses Against Public Peace and Safety" of Title XIII, "General Offenses", of the City of Saginaw Code of Ordinances, O-1, is hereby amended to read as follows:

§ 130.54. VIOLATION AND PENALTY.

- (A) No person shall assist, aid or abet any minor in violating this ordinance.
- (B) A parent of a minor is rebuttably presumed to have assisted, aided or abetted a minor who is determined to have committed a delinquent act under this ordinance.

COUNCIL COMMUNICATION

(C) A parent of a minor shall be held civilly responsible in an amount up to ten thousand (\$10,000.00) dollars for the damages caused by the commission of any delinquent act by a minor.

(D) A person in violation of this subchapter shall be guilty of a misdemeanor and:

- (1) Upon the first conviction of a violation of this ordinance, shall be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars, or thirty (30) days in jail, or both fine and jail in the discretion of the court.
- (2) Upon the second conviction of a violation of this ordinance, shall be sentenced to probation with the condition that the person participate in and complete a court-approved, community-based treatment program (such as parenting skills, family services, employment and training, etc.) and be subject to a fine not to exceed two hundred and fifty (\$250.00) dollars, or sixty (60) days in jail, or both fine and jail in the discretion of the court.
- (3) Upon the third or subsequent conviction of a violation of this ordinance, shall be subject to a fine not to exceed five hundred (\$500.00) dollars, or ninety (90) days in jail, or both fine and jail in the discretion of the court.

Section 3. This ordinance shall become effective December 17, 2009.

Enacted: December 7, 2009.

COUNCIL COMMUNICATION

From: The City Manager

Subject: Budget Adjustment for Security Enhancement Purchase

Manager's Recommendation:

I recommend that a budget adjustment be completed to increase the following Capital Outlay/Office Equipment line items: City Manager's Office Account No.101-1710-701.97-60 by \$685, City Clerk's Office Account No. 101-1730-701.97-60 by \$1,520, Fiscal Services Administration Account No. 101-1740-711.97-60 by \$2,260, and Public Services Buildings, Grounds and Maintenance Account No.101-7575-821.97-60 by \$2,920. This represents a total increase in expenditures of \$7,385, which will be offset by an increase in General Fund Revenue - Reimbursement of Insurance Proceeds Account No. 101-0000-602.68-04 from \$10,000 to \$17,385.

Justification:

This adjustment reflects the purchase of security enhancements for City Hall and funds that will be provided to the City in the form of a reimbursement from its insurance carrier. The reimbursement will be paid to the City if security enhancements are completed prior to calendar year-end.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

COUNCIL COMMUNICATION

From: The City Manager

Subject: City Hall Security Equipment Enhancement

Manager's Recommendation:

I recommend issuance of a purchase order to Audio Central Alarm in the amount of \$7,385.00 for the purchase of additional security equipment to be utilized at City Hall.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

The funds for this upgrade are available in the following Capital Outlay/ Office Equipment line items: City Manager's Office, Account No. 101-1710-701.97-60 (\$685), City Clerk's Office, Account No. 101-1730-701.97-60 (\$1,520), Fiscal Services Administration Account No. 101-1740-711.97-60 (\$2,260), and Public Services Buildings, Grounds and Maintenance Account No. 101-7575-821.97-60 (\$2,920). The City will be reimbursed for this purchase by its insurance carrier, as this is a necessary security enhancement.

Justification:

Audio Central Alarm installed the current video surveillance system in the Fiscal Services Department. A digital video recorder with the capability to accommodate several cameras was installed last year. This purchase includes enhancements for that system, as well as additional emergency notification devices. This purchase will provide necessary video surveillance coverage throughout City Hall and will provide upgrades to some older model cameras that may no longer provide images up to today's standard.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.



REQUEST FOR SEALED BID PROPOSAL

CITY OF SAGINAW - PURCHASING OFFICE DATE: NOVEMBER 20, 2009

RM #105, CITY HALL
1315 S. WASHINGTON AVENUE
SAGINAW, MICHIGAN 48601
(989) 759-1483

PAGE 1 OF 8 PAGES

BIDS DUE: DECEMBER 1, 2009 @ 3:00 PM

MARK ENVELOPE SEALED BID: # P785-09

BIDS MUST BE RECEIVED IN THE PURCHASING OFFICE PRIOR TO 3:00 P.M. ON THE BID OPENING DATE. **PLEASE NOTE: THE PURCHASING OFFICE NOW CLOSSES AT 4:00 P.M. DAILY. AS SUCH, BIDS HAND-DELIVERED PRIOR TO THE ABOVE MENTIONED DEADLINE MUST BE RECEIVED BEFORE THE OFFICE CLOSSES.** The bidder hereby offers to furnish the goods and/or services described and for the prices named, as follows:

THE CITY OF SAGINAW IS SOLICITING SEALED PROPOSALS FOR BUILDING SUPPLIES WITH SPECIFICATIONS AS FOLLOWS:

NOTE: **WE DO NOT ACCEPT SEALED BIDS VIA FAX OR EMAIL.** A HARD COPY OF THIS DOCUMENT IS AVAILABLE ON THE CITY OF SAGINAW WEB SITE, www.saginaw-mi.com. (CLICK ON "QUICK LINKS", THEN PURCHASING) YOU CAN REFER TO THIS SITE FOR INFORMATION ON OUR FUTURE BID REQUIREMENTS AND BID RESULTS. IF YOU RECEIVE A BID COPY FROM OUR WEB SITE, YOU CAN ALSO COMPLETE A COPY OF OUR "VENDOR COMPLIANCE FORM" AND RETURN IT TO US OR CONTACT OUR PURCHASING OFFICE SO YOU CAN BE FORMALLY ADDED TO THE RESPECTIVE BIDDERS LIST. (989) 759-1430

ALSO: IT IS VERY IMPORTANT THAT YOU PROVIDE AN E-MAIL ADDRESS AS THIS IS HOW YOU WILL BE NOTIFIED OF FUTURE BID OPPORTUNITIES.

ITEM	QTY	DESCRIPTION	UNIT COST	TOTAL COST
1	60 PC	LINER STEEL 3' X 14' WHITE	\$ _____	\$ _____
2	20 PC	J-CHANNEL STEEL 1" X 12' WHITE	\$ _____	\$ _____
3	84 PC	2" X 4" X 16' CONVENTIONAL FRAME LUMBER	\$ _____	\$ _____
4	4 PC	1-1/2" X 1-1/2" X 1/8" STEEL ANGLE, 20' LENGTHS	\$ _____	\$ _____
5	2400 PC	SCREWS SELF PIERCING 10 X 1-1/4" WHITE NEOPRENE	\$ _____	\$ _____
6	10 LB	ROOFING NAILS GALVANIZED 1-1/4"	\$ _____	\$ _____
TOTAL COST			\$ _____	\$ _____

NOTE: Direct specification questions to Jan Hoffman at (989) 759-1642

CHECK LIST: BEFORE SUBMITTING YOUR BID

- | | YES |
|---|------------|
| 1. Before submitting your bid, check our web-site bid copy to make sure there are no description, quantity or Addendums changes. (Go to www.saginaw-mi.com , click on "quick link" box and go to "Purchasing"). | ___ |
| 2. Assuming they are permitted, if you're submitting an alternate(s) bid the pricing must be listed on page ___ of this form and labeled as such. All support information should also be attached and labeled Alternate #1, #2, #3, etc. | ___ |
| 3. Is your bid signed by an authorized representative of your company? | ___ |
| 4. Have you provided the Terms & Delivery information requested? | ___ |
| 5. Is the OUTSIDE of your ENVELOPE properly labeled with the bid number? | ___ |
| 6. Are you submitting your original bid plus ONE (1) COPY as required? | ___ |
| 7. If your bid is over \$100,000.00 do you have a Bid Bond, Certified Bank Check or Money Order enclosed? | ___ |
| a. Multiple year bids must be added together to get your total. | |
| b. If submitting an alternate proposal along with your original bid, only one (1) of the above mentioned items is required. | |

NOTE: An original Bid Bond, Certified Check, Bank Money Order or Cashier's Check in the amount of three percent (3%) of the total amount bid must be submitted with any bid in excess of \$100,000. **Facsimiles or copies of bid bond will not be accepted and bid will be disqualified if submitted.**

TERMS: _____ DELIVERY: _____
FOB: CITY OF SAGINAW
2406 VERERANS MEMORIAL PARKWAY
SAGINAW, MI 48601

AS PART OF THE CONSIDERATION FOR THIS BID, THE UNDERSIGNED DOES HEREBY AGREE TO HAVE WITHHELD FROM ANY PAYMENT DUE THEM, ANY AMOUNTS OWED FOR TAXES, FEES OR OTHER CHARGES DUE THE CITY OF SAGINAW.

PER SECTION 14 OF THE CITY OF SAGINAW UNIFORM INCOME TAX ORDINANCE, THE TAX PERCENTAGE IS 1.5% ON INCOME EARNED FROM THE CITY. THE TAX SHALL APPLY ON THE TAXABLE NET PROFITS OF A CORPORATION DOING BUSINESS WITH THE CITY, BEING LEVIED ON SUCH PART OF THE TAXABLE NET PROFITS AS IS EARNED BY THE CORPORATION AS A RESULT OF WORK DONE, SERVICES RENDERED AND OTHER BUSINESS ACTIVITIES CONDUCTED WITH THE CITY, AS DETERMINED IN ACCORDANCE WITH THIS ORDINANCE.

ADDITIONAL BIDDER REQUIREMENTS:

INDEMNITY AND INSURANCE REQUIREMENTS

INDEMNITY:

The Contractor shall indemnify and save harmless the City of Saginaw, its officers and employees of and from all loss or damage caused to any person or property by reason of any carelessness or negligence in the doing or making of the work specified herein, and by reason of failure to pay all persons who shall supply said Contractor with materials, provisions and supplies for the performance and completion of said contract, and to promptly pay all just debts, dues and demands incurred in the completion of this contract, or of whatsoever other kind or nature, which shall be caused by delay or

failure in the performance and completion of this contract, and further to indemnify and save harmless of and from all suits and actions the City of Saginaw, its officers and employees, on account of any injuries or damages sustained by any person or persons by reason of any act, or omission or negligence, or by the use of improper or defective material on the part of said Contractor in the performance of any part of this contract, and further to indemnify and protect any and all demands, fees or royalties for any patented invention, materials, articles, methods, arrangements or process of manufacture or any infringements thereon, that may be used on or be in any manner connected with the construction, erection or maintenance of the work, material, or any part thereof, embraced in this contract.

INSURANCE:

During the life of the contract, the Contractor shall effect and maintain the following types of insurance:

Comprehensive General Liability, including contractual liability with combined single-limit coverage of at least **\$500,000 naming the City of Saginaw as additional insured.**

Automobile Liability

Worker's Disability Insurance

Such insurance shall be carried by financially responsible companies, licensed in the State of Michigan, and satisfactory to the City. The Contractor shall submit to the City for review and approval certificates of insurance for the above required coverage's. The certificate of insurance shall provide at least 30-days written notice to the City of any changes in the policy and any cancellation or termination thereof.

ADDITIONAL BIDDER REQUIREMENTS:

1. EACH PROPOSAL SHALL BE GOOD FOR 120 DAYS FROM THE BID OPENING DATE.
2. EACH BIDDER SHALL INCLUDE ONE (1) ADDITIONAL COPY OF YOUR PROPOSAL **"MARKED COPY"**.
3. EACH BIDDERS ENVELOPE, FEDEX BOX/LETTER, UPS BOX/LETTER OR ANY OTHER METHOD OF SEALED DELIVERY **MUST HAVE THE BID NUMBER ON THE OUTSIDE** OF THE CONTAINER. **UNMARKED BIDS WILL BE DISQUALIFIED AND RETURNED UNOPENED!**
4. ALL BIDS OVER \$100,000.00 MUST INCLUDE A BID BOND, CERTIFIED BANK CHECK OR MONEY ORDER. IF AGREEMENT IS FOR MULTIPLE YEARS, EACH YEAR SHOULD BE ADDED FOR YOUR TOTAL. (SEE **"SEALED BID INSTRUCTIONS"** PAGE)
5. EACH CITY OF SAGINAW DEPARTMENT SHALL BE VIEWED AS A SEPARATE ACCOUNT (NOT A BLANKET ACCOUNT) WITH THE RESPECTIVE SUCCESSFUL BIDDER(S).
6. WHEN A BRAND IS IDENTIFIED, OR WHEN A SPECIFIC METHOD OR PROCESS IS REQUESTED, YOU MAY QUOTE AN EQUAL. YOU MUST IDENTIFY THE BRAND, MODEL, PART NUMBER, ETC., METHOD OR PROCESS AND ENCLOSE LITERATURE VERIFYING EQUAL (WHEN APPLICABLE). CITY PERSONNEL RETAIN THE RIGHT TO DETERMINE EQUALS. **IF THE ITEM(S) STATES "NO SUBSTITUTES," NO SUBSTITUTES WILL BE ACCEPTED.**

7. ALL SHIPPING AND HANDLING CHARGES & ALL COST ASSOCIATED WITH THE DELIVERY, INSTALLATION AND/OR COMPLETION OF THE PRODUCT OR SERVICE REQUESTED MUST BE INCLUDED IN YOUR BID PRICE, INCLUDING BUT NOT LIMITED TO ANY TITLES, FEES, AND TRANSFER COST. ALL VEHICLES PURCHASED BY THE CITY SHALL BE TITLED TO "CITY OF SAGINAW". PLEASE CONSULT WITH THE PURCHASING OFFICE FOR TITLE AND LICENSE PLATE INSTRUCTIONS. **WHERE APPLICABLE AND UNLESS OTHERWISE NOTED, YOUR BID PRICING MUST REMAIN CONSTANT FOR THE LENGTH OF THE AGREEMENT AND/OR CONTRACT PERIOD.**

8. IN THE EVENT THE SUCCESSFUL BIDDER USES A THIRD PARTY COMPANY TO PROVIDE THE GOODS AND/OR SERVICES REQUESTED, THE SUCCESSFUL BIDDER MUST NOTIFY THE PURCHASING OFFICE BEFORE SAID GOODS ARE SHIPPED AND/OR SERVICES ARE PROVIDED. THE SUCCESSFUL BIDDER SHALL BE SOLELY RESPONSIBLE FOR PAYMENT TO THE THIRD PARTY COMPANY.

9. THE ITEMS ON THIS BID MAY BE REQUESTED ON AN AS NEEDED BASIS AS APPLICABLE.

10. ALL BIDS MUST BE RETURNED TO THE PURCHASING OFFICE AT 1315 S. WASHINGTON, SAGINAW, MI 48601, BY THE PREVIOUSLY STATED DUE DATE. **PLEASE NOTE: THE PURCHASING OFFICE NOW CLOSSES AT 4:00 P.M. DAILY. AS SUCH, BIDS HAND-DELIVERED PRIOR TO THE ABOVE MENTIONED DEADLINE MUST BE RECEIVED BEFORE THE OFFICE CLOSSES.**

THE SUCCESSFUL BIDDER WILL CONFORM TO ALL SPECIFICATIONS & REQUIREMENTS WHICH ARE ATTACHED AND INCORPORATED AS PART OF THIS BID. THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY AND ALL BIDS, OR PARTS THEREOF, AND TO WAIVE ANY IRREGULARITIES IN THE BID EXCEPT THOSE SPECIFICALLY MENTIONED IN THE SEALED BID INSTRUCTIONS.

By signature, the bidder acknowledges that the signer has complete authority to execute the bid on behalf of the bidder and that the bid is genuine and not collusive in any manner; and that no other bidders were improperly induced to refrain from bidding or induced to submit a sham bid; and that the bidder agrees to have withheld from any payment due them, any amounts owed for taxes or other charges due the City of Saginaw; and that successful bidders are subject to mandatory City of Saginaw income tax withholdings.

COMPANY: _____

DATE: _____

SIGNATURE: **(INK)** _____

PRINTED NAME _____

TITLE: _____

ADDRESS: _____

TELEPHONE#: _____

FAX #: _____

EMAIL: _____

VERY IMPORTANT!!

IF THIS BID PROPOSAL IS SELECTED AS THE LOWEST AND BEST OFFER, IT WILL BE ACCEPTED IN THE FOLLOWING MANNER:

- 1) THE CITY COUNCIL WILL APPROVE THIS BID PROPOSAL AT A REGULARLY SCHEDULED OR SPECIAL MEETING.**
- 2) THE CITY'S PURCHASING OFFICER WILL SIGN THIS BID PROPOSAL ON BEHALF OF THE CITY. THE BID PROPOSAL SHALL THEN CONSTITUTE A WRITTEN CONTRACT BETWEEN THE PARTIES.**
- 3) FOR ADMINISTRATIVE PURPOSES, THE CITY WILL ALSO ISSUE A SEQUENTIALLY NUMBERED PURCHASE ORDER.**

CITY OF SAGINAW, a Municipal Corporation

BY: _____ DATE: _____
(PURCHASING OFFICER)

1315 S. WASHINGTON
SAGINAW, MICHIGAN 48601
TELEPHONE: (989) 759-1430
FACSIMILE: (989) 759-1498

THE PURCHASE ORDER CONTRACT/WRITTEN CONTRACT CANNOT BE INCREASED OVER 10% OF THE TOTAL PURCHASE ORDER UP TO FIFTY THOUSAND 00/100 (\$50,000.00) DOLLARS WITHOUT THE PRIOR APPROVAL OF CITY COUNCIL.

THIS OFFER IS ACCEPTED BY THE ISSUANCE OF A PURCHASE ORDER SIGNED BY THE CITY PURCHASING OFFICER FOR ALL OR ANY PORTION OF THIS BID AND SHALL CONSTITUTE A CONTRACT BETWEEN THE PARTIES.

ALL INVOICES MUST BE SUBMITTED WITHIN SIXTY (60) DAYS FROM THE TIME OF DELIVERY OF GOODS OR SERVICES OR THE COMPLETION OF PROJECTS. INVOICES MUST MAKE REFERENCE TO A VALID PURCHASE ORDER NUMBER IN ORDER TO BE PAID. ALL INVOICES THAT DO NOT REFERENCE A VALID PURCHASE ORDER NUMBER WILL BE RETURNED TO THE ORIGINAL SOURCE.

**City of Saginaw, Michigan
Purchasing Division
(989) 759-1430**

SEALED BID INSTRUCTIONS

**SEALED BIDS MUST BE SUBMITTED ACCORDING TO THE FOLLOWING
INSTRUCTIONS OR YOUR BID WILL BE DISQUALIFIED**

1. Bids must be submitted on printed forms furnished by the City Purchasing Office. Voluntary alternates may be attached to bid form, if necessary.
2. Bids must be in ink or typewritten.
3. Bids must contain bidder's complete name, address and telephone number.
4. Bids must be signed in ink and dated.
5. Bids must include delivery or completion time.
6. If an addendum (Form B02) is issued by the City, it must be signed, dated and returned with bid.
7. An **original** bid bond, certified check or cashier's check in the amount of three percent (3%) of the total amount bid must be submitted with any bid in excess of \$100,000. **Facsimiles or copies of bid bond will not be accepted and bid will be disqualified if submitted.**
8. All erasures or corrections to pricing information must be initialed in ink.
9. In case of a discrepancy between a unit price and its extension, the unit price will be considered correct and the bid will be recalculated to determine the amount bid. All addition errors will be corrected and the total bid will be adjusted to reflect the corrections.
10. All bids must be in the City Purchasing Office by the date and time specified on bid forms. The Purchasing Office is located at Saginaw City Hall in room #105.
11. **EACH BID MUST BE ENCLOSED IN A SEPARATE SEALED ENVELOPE WITH "SEALED BID AND THE BID NUMBER" MARKED ON THE FRONT.**
12. Each bidders envelope, FED EX box/letter, UPS box/letter or any other method of sealed delivery must have the bid number on the outside of the container.
UNMARKED BIDS WILL BE DISQUALIFIED.

NO CONTRACT SHALL BE VALID UNLESS APPROVED BY CITY COUNCIL. Pursuant to the Charter of the City of Saginaw, written contracts involving the expenditure of \$2,000 or more shall require the approval of City Council. No City employee has the authority to bind the City to such a contract.

RIGHT OF CITY TO ACCEPT OR REJECT BIDS

THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY AND ALL BIDS, OR PARTS THEREOF, AND TO WAIVE ANY IRREGULARITIES IN THE BID EXCEPT THOSE SPECIFICALLY MENTIONED ABOVE.

GENERAL INFORMATION

MAIL OR DELIVER ALL SEALED BIDS TO THE FOLLOWING ADDRESS BY THE DATE, TIME AND OFFICE HOUR DEADLINE SPECIFIED ON BID FORM:

**CITY OF SAGINAW PURCHASING OFFICE
ROOM #105
1315 S. WASHINGTON AVENUE
SAGINAW, MICHIGAN 48601**

NO CONTRACT SHALL BE VALID UNLESS APPROVED BY CITY COUNCIL

Pursuant to the Charter of the City of Saginaw, written contracts involving the expenditure of \$2,000 or more shall require the approval of City Council. No City employee has the authority to bind the City to such a contract.

ALTERATION OF BID BY BIDDER

After bids have been opened, the bidder will not be allowed to withdraw, modify, or correct any bid.

EVIDENCE OF BIDDER'S QUALIFICATIONS

Bidders may be required to give some satisfactory evidence that they have been regularly engaged in the business or are reasonably familiar therewith, and that they are fully prepared with the necessary capital, materials, and machinery to complete the work or to furnish the materials contracted for to the satisfaction of the City.

FAMILIARITY OF BIDDER WITH CONTRACT REQUIREMENTS

Bidders are warned that they must inform themselves of the character and amount of work, labor, or material to be furnished under the contract.

CONTRACT ASSIGNMENTS OR TRANSFERS PROHIBITED

The assignment or transfer of a contract or of interests in the contract are prohibited unless approved by the proper City department and City Council.

CITY INCOME TAX COMPLIANCE

Bidders are hereby notified that the City of Saginaw has an income tax. All successful bidders will be subject to income tax withholdings and compliance is mandatory.

WITHHOLDING FROM PAYMENTS

As part of the consideration for any bid/contract, all bidders agree to have withheld from any payments due them, any amounts for taxes, fees or other charges due the City of Saginaw.

CONTRACT COMPLIANCE ORDINANCE

The City of Saginaw has a Contract Compliance Ordinance which requires bidders to submit documentation furnished by the City indicating compliance with the Ordinance. Contract compliance forms must be sent to the City Purchasing Office; 1315 S. Washington Avenue; Saginaw, Michigan 48601. Forms may be obtained by calling (989) 759-1430.

INSTRUCTIONS AS PART OF CONTRACT

These instructions are to be construed with and made a part of the contract or purchase order.

NOTICE TO ALL BIDDERS

SEALED BID DOCUMENTS:

EFFECTIVE IMMEDIATELY: All interested bidders may obtain Sealed Bid Document Forms, proposal instructions, general specifications and Bid Results from the City of Saginaw internet Web Site (www.saginaw-mi.com) by selecting **PURCHASING** from the Quick Links in the upper right hand corner of the homepage. Companies who do not have access to the Internet may contact the Purchasing Office at (989) 759-1430 for bid document copies.

PLEASE MAKE NOTE OF THIS NEW FORMAT FOR RECEIVING OUR BID DOCUMENTS.

COUNCIL COMMUNICATION

From: The City Manager

Subject: John E. Green Contract and Budget Adjustment for Wastewater Treatment Aeration Basin Improvements

Manager's Recommendation:

I recommend that the low bid from John E. Green in the amount of \$2,690,000.00 be accepted and a contract be awarded to them in that amount. The contract is subject to my approval as to substance and the City Attorney as to form.

This vendor meets all requirements of §14.23, "Vendors", Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions" of the Saginaw Code of Ordinances O-1.

In addition, it is also recommended that the Sewer Operations and Maintenance Fund – Sewer Bonds Division's Construction Projects line item (Account Number 590-4843-881.80-47) be increased from \$265,752.00 to \$4,765,752.00, which equates to a \$4,500,000.00 increase. This increase will be offset by an increase to the Sewer Operations and Maintenance Fund's - Bond Proceed line item (Account Number 590-0000-696.0000) by \$4,500,000.00. The revenue will be made available by the State of Michigan Revolving Fund in the form of a loan and ARRA funds.

Justification:

On November 17, 2009, the City received bids for the Wastewater Treatment Plant Aeration Basin Improvements project. This project includes replacement of 20 aerators, originally installed as part of the 1969 Wastewater Treatment Plant upgrade, addition of variable frequency drives for the aerators, structural tank repairs, and in

COUNCIL COMMUNICATION

place dissolved oxygen monitoring with computer control of the aeration system. The following is a tabulation of the bids received:

John E. Green Saginaw, MI	\$2,690,000.00
Titus Welding Company Farmington Hills, MI	\$2,733,000.00
Gerace Construction Midland, MI	\$ 2,827,000.00

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.