

THE TOWN OF FOREST HEIGHTS
RESOLUTION 47-15

**A RESOLUTION TO APPROVE, AND AUTHORIZE THE PROCUREMENT
AND PURCHASE OF FILTERRA TREE BOXES FROM CONTECH
ENGINEERED SOLUTIONS, LLC**

Introduced by: Mayor Goodall

WHEREAS, the Town has previously entered into a County-Municipal Participation Agreement dated 2/28/14 to partially fund the “Rolph Drive Reconstruction Project,” and the Town is seeking the lowest qualified bidder whereby it shall present that bid to the Prince George's County Department of Environmental Resources Sustainability Services Division for bid approval as required in the applicable Municipal Participation Guidelines; and

WHEREAS, the Town has been authorized by the County’s Sustainability Services Division to separately procure certain self-contained and pre-fabricated systems or tree boxes as installation materials for the project; and

WHEREAS, Filterra® is an advanced high flow rate bioretention Best Management Practice (BMP) for treating urban stormwater runoff, and is a self-contained system that is delivered to a site completely assembled and ready for use, and the system consists of a concrete box, three inches of mulch, two feet of filter media, plant (shrub or tree), observation/cleanout pipe and under-drain system; and

WHEREAS, Filterra® has been optimized for high volume/flow treatment in a compact system, and its small footprint allows Filterra® to be used on highly developed sites such as landscaped areas, parking lots, and streetscapes whereby Filterra is adaptable and can be used alone or in combination with perforated pipes or chambers to optimize runoff reduction; and

WHEREAS, the Town Charter, § 33-73 authorizes the Town to control all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George’s County, and subject to the laws of the State of Maryland and the Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

WHEREAS, the Town Charter, § 33-63(a) requires that all purchases and contracts for the Town government shall be made by the Mayor and Council, and the Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts; and

WHEREAS, pursuant to Section 20.4(a)(4) of the Town Ordinance Code, the procurement of an item valued in excess of \$10,000 shall typically require competitive bids and a written contract; and

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WHEREAS, Section 20.4(a)(6) of the Town Ordinance Code states that upon written findings entered into the journal, the Mayor and Council may exempt the purchase of a good or service from competitive selection processes when the purchase qualifies as a sole source procurement as a result of several circumstances including: One vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the good or service or the procurement is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity, or ownership of intellectual property rights, could most satisfactorily provide the good or service, and

WHEREAS, the Council finds that it is prudent to separately procure certain goods and materials in order to implement the “Rolph Drive Reconstruction Project;” and

WHEREAS, the Mayor and Council further finds that Contech Engineered Solutions, LLC is an Ohio company in good standing in this State and, that said vendor, having acquired the assets of Filterra Bioretention Systems from Americast Inc., is the sole owner and producer of Filterra® stormwater runoff treatment systems or tree boxes and is uniquely qualified in the area, ready to deploy, and the procurement is of a substantially specialized nature; and

WHEREAS, the funds are available under Line Item 8034 Rolph Drive Project and it has been determined by Council that the company, Contech Engineered Solutions, LLC, is found to be a substantially unique provider of this merchandise or good, and the procurement is for items of a specialized nature in accordance with Section 20.4(a)(6) of the Ordinance Code for the Town of Forest Heights; and

WHEREAS, the Mayor and Council intends to enter into an agreement with the Contech Engineered Solutions, LLC, to provide tree boxes as part of the above-referenced project; and

WHEREAS, the total cost of this proposal is \$158,200.00, excluding a \$1,000.00 fuel surcharge, which is described in a “Quotation” (3 pp. total – Quote # QUO-204529-K6B2J7) prepared by Contech Engineered Solutions, LLC representative, Mr. Jeff Van Osdel, on or about Dec. 19, 2014; and

NOW THEREFORE BE IT RESOLVED, that except as otherwise stated or modified herein below, the Town Council hereby approves said proposal (the “Quotation”), and further grants the Mayor with authority to sign the final proposal or quotation, which shall

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be substantially similar in terms of standard notes, scope of work and condition of sales as found in the Quotation (3 pp. total – Quote # QUO-204529-K6B2J7) referenced above, attached hereto and incorporated by reference herein as Exhibit 1; and

AND BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute any proposal, quotation, purchase order or contract of said vendor to effectuate said purchase and carry out the intent of the Resolution provided that the purchase price (net total), including the fuel surcharge, shall not exceed that found in Quote # QUO-204529-K6B2J7 by more than 10%.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED this 27th day of July, 2014.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

| <u>ROLL CALL VOTE</u> | <u>YEA/NAY/ABSTAIN/ABSENT</u> |
|-----------------------|-------------------------------|
| GOODALL | <u>YEA</u> |
| KENNEDY | <u>YEA</u> |
| MCLAURIN | <u>YEA</u> |
| BARNES | <u>YEA</u> |
| MANN | <u>YEA</u> |
| SMITH-BARNES | <u>YEA</u> |
| MUHAMMAD | <u>ABSENT</u> |

I HEREBY CERTIFY that the above Resolution No. 47-15 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the 27th day of July, 2015.

ATTEST:

Signature on file

Bonita C. Anderson, Town Clerk

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS

Signature on file

By: _____
Jacqueline Goodall, Mayor

Signature on file

By: _____
C. Lynn Smith-Barnes, Council President