

CITY COUNCIL MINUTES

December 06, 2021

**Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Type ‘K’
Copper Tubing**

Resolution #2021-12-192-J-4f

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Type ‘K’ Copper Tubing to the low bidder meeting specifications, *Ferguson Waterworks of Warren, MI*, for an estimated total cost of \$59,513.92, at unit prices contained in the bid tabulation opened on November 18, 2021; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents and all other specified requirements.

PURCHASE ORDER

No. 2022-00000778
 DATE: 12/10/2021
 PAGE: 1 of 1
 FOB DESTINATION

Ship To
 CITY OF TROY
 Water
 4693 ROCHESTER ROAD
 TROY, MI 48085

Bill To
 CITY OF TROY
 Water
 4693 ROCHESTER ROAD
 TROY, MI 48085

COUNCIL RESOLUTION
 2021-12-192-J-4f

VENDOR NO. 161827

Vendor
 FERGUSON WATERWORKS
 770 W MAPLE ROAD
 TROY, MI 48084

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1	Lump Sum	1"X60' Type K Copper Tubing 4500 ft of 1" Type K Soft Copper Tubing 75 rolls x 60ft at \$8.00/ft	36,013.5000	\$36,013.50
1	Lump Sum	1"X100' Type K Copper Tubing 2000 ft of 1" Type K Soft Copper Tubing 20 rolls x 100ft at \$8.00/ft	16,006.0000	\$16,006.00
1	Lump Sum	1-1/2"X60' Type K Copper Tubing 600 ft of 1-1/2" Type K Soft Copper Tubing 10 rolls x 60 ft at \$12.49/ft	7,494.4200	\$7,494.42



Entered By: Emily Frontera

\$59,513.92

Special Instructions:

COUNCIL AWARD DATE: 12/6/2021 Contract to purchase Type K Soft Copper Tubing as per ITB-COT 21-55 pricing

TERMS & CONDITIONS

1. Purchases of Municipalities are exempt from State Sales and Federal Excise Taxes.
2. Prior to acceptance, vendor agrees to provide City with information under the Right-to-Know Law, P.A. 1986, No. 80, and fully comply with all terms and conditions of the Michigan Occupational Safety and Health Act, MCL 408.1001, et seq. including vendor shall provide City with an "MSDS". Vendor also agrees to be responsible for all required labeling.
3. In cases of emergency/disaster, the City can purchase up to six(6) times the order amount for a period of six(6) months at the price contained in the contract.
4. Purchase Orders are signed electronically based upon computer generated "on-line" authorized approvals. Authentic signatures are on file in the City of Troy Purchasing Department.

NOTICE: The City could put the vendor on notice that vendors will be held financially responsible for any claims or awards made against the City as a result of the vendor's action. If the City has to defend the initial lawsuit, the City will bring in the vendor as a co-defendant or sue the vendor, either as the result of settling a claim or the conclusion of the lawsuit.

I HEREBY CERTIFY THAT THIS ORDER IS PROPERLY AUTHORIZED AND APPROVED.

Emily Frontera

VENDOR NAME:	Ferguson Waterworks
CITY:	Warren, MI
CHECK NUMBER:	460696
CHECK AMOUNT:	\$1,250.00

PROPOSAL: Tubing must be in compliance with Federal Specifications: ASTM Specifications B-88, Type "K" Water Services.

ITEM	Estimated Quantity	Description	Manufacturer	Price Per Roll	Total Price		
1	75 Rolls (4,500 FT.)	1"X60' Type "K" Soft Copper Tubing (60-foot rolls)	Mueller/Cero	\$480.18*	\$36,013.50		
2	20 Rolls (2,000 FT.)	1"X100' Type "K" Soft Copper Tubing (100-foot rolls)	Mueller/Cero	\$800.30*	\$16,006.00		
3	10 Rolls (600 FT.)	1-1/2"X60' Type "K" Soft Copper Tubing (60-foot rolls)	Mueller/Cero	\$749.44*	\$7,494.42		
				*Price per foot: 1" = \$8.00; 1.5" = \$12.49			
GRAND TOTAL:				\$59,513.92			

TERMS:		Net 30
WARRANTY:		Manufacturer's Warranty
DELIVERY DATE(S):		30 days (After verbal release)
ACKNOWLEDGMENT:	Y or N	Y
EXCEPTIONS:		N
FORMS:	Y or N	Y

Low bid as specified.

Attest:
 (*Bid Opening conducted via Zoom)
 Kaitlin Sackner
 Andrew Chambliss
 Jackie Ahlstrom
 Heather Chomiak

 Emily Frontera
 Purchasing Manager

VENDOR NAME:	Ferguson Waterworks	Progressive Plumbing Supply	Decima LLC	AVE Solutions
CITY:	Warren, MI	Warren, MI	Dearborn, MI	Southfield, MI
CHECK NUMBER:	460696	NOT INCLUDED	NOT INCLUDED	NOT INCLUDED
CHECK AMOUNT:	\$1,250.00			

PROPOSAL: Tubing must be in compliance with Federal Specifications: ASTM Specifications B-88, Type "K" Water Services.

ITEM	Estimated Quantity	Description	Manufacturer	Price Per Roll	Total Price	Manufacturer	Price Per Roll	Total Price	Manufacturer	Price Per Roll	Total Price	Manufacturer	Price Per Roll	Total Price
1	75 Rolls (4,500 FT.)	1"X60' Type "K" Soft Copper Tubing (60-foot rolls)	Mueller/Cero	\$480.18*	\$36,013.50	Cambange Lee	\$440.00	\$33,000.00	Muller	\$676.30	\$50,722.50	Streamline	\$680.00	\$51,000.00
2	20 Rolls (2,000 FT.)	1"X100' Type "K" Soft Copper Tubing (100-foot rolls)	Mueller/Cero	\$800.30*	\$16,006.00	Ditto	\$733.00	\$14,660.00	Muller	\$1,187.97	\$23,759.40	Streamline	\$1,203.00	\$24,060.00
3	10 Rolls (600 FT.)	1-1/2"X60' Type "K" Soft Copper Tubing (60-foot rolls)	Mueller/Cero	\$749.44*	\$7,494.42	Ditto	\$687.00	\$6,870.00	Muller	\$1,120.48	\$11,204.80	Streamline	\$1,103.00	\$11,030.00

*Price per foot: 1" = \$8.00; 1.5" = \$12.49

GRAND TOTAL:	\$59,513.92	\$54,530.00	\$85,686.70	\$86,090.00
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TERMS:	Net 30	Net	Net 30	N30
WARRANTY:	Manufacturer's Warranty	1 - Year	NOT SPECIFIED	Manufacturers
DELIVERY DATE(S):	30 days (After verbal release)	NOT SPECIFIED	3 - 4 Weeks after PO	5 - 7 Days
ACKNOWLEDGMENT:	Y or N	Y	Y	Y
EXCEPTIONS:	N	Prices firm for 1-Day after Bid Date	N	N
FORMS:	Y or N	Y	Y	Y

Attest:
 (*Bid Opening conducted via a Go-To Meeting)

Kaitlin Sackner
Andrew Chambliss
Jackie Ahlstrom
Heather Chomiak

Emily Frontera
 Purchasing Manager



**CITY OF TROY
 BID PROPOSAL**

**ITB-COT 21-55
 Page 1 of 3**

The undersigned proposes to furnish **TYPE K COPPER TUBING**, in accordance with the attached specifications that are to be considered an integral part of this bid proposal, at the following prices:

COMPANY NAME: FERGUSON WATER WORKS

PROPOSAL:

Tubing must be in compliance with the Federal Specifications: ASTM Specifications B-88, Type "K" Water Services.

Item	EST QTY	Description	Price Per Roll	Total Price
1	75 Rolls (4,500 FT.)	1"X60' Type "K" Soft Copper Tubing (60-foot rolls) Manufacturer: <u>Mueller/Cero</u>	\$ 800.30 480 ¹⁸ \$8/foot	\$ 36,013.50 ✓ OK EJ
2	20 Rolls (2,000 FT.)	1"X100' Type "K" Soft Copper Tubing (100-foot rolls) Manufacturer: <u>Mueller/Cero</u>	\$ 800.30 \$8/foot	\$ 16,006.00 ✓ OK EJ
3	10 Rolls (600 FT.)	1-1/2"X60' Type "K" Soft Copper Tubing (60-foot rolls) Manufacturer: <u>Mueller/Cero</u>	\$ 1,249.07 \$749. ¹⁴ \$1249/foot	\$ 7,494.42 ✓ OK EJ
GRAND TOTAL				\$ 59,513.92

UNIT PRICES:

Unit prices prevail. The City of Troy Purchasing Department will correct all extension errors.

DELIVERY:

Items shall be delivered F.O.B. delivered to the City of Troy DPW Garage, 4693 Rochester Road, Troy, MI 48085.



**CITY OF TROY
BID PROPOSAL**

**ITB-COT 21-55
Page 2 of 3**

CONTRACT FORMS:

Bidders shall complete and sign the Legal Status of Bidder, Non-Collusion Affidavit, Certification regarding Debarment, the Certification regarding "Iran Linked Business" and the Familial Disclosure Forms and submit with your bid proposal.

ESTIMATED QUANTITIES:

Quantities stated are estimated and not guaranteed. The quantities stated will be used for award purposes only and based upon past usage.

INFORMATION:

For additional information or questions about the specifications, please contact Kaitlin Sackner at (248) 524-3376, between the hours of 8:00 AM and 4:30 PM, Monday through Friday.

AWARD:

Each item on this proposal will be considered as a separate bid. The City reserves the right to award the bid to the lowest responsible bidder for each item; to combine items if deemed in the City of Troy's best interest to do so; to reject low bids which have major deviations from the specifications; to accept a higher bid which has only minor deviations from the specifications.

LOCAL PREFERENCE:

The City of Troy reserves the right to award a contract to a local business, one which pays City of Troy taxes (real and/or personal), if the bid of a local vendor is within 5% of the lowest responsive and responsible non-local bidder, then the local vendor is given one chance to match the low bid.

DOWNPAYMENTS OR PREPAYMENTS:

Any proposal submitted which requires a down payment or prepayment of any kind prior to delivery and full acceptance, as being in conformance with specifications will not be considered for award.

PRICES:

Prices quoted shall remain firm for 60 days or bid award, whichever comes first, except the successful bidder(s) whose prices are to remain firm for the entire contract.

PURCHASE ORDER:

After the Troy City Council has approved the award, the successful bidder(s) will receive a purchase order issued from the City of Troy, which will create a bilateral contract between the City of Troy and the successful bidder. The purchase order shall commit the bidder to perform the contract in accordance with the specifications. A contract document will not be issued.

DEFAULTED VENDORS:

If a vendor has defaulted on a past City of Troy contract, that vendor may be precluded from bidding on this contract.

IMPORTANT:

All City of Troy purchases require a MATERIAL SAFETY DATA SHEET, where applicable, in compliance with the MIOSHA "Right to Know" Law. Please include a copy of any relevant MSDS at the time of bid submission.

CURRENCY:

All prices quoted are to be in U.S. Currency.

SIGNATURE PAGE

PRICES: Prices quoted shall remain firm for 60 days or bid award, whichever comes first, except the successful bidder(s) whose prices are to remain firm for the entire contract period.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: D. M. Hobson

NOTE:

The undersigned has checked carefully the bid figures and understands that he/she shall be responsible for any error or omission in this bid offer and is in receipt of all addendum as issued.

COMPANY Ferguson Waterworks

ADDRESS 24425 Schoenherr Rd. **CITY** Warren **STATE** MI **ZIP** 48089

TELEPHONE NO. (810) 691-2823 **FAX NO.** ()

REPRESENTATIVE'S NAME David M. Hobson

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: (Print) D. M. Hobson

TERMS Net 30 **WARRANTY** Manufacturer's Warranty

E-MAIL david.hobson@ferguson.com **DELIVERY DATE(S):** 30 days
(After verbal release)

EXCEPTIONS:

Any exceptions, substitutions, deviations, etc. from the City specifications and this proposal must be stated below. The reason for the exception(s), deviation(s), or substitution(s) is an integral part of this bid offer:

ACKNOWLEDGEMENT:

I, David M. Hobson, certify that I have read the **Instructions to Bidders** (3 Pages) and that the bid proposal documents contained herein were obtained directly from the City's Purchasing Department or MITN website, www.bidnetdirect.com/city-of-troy-mi and is an official copy of the Authorized Version.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: D. M. Hobson

IMPORTANT: The City of Troy, at their discretion, may require the bidder(s) to supply a Financial Report from an impartial Financial Credit Reporting Service before award of contract.

U.S. FUNDS: PRICES QUOTED SHALL BE IN U.S. CURRENCY.



Legal Status of Bidder:

The Bidder shall fill out the appropriate form and strike out the other two:

~~A corporation~~ duly organized and doing business under the laws of the State of Michigan for whom
Ferguson Waterworks, bearing the office title of Municipal Sales, whose
signature is affixed to this proposal, is duly authorized to execute contracts.

~~A partnership~~, all members of which, with addresses, is:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

~~AN INDIVIDUAL~~, WHOSE SIGNATURE IS AFFIXED TO THE PROPOSAL:

_____	_____
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CITY OF TROY
OAKLAND COUNTY, MICHIGAN
NON-COLLUSION AFFIDAVIT

TO WHOM IT MAY CONCERN:

David M. Hobson, being duly sworn deposed, says that he/she
(Print Full Name)

is Municipal Sales. The party making the foregoing proposal or bid,
(State Official Capacity in Firm)

that such bid is genuine and not collusion or sham; that said bidder has not colluded, conspired, connived, or agree, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding and has not in any manner directly or indirectly sought by agreement or collusion, or communication or conference, with any person to fix the bid price or affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price, or that of any other bidder, or to secure the advantage against the City of Troy or any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

D. M. Hobson

SIGNATURE OF PERSON SUBMITTING BID

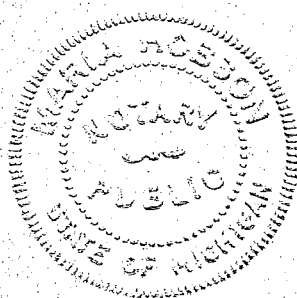
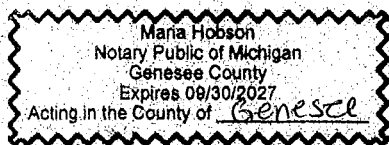
Maria Hobson

NOTARY'S SIGNATURE

Subscribed and sworn to before me this 16th day of November, 2021 in and
for Genesee County.

My commission expires:

9-30-2027





**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in transactions under any non-procurement programs by any federal, state or local agency.
2. Have not, within the three year period preceding, had one or more public transactions (federal, state, or local) terminated for cause or default; and
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) and have not, within the three year period preceding the proposal, been convicted of or had a civil judgment rendered against it:
 - a. For the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction (federal, state, or local), or a procurement contract under such a public transaction;
 - b. For the violation of federal, or state antitrust statutes, including those proscribing price fixing between competitors, the allocation of customers between competitors, or bid rigging; or
 - c. For the commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

I understand that a false statement on this certification may be grounds for the rejection of this proposal or the termination of the award. In addition, the general grant of this authority exists within the City's Charter, Chapter 12, Section 12.2-Contracts.

I am able to certify to the above statements.

Ferguson Waterworks

Name of Agency/Company/Firm (Please Print)

David M. Hobson

Name and title of authorized representative (Please Print)

11/15/2021

Signature of authorized representative

Date

I am unable to certify to the above statements. Attached is my explanation.



**VENDOR CERTIFICATION
THAT IT IS NOT AN
"IRAN LINKED BUSINESS"**

Pursuant to Michigan law, (the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must first certify that it is not an "IRAN LINKED BUSINESS", as defined by law.

Vendor	
Legal Name	Ferguson Waterworks
Street Address	24425 Schoenherr Rd.
City	Warren
State, Zip	MI, 48089
Corporate I.D. Number/State	54-147338
Taxpayer I.D. #	54-1211771

The undersigned, with: 1.) full knowledge of all of Vendor's business activities, 2.) full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. and 3.) the full and complete authority to make this certification on behalf of the Vendor, by his/her signature below, certifies that: the Vendor is NOT an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq., and as such that Vendor is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Troy.

Signature of Vendor's Authorized Agent: _____

Printed Name of Vendor's Authorized Agent: David M. Hobson

Witness Signature: _____

Printed Name of Witness: Maria Hobson



Proposer's Sworn and Notarized Familial Disclosure
(to be provided by the Proposer)

The undersigned, the owner or authorized officer of Ferguson Waterworks (the "Proposer"), pursuant to the familial disclosure requirement provided in the Request for Proposal, hereby represent and warrant, except as provided below, that no familial relationships exist between the owner(s) or any employees of Ferguson Waterworks

_____ and any member of the City of Troy City Council or City of Troy management.

List any Familial Relationships:

BIDDER:

By: D. M. Hobson

Its: David Hobson Municipal Sales

STATE OF MICHIGAN)

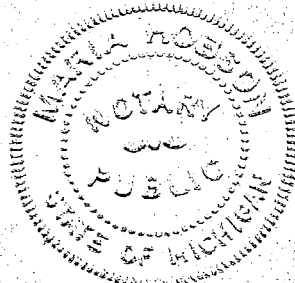
)ss.

COUNTY OF Genesee)

This instrument was acknowledged before me on the 16th day of November, 2021, by

Maria Hobson

Maria Hobson
Notary Public of Michigan
Genesee County
Expires 09/30/2027
Acting in the County of Genesee





**STATEMENT OF NO BID
CITY OF TROY**

BID NUMBER: ITB-COT 21-55
TITLE: COPPER TUBING

Please Send or Fax To:
City of Troy Purchasing Department
500 W. Big Beaver Rd.
Troy, MI 48084

FAX NUMBER: (248) 619-7608

We, the undersigned, have declined to bid on the subject bid for the following reasons:

Check All That Apply	REASON
<input type="checkbox"/>	Our company does not handle the type of product / service
<input type="checkbox"/>	We cannot meet the specifications nor provide an approved alternate – please explain below
<input type="checkbox"/>	Our company is not interested in bidding at this time
<input type="checkbox"/>	Job is too small
<input type="checkbox"/>	Job is too large
<input type="checkbox"/>	Cannot be competitive
<input type="checkbox"/>	Liability Issues such as insurance, bonding, indemnification, hold harmless
<input type="checkbox"/>	Insufficient time to respond – please explain below
<input type="checkbox"/>	Our company's schedule would not permit performance of the specifications
<input type="checkbox"/>	Other – describe below

REMARKS: _____

COMPANY INFORMATION:

COMPANY NAME: _____
SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____
TITLE: _____
COMPANY ADDRESS: _____

FAX NUMBER: _____ **TELEPHONE NUMBER:** _____

IMPORTANT NOTE: To qualify as a respondent to the bid, the vendor must submit a bid or return this completed form.

VENDOR REGISTRATION: The City of Troy uses the MITN website for vendor registration, bid and tabulation posting, award information and other processes. Final bid results will be posted on the MITN website after award. Please register to see results - www.bidnetdirect.com/city-of-troy-mi.



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: December 6, 2021

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
Lisa Burnham, Accounting Manager
Kurt Bovensiep, Public Works Director
Paul Trosper, Water & Sewer Operations Manager
Emily Frontera, Purchasing Manager

Subject: Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Type ‘K’ Copper Tubing

History

- The Water and Sewer Division is responsible for all water service line installations, repairs, and re-taps due to new construction and water main replacement projects.
- Type ‘K’ Copper Tubing is an ASTM specification standard for domestic water service and distribution.
- Due to the volatility of the commodity market, prices are good for thirty (30) days.

Purchasing

- On November 18, 2021 a bid opening was conducted as required by City Charter and Code for Type ‘K’ Copper Tubing.
- The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info. Four (4) bid responses were received.
- This is a one-time purchase predicated on unit bid pricing. Below is a detailed summary of potential vendors for the bid opportunity:

Companies notified via MITN	119
Troy Companies notified via MITN	2
Troy Companies - Active email Notification	2
Troy Companies - Active Free	0
Companies that viewed the bid	13
Troy Companies that viewed the bid	0

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.

Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- Bid pricing from *Progressive Plumbing* was held firm *only* until November 19, 2021. Bid specifications required pricing to be held for 60 days. Therefore, *Ferguson Waterworks of Warren, MI* is low bidder as specified and meets all pricing requirements.



500 West Big Beaver
Troy, MI 48084
troymt.gov

CITY COUNCIL AGENDA ITEM

Financial

Funds are budgeted and available in the Water Fund under the Water and Sewer Division accounts for Maintenance of Service account number 591.537.542.7740.010 and Maintenance of Meters account number 591.537.543.7740.010 for the 2022 Fiscal Year.

Recommendation

City Management recommends awarding the contract for Type 'K' Copper Tubing to the low bidder meeting specifications, *Ferguson Waterworks of Warren, MI*, for an estimated total cost of \$59,513.92 at the unit prices contained in the bid tabulation opened November 18, 2021. The award is contingent upon the contractor's submission of properly executed bid documents, and all other specified requirements.

VENDOR NAME:	Ferguson Waterworks	Progressive Plumbing Supply	Decima LLC	AVE Solutions
CITY:	Warren, MI	Warren, MI	Dearborn, MI	Southfield, MI
CHECK NUMBER:	460696	NOT INCLUDED	NOT INCLUDED	NOT INCLUDED
CHECK AMOUNT:	\$1,250.00			

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ACKNOWLEDGMENT:	Y or N	Y	Y	Y	Y
EXCEPTIONS:		N	Prices firm for 1-Day after Bid Date	N	N
FORMS:	Y or N	Y	Y	Y	Y

Low bid as specified.

Attest:
 (*Bid Opening conducted via Zoom)

Kaitlin Sackner
Andrew Chambliss
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Heather Chomiak

 Emily Frontera
 Purchasing Manager