

CITY COUNCIL MINUTES -

Draft June 22, 2020

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

Resolution #2020-06-092-J-4d

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 \$19,745.40, at unit prices contained in the bid tabulation opened on June 11, 2020; a copy of which is **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. 2020-00001498  
 DATE: 06/30/2020  
 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**  
 2020-06-092-J-4d

**VENDOR NO.** 161827

**Vendor**  
 FERGUSON WATERWORKS #3389  
 24425 SCHOENHERR RD  
 WARREN, MI 48089

| QUANTITY | UNIT     | DESCRIPTION                                                                                                                                                                                                                                                      | UNIT COST   | TOTAL COST  |
|----------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|
| 1        | Lump Sum | Type K Copper Tubing<br>One Year Requirements of 3/4" & 1" Type "K" Soft Copper Tubing<br>to be DELIVERED at unit prices as detailed in ITB-COT 20-12<br>BID PRICING as per attached bid tabulation. 1" Type "K" Soft<br>Copper Tubing- 60' rolls \$197.45/roll. | 19,745.4000 | \$19,745.40 |

Entered By: Kristine Kallek

\$19,745.40

**Special Instructions:**

CITY COUNCIL AWARD DATE: 6/22/2020.

**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.

Opening Date: 06/11/2020  
 Date Reviewed: 06/11/2020

CITY OF TROY  
 BID TABULATION  
 COPPER TUBING

ITB-COT 20-12  
 Page 1 of 1

|               |                            |                             |
|---------------|----------------------------|-----------------------------|
| VENDOR NAME:  | <b>Ferguson Waterworks</b> | Progressive Plumbing Supply |
| City:         | <b>Warren, MI</b>          | Warren, MI                  |
| Check #:      | 448452                     | 1090                        |
| Check Amount: | \$1,250.00                 | \$1,250.00                  |

**PROPOSAL: Tubing must be in compliance with Federal Specifications: ASTM Specifications B-88, Type "K" Water Services. 1" coils to be packed in 60 foot rolls per carton.**

| ITEM #                 | Estimated Quantity | Description                                       | Manufacturer            | Price Per Roll | Total Price        | Manufacturer                             | Price Per Roll | Total Price        |
|------------------------|--------------------|---------------------------------------------------|-------------------------|----------------|--------------------|------------------------------------------|----------------|--------------------|
| 2                      | 6,000 ft.          | 1" x 60 Type "K" Soft Copper Tubing (60 ft. roll) | Mueller Streamline      | \$197.45       | \$19,745.00        | Cambridge Lee                            | \$194.40       | \$19,440.00        |
| GRAND TOTAL:           |                    |                                                   |                         |                | <b>\$19,745.00</b> |                                          |                | <b>\$19,440.00</b> |
| TERMS:                 |                    |                                                   | Net 30                  |                |                    | Net 30 Days                              |                |                    |
| WARRANTY:              |                    |                                                   | Manufacturer's Warranty |                |                    | Not Specified                            |                |                    |
| DELIVERY DATE:         |                    |                                                   | 7 to 14 Days            |                |                    | 10 Days                                  |                |                    |
| ACKNOWLEDGMENT: Y or N |                    |                                                   | Y                       |                |                    | Y                                        |                |                    |
| EXCEPTIONS:            |                    |                                                   | None                    |                |                    | <i>Bid Pricing Firm until 06/12/2020</i> |                |                    |
| FORMS: Y or N          |                    |                                                   | Y                       |                |                    | Y                                        |                |                    |

**Low bid as specified.**

Attest:

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

Kaitlin Sackner  
Sue Riesterer  
MaryBeth Murz  
Kristine Kallek  
Jackie Ahlstrom

\_\_\_\_\_  
 MaryBeth Murz,  
 Purchasing Manager



CITY OF TROY  
ELECTRONIC BID PROPOSAL

ITB-COT 20-12  
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 Waterworks

**PROPOSAL:**

Tubing must be in compliance with Federal Specifications: ASTM Specifications B-88, Type "K" Water Services. 1" coils to be packed in 60 foot rolls per carton.

| Item | EST QTY   | Description                                                                   | Price Per Roll<br>(60ft.) | Total Price         |
|------|-----------|-------------------------------------------------------------------------------|---------------------------|---------------------|
| 1    | 6,000 FT. | 1"X60' Type "K" Soft Copper Tubing<br>Manufacturer: <u>Mueller Streamline</u> | \$ <u>197.45</u>          | \$ <u>19,745.40</u> |
|      |           |                                                                               | <b>GRAND TOTAL</b>        | \$ <u>19,745.40</u> |

**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  
ELECTRONIC BID PROPOSAL**

ITB-COT 20-12  
Copper Tubing  
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 return with your bid proposal. Due to COVID-19 restrictions the City is waiving Notary requirements; but note that all forms must be signed and dated.

**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: 

**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. (586)459-4491 FAX NO. (586)755-5861

REPRESENTATIVE'S NAME David M. Hobson

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE:  (Print)

TERMS Net 30 WARRANTY Manufactures Warranty

E-MAIL david.hobson@ferguson.com DELIVERY DATE(S): 7 to 14 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** (2 Pages) and that the bid proposal documents contained herein were obtained directly from the City's Purchasing Department or MITN website, [www.mitn.info](http://www.mitn.info) and is an official copy of the Authorized Version.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: 

**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:

---

|       |       |
|-------|-------|
| _____ | _____ |
|-------|-------|



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)

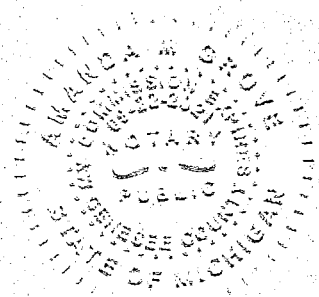
that such bid is genuine and not collusion or sham; that said bidder has not colluded, conspired, connived, or agree, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding and has not in any manner directly or indirectly sought by agreement or collusion, or 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.

[Signature]  
SIGNATURE OF PERSON SUBMITTING BID

[Signature]  
NOTARY'S SIGNATURE

Subscribed and sworn to before me this 9 day of June, 2020 in and for Genesee  
County.

My commission expires:  
9/22/2021







**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 Municipal Sales

Name and title of authorized representative *(Please Print)*

Signature of authorized representative

06/10/2020

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.

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

The undersigned, with: 1.) full knowledge of all of Vendors 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 require 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:**

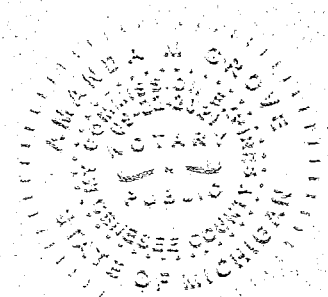
By: [Signature]  
Its: Municipal Sales

STATE OF MICHIGAN )

)ss.

COUNTY OF Genesee )

This instrument was acknowledged before me on the 9 day of June, 2019, by 2020  
Amarda M. Grue





500 West Big Beaver  
 Troy, MI 48084  
 troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: June 12, 2020

To: Mark F. Miller, City Manager

From: Bob Bruner, Assistant City Manager  
 Lisa Burnham, Accounting Manager  
 Kurt Bovensiep, Public Works Director  
 Paul Trosper, Water & Sewer Operations Manager  
 MaryBeth Murz, 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 June 11, 2020 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](http://www.mitn.info). Two (2) 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:

|                                            |     |
|--------------------------------------------|-----|
| <b>Companies notified via MITN</b>         | 114 |
| Troy Companies notified via MITN           | 1   |
| Troy Companies - Active email Notification | 1   |
| Troy Companies - Active Free               | 0   |
| <b>Companies that viewed the bid</b>       | 24  |
| 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 June 12, 2020. 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.

### Financial

Funds are budgeted and available in the Water Fund under the Water and Sewer Division account for Maintenance of Service 591.537.542.7740.010 for the 2021 Fiscal Year.



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

### 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 \$19,745.40 at the unit prices contained in the bid tabulation opened June 11, 2020. The award is contingent upon the contractor's submission of properly executed bid documents, and all other specified requirements.

Opening Date: 06/11/2020  
 Date Reviewed: 06/11/2020

CITY OF TROY  
 BID TABULATION  
 COPPER TUBING

|               |                            |                             |
|---------------|----------------------------|-----------------------------|
| VENDOR NAME:  | <b>Ferguson Waterworks</b> | Progressive Plumbing Supply |
| City:         | <b>Warren, MI</b>          | Warren, MI                  |
| Check #:      | 448452                     | 1090                        |
| Check Amount: | \$1,250.00                 | \$1,250.00                  |

**PROPOSAL: Tubing must be in compliance with Federal Specifications: ASTM Specifications B-88, Type "K" Water Services. 1" coils to be packed in 60 foot rolls per carton.**

| ITEM #                 | Estimated Quantity | Description                                       | Manufacturer            | Price Per Roll | Total Price        | Manufacturer                      | Price Per Roll | Total Price        |
|------------------------|--------------------|---------------------------------------------------|-------------------------|----------------|--------------------|-----------------------------------|----------------|--------------------|
| 2                      | 6,000 ft.          | 1" x 60 Type "K" Soft Copper Tubing (60 ft. roll) | Mueller Streamline      | \$197.45       | \$19,745.00        | Cambridge Lee                     | \$194.40       | \$19,440.00        |
| GRAND TOTAL:           |                    |                                                   |                         |                | <b>\$19,745.00</b> |                                   |                | <b>\$19,440.00</b> |
| TERMS:                 |                    |                                                   | Net 30                  |                |                    | Net 30 Days                       |                |                    |
| WARRANTY:              |                    |                                                   | Manufacturer's Warranty |                |                    | Not Specified                     |                |                    |
| DELIVERY DATE:         |                    |                                                   | 7 to 14 Days            |                |                    | 10 Days                           |                |                    |
| ACKNOWLEDGMENT: Y or N |                    |                                                   | Y                       |                |                    | Y                                 |                |                    |
| EXCEPTIONS:            |                    |                                                   | None                    |                |                    | Bid Pricing Firm until 06/12/2020 |                |                    |
| FORMS: Y or N          |                    |                                                   | Y                       |                |                    | Y                                 |                |                    |

**Low bid as specified.**

Attest:  
 (\*Bid Opening conducted via a Go-To Meeting)  
 Kaitlin Sackner  
 Sue Riesterer  
 MaryBeth Murz  
 Kristine Kallek  
 Jackie Ahlstrom

\_\_\_\_\_  
 MaryBeth Murz,  
 Purchasing Manager

**STANDARD PURCHASING RESOLUTION 2 – Award to Low Bidder Meeting Specifications – Type ‘K’ Copper Tubing**

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 \$19,745.40, at unit prices contained in the bid tabulation opened on June 11, 2020; a copy of which is 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.