

1 **BILL NO. S-11-09-33**

2 **SPECIAL ORDINANCE NO. S- 197-11**

3 **AN ORDINANCE** approving the awarding of ITB  
4 #3412-PURCHASE OF ONE (1) TIER III (3) CY  
5 WHEEL LOADER by the City of Fort Wayne,  
6 Indiana, by and through its Department of  
Purchasing and MACDONALD MACHINERY for  
the WATER POLLUTION CONTROL PLANT.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL**  
8 **OF THE CITY OF FORT WAYNE, INDIANA;**

9 **SECTION 1.** That ITB #3412-PURCHASE OF ONE (1) TIER III (3) CY  
10 WHEEL LOADER between the City of Fort Wayne, by and through its  
11 Department of Purchasing and MACDONALD MACHINERY for the WATER  
12 POLLUTION CONTROL PLANT, respectfully for:

13  
14 purchase of one (1) Tier III (3) cy Wheel Loader for the  
15 Combined Sewer Pump Station

16 involving a total cost of ONE HUNDRED TWENTY-NINE THOUSAND, FIVE  
17 HUNDRED NINETY-NINE AND 00/100 DOLLARS - (\$129,599) all as more  
18 particularly set forth in said ITB #3412-PURCHASE OF ONE (1) TIER III (3)  
19 CY WHEEL LOADER which is on file in the Office of the Department of  
20 Purchasing, and is by reference incorporated herein, made a part hereof, and  
21 is hereby in all things ratified, confirmed and approved.  
22  
23  
24  
25  
26  
27  
28  
29  
30

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**SECTION 2.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Council Member

APPROVED AS TO FORM AND LEGALITY

  
Carol Helton, City Attorney

Read the first time in full and on motion by Bender and duly adopted read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-Courty Building Fort Wayne, Indiana, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_\_ M E S T

DATED 9-27-11 \_\_\_\_\_

Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
Bender  
and duly adopted,

Read the third time in full and on motion by \_\_\_\_\_ and duly adopted, placed on its passage PASSED by the following vote

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
BROWN	<u>✓</u>			
DIDIER	<u>✓</u>			
GOLDNER	<u>✓</u>			
HARPER	<u>✓</u>			
HINES	<u>✓</u>			
PAPE	<u>✓</u>			
SHOAF	<u>✓</u>			
SMITH	<u>✓</u>			

DATED 10-11-11 \_\_\_\_\_

Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO 8-197-11 on the 11<sup>th</sup> day of October, 2011

ATTEST  
Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Matthew Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12<sup>th</sup> day of October, 2011, at the hour of 11:30 o'clock A. M.E.S.T

Sandra E Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12<sup>th</sup> day of \_\_\_\_\_ 2011, at the hour of 2:00 o'clock

Thomas C Henry  
THOMAS C. HENRY, MAYOR

BILL NO. S-11-09-33

REPORT OF THE COMMITTEE

ON CITY UTILITIES  
MARTY BENDER-CHAIR  
GLYNN A. HINES - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS REFERRED AN ORDINANCE APPROVING THE AWARDDING OF ITB #3412-PURCHASE OF ONE (1) TIER III (3) CY WHEEL LOADER BY THE CITY OF FORT WAYNE, INDIANA, BY AND THROUGH ITS DEPARTMENT OF PURCHASING AND MACDONALD MACHINERY FOR THE WATER POLLUTION CONTROL PLANT HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Marty Bender*  
*Thomas Hines*  
*Glenn*  
*Glenn*  
*Mary*  
*Glenn*  
*Glenn*  
*Glenn*  
*Glenn*  
*Glenn*

SANDRA E. KENNEDY  
CITY CLERK

# COUNCIL DIGEST SHEET

Enclosed with this introduction form is a tab sheet and related material from the vendor(s) who submitted bid(s). Purchasing Department is providing this information to Council as an overview of this award.

## RFPs & BIDS

Bid/RFP # ITB #3412  
Awarded To MacDonald Machinery  
Amount \$129,599  
Conflict of interest on file?  Yes  No  
Number of Registrants Sent to six (16) local  
Number of Bidders Three (3)  
Required Attachments Bids – attach Tab Sheet

## EXTENSIONS

Date Last Bid Out NA  
# Extensions Granted NA  
To Date

## SPECIAL PROCUREMENT

Contract #/ID Contract number 2283-2010 (State Revolving Funding 2011)  
(State, Federal,  
Piggyback--Authority)  
Sole Source/ NA  
Compatibility Justification

## BID CRITERIA (Take Buy Indiana requirements into consideration.)

Most Responsible,  
Responsive Lowest  Yes  No *If no, explain below*

If not lowest, explain *N/A*

# COUNCIL DIGEST SHEET

## COST COMPARISON

*Increase/decrease amount from prior years For annual purchase (if available).* N/A

## DESCRIPTION OF PROJECT / NEED

*Identify need for project & describe project; attach supporting documents as necessary.*

This wheel loader will be used by the Water Pollution Control Plant to handle screenings that are removed from the pumped flow at the Combined Sewer Pump Station Screening Facility. The facility will be located at the southwest corner of CS pond number 1 between the pump station and pond 1. Screenings will be lifted by screening equipment to a point above a small hopper into which the screenings will fall. The loader will be used to empty the small hoppers into a larger 20 yard dumpster that will be located onsite.

During Design of the Combined Sewer Pump Station project, capital and maintenance costs of a wheel loader and a screenings screw conveyor for handling screenings were evaluated. The wheel loader option was determined to be the best option. In addition, the cost was determined to be \$300,000 less than the screw conveyor option

Acting now allows savings associated with the Tier 3 emissions motor.

Beginning in 2012, tier 4 emissions will be the national requirement for this type of equipment.

## REQUEST FOR PRIOR APPROVAL

*Provide justification if prior approval is being requested.* NA

## FUNDING SOURCE

*Account Information.* 2011 SRF Sewer Bond

# Memo

**To:** City Utilities/Purchasing/Council  
**From:** Larry Campbell, Fleet Director  
**Date:** 9/21/2011  
**Re:** Wheel Loader for Combined Sewer Pump Station Project ITB # 3412

In regards for the Wheel Loader ITB #3412 for the Combined Sewer Pump Station: Please award to MacDonald Machinery for a total cost of \$129,599.00.

MacDonald Machinery bid a Case model 621EXT with the exception to the specification of providing a Tier III (3) motor. MacDonald Machinery also submitted a wheel loader with a Tier IV (4) motor as per the specification and their bid for the ITB #3412. Choosing the Tier III (3) loader will cost \$ 16,021.00 less, and meets all the requirements for the project. Case was lowest responsive bidder with respect to the Tier III (3) loader and the Tier IV (4) loader.

The purchase being proposed is for the Combined Sewer Pump Station (CSPS) project. This unit is being added to the Water Pollution Control Plant Fleet to handle the screenings at the CSPS facility.

During design of the CSPS project, capital and maintenance costs of a wheel loader and a screenings screw conveyor for handling screenings were evaluated. The wheel loader option was determined to be the best option. In addition, the cost was determined to be \$300,000 less than the screw conveyor option.

MacDonald Machinery was the lowest and most responsive bidder. The ITB was sent to sixteen different local vendors through out Fort Wayne. A total of three bids were received.

Acting now allows savings associated with the Tier 3 emissions motor. Beginning in 2012, tier 4 emissions will be the national requirement for this type of equipment.

All bidders were registered as a buy Indiana and local companies in Fort Wayne. Case is manufactured in Fargo North Dakota USA

Thank you Larry Campbell

*G/ drive shared award letters 2011 Loader WPCP ITB #3412*

REF. NO.: 3412  
DEPT: Combined Sewer Pump Station  
DATE: 9/21/11  
ITEM/SERVICE: Purchase of a 2.5 cy wheel loader  
ADVERTISED BID: Yes  
DATES ADVERTISED: 8/1/11 & 8/8/11  
DATE OPENED: 8/18/11  
SINGLE SOURCE: No  
NO. OF VENDORS NOTIFIED: 17  
NO. OF VENDORS RECEIVING BID: 17  
NO. OF VENDORS RETURNING BID: 3  
NO. OF VENDORS DISQUALIFIED: 0  
DATE SENT TO DEPT FOR RECOMM: 8/19/11  
DATE RECOMM RECEIVED BACK: 9/21/11  
DATE SENT TO LAW DEPT: 9/21/11  
INTRODUCTION DATE: 9/27/11  
DISCUSSION DATE: 10/4/11  
PASSAGE DATE: 10/11/11

ITS #3412  
 WHEEL LOADER  
 WPCP, CSFS  
 OPENED 8/18/11



*1-2-2-11*

VENDOR	B & W	MacDonald	MacDonald
MAKE	Doosan	Case	Case
MODEL	DL250TC	621FXT	621EXT
YEAR	2011	2012	2011
COST FOR LOADER	\$ 137,556.00	\$ 145,400.00	\$ 129,379.00
COST FOR FITTINGS	\$ 181.69	\$ 220.00	\$ 220.00
TOTAL COST	\$ 137,737.69	\$ 145,620.00	\$ 129,599.00
DELIVERY ARO	120 days	180 days	90 days
VALIDITY OF COST	120 days	90 days	90 days

CITY OF FORT WAYNE, INDIANA

MacDonald Machinery Co., Inc.  
(Vendor Name)

VENDOR DISCLOSURE STATEMENT RELATING TO:

- 1. FINANCIAL INTERESTS;
- 2. POTENTIAL CONFLICTS OF INTERESTS;
- 3. CURRENT AND PENDING CONTRACTS OR PROCUREMENTS

Vendors desiring to enter into certain contracts with the City of Fort Wayne, Indiana (the "City") shall disclose their financial interests, potential conflicts of interest and current and pending contract or procurement information as set forth below.

The following disclosures by Vendors are required for all contracts with annual payments by the City in the amount of \$25,000 or more. Vendors shall disclose the financial interests, potential conflicts of interest and other contract and procurement information identified in Sections 1, 2 and 3 below as a prerequisite for consideration of an award of contract by the City. This Disclosure Statement must be completed and submitted together with Vendor's contract, bid, proposal, or offer.

A publicly traded entity may submit its current 10K disclosure filing in satisfaction of the disclosure requirements set forth in Sections 1 and 2 below.

Section 1. Disclosure of Financial Interest in Vendor

a. If any individuals have either of the following financial interests in Vendor (or its parent), please check all that apply and provide their names and addresses (attach additional pages as necessary):

- (I) Equity ownership exceeding 5% ( X )
- (II) Distributable income share exceeding 5% ( )
- (III) Not Applicable (if N/A, go to Section 2) ( )

Name: Mark Johnston

Name: Joe Shimek

Address: 8012 Sky Breeze Ct., Ft. Wayne, IN 46804 Address: 717 N. Main St., Auburn, IN 46706

b. For each individual listed in Section 1a., show his/her type of equity ownership: sole proprietorship ( ) stock ( ) partnership interest ( X ) units (LLC) ( ) other (explain) (Both)

c. For each individual listed in Section 1a., show the percentage of ownership interest in Vendor (or its parent):  
ownership interest: % Mark = 67%  
Joe = 33%

Section 2. Disclosure of Potential Conflicts of Interest (not applicable for vendors who file a 10K)

For each individual listed in Section 1a., check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If "Yes", please describe using space under applicable subsection (attach additional pages as necessary):

a. City employment, currently or in the previous 3 years, including contractual employment for services. Yes No X

- b. City employment of "Member of Immediate Family" (defined herein as: spouse, parent, child or sibling) including contractual employment for services in the previous 3 years.      Yes                      No.
- c. Relationship to Member of Immediate Family holding elective City office currently or in the previous 3 years.      Yes                      No.
- d. Relationship to Member of Immediate Family holding appointive City office currently or in the the previous 3 years      Yes                      No

**Section 3.      DISCLOSURE OF OTHER CONTRACT AND PROCUREMENT RELATED INFORMATION**

- a. Does Vendor have current contracts (including leases) with the City?      Yes                      No
- b. If "Yes", identify each current contract with descriptive information including purchase order or contract reference number, contract date and City contact using space below (attach additional pages as necessary).
- c. Does Vendor have pending contracts (including leases), bids, proposals, or other pending procurement relationship with the City?      Yes                      No.

If "Yes", identify each pending matter with descriptive information including bid or project number, contract date and City contact using space below (attach additional pages as necessary).

**Section 4.      CERTIFICATION OF DISCLOSURES**

In connection with the disclosures contained in Sections 1, 2 and 3 Vendor hereby certifies that, except as described in attached Schedule A:

- a. Vendor (or its parent) has not, within the five (5) year period preceding the date of this Disclosure Statement, been debarred, suspended, proposed for debarment declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
- b. No officer or director of Vendor (or its parent) or individual listed in Section 1a. is presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offense;
- c. Vendor (or its parent) has not, within the five (5) year period preceding the date of this Disclosure Statement, had one or more public transactions (federal, state or local) terminated for cause or default;
- d. No officer or director of Vendor (or its parent) or individual listed in Section 1a. has, within the five (5) year period preceding the date of this Disclosure Statement, been convicted, adjudged guilty, or found liable in any criminal or civil action instituted by the City, the federal or state government or any other unit of local government; and

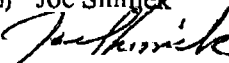
- g. Neither Vendor, nor its parent, nor any affiliated entity of Vendor, or any of their respective officers, directors, or individuals listed in Section 1a, is barred from contracting with any unit of any federal, state or local government as a result of engaging in or being convicted of: (i) bid-rigging; (ii) bid-rotating; or (iii) any similar federal or state offense that contains the same elements as the offense of bid-rigging or bid-rotating.

The disclosures contained Sections 1, 2 and 3 and the foregoing Certifications are submitted by

MacDonald Machinery Co., Inc.  
(Name of Vendor)

3911 Limestone Drive, Fort Wayne, IN 46809  
Address  
( ) 260-747-1561  
Telephone j.shimek@macdonaldmachinery.com  
E-Mail Address

The individual authorized to sign on behalf of Vendor represents that he/she: (a) is fully informed regarding the matters pertaining to Vendor and its business; (b) has adequate knowledge to make the above representations and disclosures concerning Vendor; and (c) certifies that the foregoing representations and disclosures are true and accurate to the best of his/her knowledge and belief.

Name (Printed) Joe Shimek Title Vice President  
Signature  Date 6/8/2011

**NOTE: FAILURE TO COMPLETE AND RETURN THIS FORM WITH YOUR DOCUMENTATION MAY RESULT IN YOUR CONTRACT, OFFER, BID OR PROPOSAL BEING DISQUALIFIED FROM CONSIDERATION.**