



Date: May 7, 2013

To: Thomas J. Bonfield, City Manager

Through: W. Bowman Ferguson, Deputy City Manager

From: Joel V. Reitzer, Jr., Director, General Services Department

Subject: Purchase contract between American Seating Company and the City of Durham for plastic sports chairs at the Durham Bulls Athletic Park

Executive Summary

Seat replacement was identified as part of the City’s obligation for deferred maintenance under the terms of the Development Agreement between the Durham Bulls Baseball Club, Inc. (Club) and the City of Durham (City) for the Durham Bulls Athletic Park (DBAP) approved by City Council on May 6, 2013.

In order to expedite the delivery and installation of long lead procurement items and in accordance with the Development Agreement and CMAR Contract for the DBAP project, the City proposes to execute a direct purchase contract with American Seating Plastic Sports Chairs without competitive bidding. This purchase contract may be assigned to the project CMAR if it is determined to be in the best interest of the project. Purchase of the seats is permitted under the exceptions to public contracting authorized by NCGS 143-129 (e) (6) on the basis of one or more of the following: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.

Recommendation:

That the City Council:

1. Approve the purchase of American Seating Plastic Sports Chairs without competitive bidding on the basis of the following: (a) American Seating-Model 505 is available from only one source of supply; and (b) standardization and compatibility with the existing stadium seats is the overriding consideration.
2. Authorize the City Manager to enter into a contract with American Seating Company, in the amount of \$806,957.76 for Plastic Sports Chair seating and installation of (6348) new seats at \$127.12 per seat, along with aluminum numbers/letter plates, back mounted cup holders, ADA end seats and (1145) cast logos.

Background

DBAP Seating

The purchase includes providing and installing (6348) new seats at \$127.12 per seat along with aluminum numbers/letter plates, back mounted cup holders, ADA end seats and (1145) cast logos. The seating specification and model were specifically selected to match the existing seats to remain for visual compatibility and continuity. From a functional perspective, utilizing the same seats will allow for standardization of stock parts for repair and replacement. The selected model offers high quality materials and mechanisms creating exceptional durability and strength.

- The Bulls logo on the aisle end of the chairs will be cast utilizing the existing tool from the original seats manufactured by American Seating for compatibility and cost savings.
- The sports chair utilizes an open external hinge mechanism which allows natural cleaning of liquids and debris. External access to the hinge allows for ease of repair and preventive maintenance.
- American seating provides a unique 25 year warranty for the cast iron structural parts.
- Existing seat pans and parts will be reused and held as stock for repair and replacement purposes.

Issues and Analysis:

Purchasing without competitive bidding is allowed in certain instances under North Carolina law as an exception to public contracting in accordance with NCGS 143-129 (e) (6) when it can be shown that “(i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.”

Purchase of the American Seating Plastic Sports Chairs meets the exception criteria above on the basis of: (a) American Seating-Model 505 is available from only one source of supply; and (b) standardization and compatibility with the existing stadium seats is the overriding consideration. All of the existing seats are the American Seating model 505 and the (6348) new seats will replace older seats and match the approximately (2000) seats to remain in the Diamond View outfield. The City submits the manufacturers based on the exceptions listed above.

Alternatives

There are no known alternatives at this time if the schedule for construction completion, (prior to opening of 2014 baseball season) is to be maintained.

Financial Impact

The cost of the American Seating Contract is \$806,957.76. Funding for this contract is available from the Durham Bulls Athletic Park Improvement fund (4700C000 – 731000 - CC017). In accordance with the development agreement between the City and Club, the purchase of seats and lights will be credited toward the City’s \$12 million deferred maintenance and new improvements investment.

SDBE Summary

This is a sole source item that was not reviewed by the Department of Equal Opportunity/Equity Assurance for compliance with the Ordinance to Promote Equal Business Opportunities with City Contracting.

Attachment:

- American Seating Company Purchase Contract