

**COMPETITION EXCEPTION REPORT**

Competition exception is the decision to purchase without competition through the use of bidding, formal solicitation, request for qualification, or a request for proposal when competition is available.

**SOLE SOURCE**

Only one vendor possesses the unique and singularly available capability to meet the requirement such as technical qualifications, ability to deliver based on distribution restrictions, or services from a public utility. See the Purchasing Manual Section 40.2 for examples.

Procurement Contact: Victoria Smith

Date: 4/8/20

Department Contact: Brent Dorr

E1 Doc No.: _____

Total Cost: \$146,000/year

VENDOR NAME:

Foley Equipment

COMMODITY/SERVICE DESCRIPTION:

The rental equipment used by the Stormwater Division of Public Works is to maximize production of the division. The City currently has an excavator and a track-loader on long-term rental. By utilizing rental services, the Stormwater Division can work multiple projects at the same time, not waiting for one crew to finish before the other can start another project. Currently, this division rents special equipment for short term projects such as deep-excavation pipe repair & replacement and brush removal. Other projects include sinkholes in roadways, streambank stabilization, or obstruction removal; which require larger equipment to handle the jobs than the City currently owns. All of these rentals typically are utilized for 1-day to 2-weeks at a time per project.

CER/SOLE SOURCE JUSTIFICATION:

Due to the quick turnaround time of the above-mentioned projects, time is of the essence. It is imperative that vendors have on-hand the equipment that is needed when it's needed in order to keep the projects moving forward at an acceptable pace. Several other companies that have been utilized have failed to meet the requested deadlines needed to keep up with production, and/or have not had the needed equipment on-hand. These setbacks could have delayed projects for weeks, which create a backlog of work and further impacts of delays to other projects. Foley has agreed to provide the Stormwater Division with the best pricing for long-term rentals and has proven to be reliable and fully equipped for the City's needs for short-term rentals as well. Additionally, they have picked up and delivered the equipment to the City/job sites for little to no charge (a service not offered by other companies). This prevents the Division's loss of production time waiting for equipment to be shuttled from site-to-site. Since Foley is an Olathe vendor, the Stormwater Division can get equipment within a day. Staff from the Stormwater Division would like Foley to be an exclusive vendor for equipment rental needs with annual performance review.

Approved:  (Department Director)

Approved:  (Procurement Manager)

Over \$25,000:
Approved:  (City Manager)