

MEMORANDUM

TO: Brian C. Blad, Mayor; Members of the City Council
 FROM: Rich Diehl, Deputy City Attorney *Diehl*
 RE: Police Department - Sole Source Declaration and Expenditure for Police Vehicles
 DATE: August 8, 2019

I have reviewed the documents, and had discussions with Police Chief Roger Schei and Captain Cliff Kelly, concerning the purchase of nine (9) 2020 Ford Explorer Hybrid; one (1) 2020 Ford Explorer Hybrid (replacement); two (2) 2020 Dodge Charger AWD; equipment to up-fit the vehicles for Police use; and one (1) 2017 Dodge Durango (used) from Bancorp.

Idaho Code § 67-2808 (2) (a) provides that a City may declare there is a “sole source” vendor in certain situations. Three of the enumerated situations apply to the current proposed purchase. First, “[w]here the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration”, *I.C.* §67-2808 (2) (a) (ii); second, where “[t]he purchase of . . ., personal property for which it is determined there is no functional equivalent . . .,” *I.C.* §67-2808 (2) (a) (v); and the third is “[w]here competitive solicitation is impractical, disadvantageous or unreasonable under the circumstances.” *I.C.* §67-2808 (2) (a) (viii).

Given the current situation that majority of PPD’s current fleet of vehicles are Fords and would be serviced by the recently created City’s Fleet operations; it is my opinion that it is proper to declare Bancorp as a sole source vendor. It is my opinion that since the PPD has a long history of utilizing Ford products, this falls within *I.C.* §67-2808 (2) (a) (ii) – compatibility of equipment for utilization and service. It is also my opinion that since only Bancorp can up-fit and deliver the vehicles to PPD fully built-out and ready to use, there is “no functional equivalent” for these particular police vehicles. Finally, it is my opinion that it would be impractical, disadvantageous and unreasonable under the circumstances for the City of Pocatello to follow the sealed bid process since Bancorp quoted a lower price than the “State Bid” for these vehicles.

If the Council does to declare Bancorp as a sole source vendor in this situation, then notice of the sole source procurement needs to be published in the official newspaper at least fourteen (14) days before awarding the contract. I concur with Captain Kelly’s recommendation of sole source procurement in this instance. If you have any questions, please feel free to contact me.

Executive Summary

After discussions with council regarding the necessity to add additional police vehicles in order to move closer to fulfilling our 5-year plan in keeping with the Mission and Values of the City of Pocatello most notably through promoting the high quality of life by ensuring that Pocatello Police Officers will have their Patrol vehicles at their home at the ready to respond, on their off-duty hours. This promotes the deterrence of crime and the feeling of safety within diverse neighborhoods both on and off duty. This request is also in keeping with our values statements: “We commit to creativity and embracing possibilities” and “We demonstrate pride in our community”. The car per officer philosophy allows the individual officer to have all of his/her equipment pre-positioned in their vehicle for quick access and use which also leads to faster response times to critical incidents. Officers demonstrate pride in their community by displaying their department vehicle in their neighborhood while off-duty.

We are seeking to complete this purchase with funds already authorized within our FY '19 budget through a budget adjustment allocating personnel funds to operational funds, signed by Mayor Blad. These funds along with the FY '19 budgeted funds, authorized by council for vehicles, will be combined to purchase new vehicles. We will not need any additional funds from the City Budget as in previous plans.

We have submitted information to the City Legal Department requesting that Bancorp be listed as a “sole source” provider. Bancorp quoted a lower cost than the “State Bid” price on the vehicles and provides a “turnkey” service which means they will up-fit the vehicles with all of the necessary equipment and deliver them ready to use. See the memo from the legal department.

The Police Department respectfully requests permission from Council to purchase these vehicles in accordance with the approved FY '18 budget:

- 2020 Ford Explorer Hybrid (9) @ \$36,846.00 ea. = \$331,614.00
 - Equipment (9) @ \$24,752.00 ea. = \$222,765.00
 - \$554,379.00**
 - **The purchase of the Hybrid vehicles will considerably reduce fuel consumption over time.**

- 2020 Ford Explorer Hybrid (Replacement) (1) @ \$36,846.00 ea. = \$36,846.00
 - Equipment (1) @ \$24,752.00 ea. = \$24,752.00
 - \$61,598.00**

- 2020 Dodge Charger AWD
 - Equipment
 - 2017 Dodge Durango (Used)
- (2) @ \$23,840.00 ea. = \$47,680.00
(2) @ \$24,752.00 ea. = \$49,504.00
\$97,184.00
- (1) @ \$22,000.00 ea. = **\$22,000.00**

Total Outlay
\$735,161.00