

INTRODUCED: October 9, 2017

AN ORDINANCE No. 2017-200

To authorize the Chief Administrative Officer and the Director of Procurement Services, for and on behalf of the City of Richmond, to execute the first Contract Modification to Contract No. 16000022041 between the City and Manchester Marketing, Inc. T/A Seibert's Towing for towing-related services and tow lot operation for the purpose of specifying certain oversized vehicle fees and increasing the maximum authorized contract amount from \$140,000.00 to \$1,050,000.00 to accommodate additional towing expected to occur during leaf collection, street cleaning, and special events.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2017 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

WHEREAS, pursuant to Ordinance No. 2016-176, adopted June 13, 2016, the City entered into Contract No. 16000022041 with Manchester Marketing, Inc. T/A Seibert's Towing the "Contractor") to provide towing-related services and tow lot operation; and

WHEREAS, section 46.2-1217 of the Code of Virginia (1950), as amended, empowers the City Council to specify the fees or charges to be paid by the owner or operator of a vehicle towed at the request of a law enforcement officer; and

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2017 REJECTED: _____ STRICKEN: _____

WHEREAS, pursuant to section 46.2-1217 of the Code of Virginia (1950), as amended, the City's Advisory Board for the Assessment of Towing Fees and the Storage of Vehicles has reviewed the terms and conditions of the Contract Modification and provided its recommendations concerning the same to the City Council; and

WHEREAS, section 46.2-1217 of the Code of Virginia (1950), as amended, requires the approval of the City Council in order for the City to enter into a Contract Modification specifying certain oversized vehicle fees and increasing the maximum authorized contract amount from \$140,000.00 to \$1,050,000.00 to accommodate additional towing expected to occur during leaf collection, street cleaning, and special events.

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer and the Director of Procurement Services, for and on behalf of the City of Richmond, be and are hereby authorized to execute the first Contract Modification to Contract No. 16000022041 between the City and Manchester Marketing, Inc. T/A Seibert's Towing for towing-related services and tow lot operation in accordance with section 46.2-1217 of the Code of Virginia (1950), as amended, for the purpose of specifying certain oversized vehicle fees and increasing the maximum authorized contract amount from \$140,000.00 to \$1,050,000.00 to accommodate additional towing expected to occur during leaf collection, street cleaning, and special events. Such Contract Modification shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

4-7003

SEP 12 2017

Office of the Chief Administrative Officer

REQUEST

DATE: September 6, 2017

EDITION: 2

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten signature and date: JS 9/22/17

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Lenora G. Reid, DCAO of Finance and Administration

Handwritten signature

RECEIVED

THROUGH: John Wack, Director of Finance

Handwritten signature

SEP 25 2017

THROUGH: Mimi Terry, Interim Director of Procurement

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OFFICE OF CITY ATTORNEY

FROM: Bobby Vincent, Director of Public Works

SUBJECT: TO AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE AN AMENDMENT TO THE CONTRACT FOR TOWING AND TOW LOT OPERATIONS

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer (CAO) to execute, on behalf of the City of Richmond, a contract amendment with Manchester Marketing, Inc., T/A Seiberts's Towing (Seiberts's Towing) for tow related services and tow lot operations.

REASON: The City requires a contractor to provide towing services and tow lot operations for both City vehicles as requested by the Department of Public Works' Fleet Management Division and non-City vehicles under the direction of the City's Department of Police.

The contract amount will be increased from \$140,000 to \$210,000 annually. The contract cost increase is due to the erroneous tows as a result of increased enforcement of leaf collection, peak period tows, street cleaning and special events et al. The amendment will also establish fee ranges for large truck tows by weight class. The fee ranges are based on what equipment needed to tow a large truck.

RECOMMENDATION: Approval is recommended by the City Administration and the Advisory Board for the Assessment of Towing Fees and the Storage of Vehicles in the City of Richmond (the "Towing Advisory Board"). The Towing Advisory Board met on September 6, 2017 and reviewed and approved the attached contract modification. Va. Code § 46.2-1217 requires that the Towing Advisory Board review and the City Council approve any contract amendments.

BACKGROUND: Va. Code § 46.2-1217 authorizes local governing bodies to enter into contractual agreements with "one or more businesses engages in towing." The contract will provide towing services and tow lot operations for city vehicles as requested by the Department of Public Works Fleet Management Division and under the direction of the City's Department of Police.

The contractor provides towing services for vehicles located within the City limits, for City-owned vehicles and "officially held vehicles" located outside the City limits, and at all City-owned property located outside the City limits. The towing services generally include, but are not necessarily limited to, the towing or storage, or both, of the following types of vehicles:

- A. City-owned vehicles (no storage required for these vehicles).
- B. Vehicles parked in any designated tow away zones, to include handicap parking and fire zones.
- C. Parking violations ("Peak Towing": 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).
- D. Abandoned vehicles.
- E. Vehicle accidents.
- F. Vehicles impounded for three or more parking tickets.
- G. Vehicles reported stolen.
- H. Vehicle disposal.
- I. Officially held vehicles (HFI), within the City limits and outside of the City limits.
- J. Vehicles impounded for 30 days for DUIs or specific equipment violations or both.

FISCAL IMPACT TO CITY/COST: The projected cost to the City is approximately \$210,000 annually based on court appeals, hold for investigation vehicles, miscellaneous/erroneous tows (peak hour tows, street cleaning and leaf collection) and Fleet Management needs.

FISCAL IMPLICATIONS: N/A

BUDGET AMENDMENT NECESSARY: Funds are available in the FY'18 budget

REVENUE TO THE CITY: N/A

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: October 9, 2017

CITY COUNCIL PUBLIC HEARING: November 13, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Public Safety (October 24, 2017)

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Richmond Police, Public Works and Finance

RELATIONSHIP TO EXISTING ORD. OR RES: Ordinance No. 2010-61-64, adopted April 12, 2010. Ordinance No. 2016-176, adopted June 13, 2016.

REQUIRED CHANGES TO WORK PROGRAM (S): None

ATTACHMENTS: (1) VA Code §46.2-1217 and (2) Contract modification (3) Ordinance No. 2016-176

STAFF: Lt. John Beazley, RPD (646-4721)
Lynne Lancaster, DPW (646-6006)

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**Section 46.2-1217 of
the Code of Virginia**

VA CODE § 46.2-1217

§ 46.2-1217. Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. Such criteria shall, for drivers of tow trucks and towing and recovery operators, be no less restrictive than those established pursuant to Chapter 28 (§ 46.2-2800 et seq.) of this title and regulations adopted pursuant thereto.

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town or by a State Police officer within the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) of this chapter and towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a police-towing request, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and

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Contract Modification



Contract No. 1600022041

CITY OF RICHMOND

PROCUREMENT SERVICES CONTRACT MODIFICATION No. 1

THIS CONTRACT MODIFICATION is made and entered into as of the 30th day of November, 2017, by and between the City of Richmond, hereinafter referred to as the "City," and Manchester Marketing, Inc. T/A Seibert's Towing, hereinafter referred to as the "Contractor."

WITNESSETH

WHEREAS, the City and the Contractor entered into Contract No. 1600022041, dated June 23, 2016, for towing and tow lot operations;

WHEREAS, section 46.2-1217 of the Code of Virginia authorizes the City Council to specify in a contract for towing services the fees or charges to be paid by the owner or operator of a towed vehicle to the Contractor;

WHEREAS, the City and the Contractor desire to amend the Contract to specify certain oversized vehicle fees in subsection A of section 5.1 ("Authorized Charges or Rates") in Part IV ("Special Terms and Conditions") of the Contract and increase the maximum authorized contract amount to accommodate additional towing expected to occur during leaf collection, street cleaning and special events; and

WHEREAS, the Council for the City of Richmond has approved this Contract Modification by Ordinance No. 2017-200, adopted November 13, 2017;

NOW, THEREFORE, for and in consideration of the mutual benefit to be derived by the City and the Contractor, the City and the Contractor agree that the Contract is hereby modified as follows:

- 1. The chart containing charges and rates set forth in subsection A of section 5.1 ("Authorized Charges or Rates") in Part IV ("Special Terms and Conditions") of the Contract as modified by the Negotiated Modifications to the Contract is hereby replaced in its entirety as follows:

Table with 3 columns: Category, Amount, and Additional Charges. Rows include Abandoned, Accidents, City Citations, Release on Scene, Disabled, DMV/Admin Fee, and Driver's Arrest.

Contract No. 1600022041

Environmental/CAPS	\$105	Plus storage \$45/day after 24 hours
Flipover	\$60	
Hold for Investigation (HFI)	\$95	Plus storage \$45/day 24 hours after notice
Jump Start	\$50	
Lockout	\$50	
Mileage	\$3/mile \$4.50/mile	Outside Richmond City limits Oversized vehicle mileage
Private Property	\$125	Plus storage \$45/day after 24 hours
Retows	\$60	\$45 for auction vehicle in city limits
Stolen	\$85	Plus storage \$45/day after 24 hours
Storage	\$85	7AM-7PM
	\$45/day	7PM-7AM Including weekends/holidays
Tire Change	\$45	Per tire
Traffic/Parking Violation	\$105	Plus storage \$45/day after 24 hours
Convenience Tows	\$40	Towing of operable City vehicles
Winching	\$65	Per hour/one hour minimum
Winching oversized vehicles	\$100	Per hour/one hour minimum
Oversized Vehicle Fee	\$150	(10,001 – 16,000 lbs.)
	\$50/day storage rate	
Oversized Vehicle Fee	\$275	(16,001 – 26,000 lbs.)
	\$55/day storage rate	
Oversized Vehicle Fee	\$350/hour	(over 26,001 lbs.)
	\$60/day storage rate	
Air hook up	\$55	
Cage brakes	\$55	
Remove Drive Shaft	\$55	
Additional labor/stand-by time \$60/hour		
Vehicles are available for release from 7:00AM to 8:00PM. After hours release fee - \$35, 8:00PM-7:00AM.		

2. Section 2 ("Contract Amount") of the Goods and Services Contract is hereby modified to read as follows:

2. **Contract Amount.** The maximum authorized contract amount for this Contract is One Million Fifty Thousand and no/100 U.S. dollars (\$1,050,000.00). The aggregate of all payments by the

Contract No. 16000022041

City under this Contract shall not exceed this amount. All payments shall be as provided in the Contract Documents.

3. Except as expressly modified herein, all other terms and conditions of the Contract shall remain in full force and effect and shall be binding upon the City and the Contractor.

IN WITNESS WHEREOF, the City and the Contractor have executed this instrument as of the respective dates written below.

FOR THE CITY:

MM Gray
Director of Procurement Services

Date

11/30/17

Selena Cuffee-Gleason
Selena Cuffee-Gleason
Chief Administrative Officer

Date

12/8/17

FOR THE CONTRACTOR:

Robert C. Miles

Printed Name: ROBERT C. MILES

Printed Title: PRESIDENT / CEO

Date:

11/29/17

APPROVED AS TO FORM

Guan McKenney
Assistant City Attorney

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Ordinance No. 2016-176

Adopted June 13, 2016

INTRODUCED: June 6, 2016

AN ORDINANCE No. 2016-176

To authorize the Chief Administrative Officer and the Director of Procurement Services, for and on behalf of the City of Richmond, to execute a Goods and Services Contract between the City and Manchester Marketing, Inc. T/A Seibert's Towing for towing-related services and tow lot operation.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 13 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

WHEREAS, pursuant to a process of competitive negotiation for non-professional services undertaken in accordance with the requirements of Chapter 21 of the Code of the City of Richmond (2015), as amended, City officials have solicited proposals and selected a contractor, Manchester Marketing, Inc. T/A Seibert's Towing, to provide towing-related services and tow lot operation; and

WHEREAS, pursuant to section 46.2-1217 of the Code of Virginia (1950), as amended, the City's Advisory Board for the Assessment of Towing Fees and the Storage of Vehicles has reviewed the terms and conditions of the contract and provided its recommendations concerning the same to the City Council; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUNE 13 2016 REJECTED: _____ STRICKEN: _____

WHEREAS, section 46.2-1217 of the Code of Virginia (1950), as amended, requires the approval of the City Council in order for the City to enter into a contract for such towing-related services and tow lot operation;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer and the Director of Procurement Services, for and on behalf of the City of Richmond, be and are hereby authorized to execute a Goods and Services Contract between the City and Manchester Marketing, Inc. T/A Seibert's Towing for towing-related services and tow lot operation in accordance with section 46.2-1217 of the Code of Virginia (1950), as amended. Such contract shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

MAY 31 2016
4-5235
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: May 25, 2016

EDITION: 1

TO: The Honorable Members of City Council

RECEIVED

THROUGH: Dwight C. Jones, Mayor

JUN 03 2016

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

OFFICE OF CITY ATTORNEY

THROUGH: John Buturla, Interim Deputy Chief Administrative Officer

THROUGH: Lenora G. Reid, DCAO of Finance and Administration

THROUGH: Alfred Durham, Chief of Police

THROUGH: C. Edward Gibbs, Director of Procurement Services

FROM: Dr. Emmanuel O. Adediran, Director of Public Works

SUBJECT: TO AUTHORIZE THE CHIEF ADMINISTRATIVE OFFICER TO EXECUTE A CONTRACT FOR TOWING AND TOW LOT OPERATIONS

ORD. OR RES. No. _____

PURPOSE: To authorize the Chief Administrative Officer (CAO) to execute, on behalf of the City of Richmond, a contract with Manchester Marketing, Inc., T/A Seiberts's Towing (Seiberts's Towing) for tow related services and tow lot operations.

REASON: The City requires a contractor to provide towing services and tow lot operations for both City vehicles as requested by the Department of Public Works' Fleet Management Division and non-City vehicles under the direction of the City's Department of Police.

RECOMMENDATION: Approval is recommended by the City Administration and the Advisory Board for the Assessment of Towing Fees and the Storage of Vehicles in the City of Richmond (the "Towing Advisory Board"). The Towing Advisory Board recommends the increase of standard tow rates (i.e. street cleaning, parades, etc.) from \$95 to \$105. The Towing

Advisory Board also recommends an additional \$5 fee for a web based locator for vehicles towed at the direction of law enforcement, as recommended by the City Auditor. Citizens will also have access to instructions for claiming vehicles, resulting in faster service and consistent information.

BACKGROUND: Va. Code § 46.2-1217 authorizes local governing bodies to enter into contractual agreements with "one or more businesses engages in towing." The contract will provide towing services and tow lot operations for city vehicles as requested by the Department of Public Works Fleet Management Division and under the direction of the City's Department of Police.

The City of Richmond prior contract for towing services and towing lot operations with Seibert's Towing which was in place for approximately six (6) years. The Contract is not eligible for further renewals. The Towing Advisory Board reviewed the Request for Proposals (RFP) prior to its issuance in accordance with Va. Code § 46.2-1217. A RFP was advertised and a selection committee was formed which included representatives from DPW and RPD.

The city received one (1) bid proposal which was from Seibert's Towing. The RFP selection committee reviewed the proposal and unanimously agreed on Seibert's Towing.

Va. Code § 46.2-1217 requires that the Towing Advisory Board review and the City Council approve any contract resulting from this Request for Proposals prior to the award of the contract.

FISCAL IMPACT /COST: The City will receive additional revenue of approximately \$26,069.00 annually due to the increase of the City's profit share amount by \$3 per tow on citizen related tows for events such as street cleaning, parades, and parking violations. The projected cost to the City is approximately \$140,000.00 annually based on court appeals, hold for investigation vehicle, miscellaneous/erroneous tows and Fleet Management needs.

FISCAL IMPLICATIONS: \$26,069.00 annually

BUDGET AMENDMENT NECESSARY: No

REVENUE TO THE CITY: \$144,065.00 annually

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: June 6, 2016

CITY COUNCIL PUBLIC HEARING: June 13, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Organization

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Richmond Police, Public Works and Finance

RELATIONSHIP TO EXISTING ORD. OR RES: Ordinance No. 2010-61-64, adopted April 12, 2010.

REQUIRED CHANGES TO WORK PROGRAM (S): None

ATTACHMENTS: (1) VA Code §46.2-1217, (2) the Contract, (3) Seibert's Proposal, (4) RFP

STAFF: Lt. John Beazley, RPD (646-4189)
Victoria Pearson, Esq. RPD (646-4467)
Lynne Lancaster, DPW (646-6006)