

INTRODUCED: March 22, 2021

AN ORDINANCE No. 2021-082

To authorize the Chief Administrative Officer and the Director of Procurement Services, for and on behalf of the City of Richmond, to execute the fourth 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 documenting the exercise of the first renewal option of Contract No. 16000022041 and specifying rate increases for certain rates listed in Contract No. 16000022041.

\_\_\_\_\_  
Patron – Mayor Stoney

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney

PUBLIC HEARING: APR 12 2021 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:    APR 12 2021    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 ratifying all acts of the City and Manchester Marketing, Inc. T/A Seibert's Towing that were in accordance with the provisions of Procurement Services Contract Modification No. 3 for Contract No. 16000022041 since the adoption of Ord. No. 2019-128, adopted May 28, 2019.

NOW, THEREFORE,

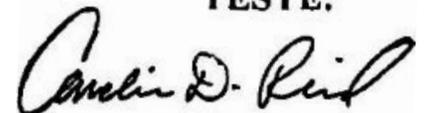
THE CITY OF RICHMOND HEREBY ORDAINS:

§ 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 fourth 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 documenting the exercise of the first renewal option of Contract No. 16000022041 and specifying rate increases for certain rates listed in Contract No. 16000022041. 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.

**A TRUE COPY:**

**TESTE:**



**City Clerk**



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

RECEIVED
By CAO Office at 8:27 am, Feb 24, 2021

2021-251

RECEIVED
By Dorothy Lowery at 2:40 pm, Mar 05, 2021

RECEIVED
By Dorothy Lowery at 9:58 am, Mar 17, 2021

O&R REQUEST

DATE: February 16, 2021

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor [Signature]

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer [Signature]

THROUGH: John Wack, Director of Finance [Signature]

THROUGH: Betty Burrell, Director of Procurement Services [Signature]

THROUGH: Robert Steidel, Deputy Chief Administrative Officer- Operations [Signature]

FROM: Bobby Vincent, Director of Public Work [Signature]

RE: 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) and the Director of Procurement Services, to execute, on behalf of the City of Richmond, Contract Modification No. 4 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.

Seibert's Towing is requesting a towing rate increases due to increases in operating cost. In the past two years there have been increases in certain indices that have negatively impacted the towing business and threatens service levels expected by the City of Richmond. Employee wages and benefits, subcontractor expenses, business insurance and fuel cost have all shown substantial increase in the last two years. The request is driven by a national driver shortage of commer-

cial drivers who are qualified to drive tow trucks in the State of Virginia. Driver shortages are common in the trucking industry which are driving up wages and benefits.

**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 February 16, 2021 and reviewed and approved the Seibert's requested fee increases outlined in attachment #2 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.

**FISCAL IMPACT / COST:** No additional cost to the City.

**FISCAL IMPLICATIONS:** None.

**BUDGET AMENDMENT NECESSARY:** None.

**REVENUE TO CITY:** No change in revenue

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** March 22, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** April 12, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Public Safety (March 23, 2021)

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Richmond Police, Public Works and Finance

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Ordinance No. 2016-176, adopted June 13, 2016, Ordinance No. 2017-198 and Ordinance No. 2018-255 adopted October 8, 2019

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** (1) VA Code §46.2s1217, (2) Contract modification No. 4

**STAFF:** Lynne Lancaster, DPW (646-6006)

1

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

2

# Contract Modification



**CITY OF RICHMOND**

**PROCUREMENT SERVICES CONTRACT MODIFICATION NO. 4**

THIS CONTRACT MODIFICATION is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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, on November 30, 2017, the City and the Contractor entered into Procurement Services Contract Modification No. 1 to specify certain oversized vehicle fees and to increase the maximum authorized contract amount;

WHEREAS, on October 8, 2018, by adoption of Ordinance No. 2018-255, the Council for the City of Richmond approved Procurement Services Contract Modification No. 2 to amend the Contract to document an increase for six vehicle rates set forth in subsection A of section 5.1 ("Authorized Charges or Rates") in Part IV ("Special Terms and Conditions") of the Contract;

WHEREAS, on June 5, 2019, the City and the Contractor entered into Procurement Services Contract Modification No. 3 to ratify all acts of the City and the Contractor that were in accordance with the provisions of Procurement Services Contract Modification No. 2 since adoption of Ordinance No. 2018-255;

WHEREAS, pursuant to section 1.1 ("Commencement and Expiration") of the General Terms and Conditions of the Contract, the initial term of the Contract is June 23, 2016, through June 22, 2021;

WHEREAS, section 1.3 ("Renewal") of the General Terms and Conditions of the Contract provides the City the option to renew the Contract for up to three one-year renewal terms;

WHEREAS, the City and the Contractor now desire to amend the Contract to (i) document the exercise of the first option to renew the Contract for one year provided by section 1.3 of the General Terms and Conditions for the term of June 23, 2021, through June 22, 2022, and (ii) document an increase in five rates listed in subsection A of section 5.1 ("Authorized Charges or Rates") in Part IV ("Special Terms and Conditions") of the Contract; and

WHEREAS, the Council for the City of Richmond has approved this Contract Modification by Ordinance No. \_\_\_\_\_, adopted \_\_\_\_\_, 2021;

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 Contract is hereby renewed for the term commencing at midnight on June 23, 2021, and ending at 11:59 p.m. on June 22, 2022, pursuant to section 1.3 of the General Terms and Conditions of the Contract.

2. 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 amended) is hereby replaced in its entirety as follows:

<b>Abandoned</b>	<b>\$110</b>	Plus storage \$45/day after 24 hours
<b>Accidents</b>	<b>\$160</b> <b>\$178</b>	7AM-7PM 7PM-7AM Plus \$45/day upon entering lot Extra clean-up \$20
<b>City Citations</b>	<b>\$110</b>	Plus storage \$45/day after 24 hours
<b>Release on Scene</b>	<b>\$40</b>	
<b>Disabled</b>	<b>\$89</b> <b>\$99</b>	Plus \$45/day upon entering lot 7AM-7PM 7PM-7AM
<b>DMV/Admin Fee</b>	<b>\$52</b>	Applied after 72 hours
<b>Driver's Arrest</b>	<b>\$110</b>	Plus storage \$45/day after 24 hours
<b>Environmental/CAPS</b>	<b>\$110</b>	Plus storage \$45/day after 24 hours
<b>Flipover</b>	<b>\$60</b>	
<b>Hold for Investigation (HFI)</b>	<b>\$95</b>	Plus storage \$45/day 24 hours after notice
<b>Jump Start</b>	<b>\$50</b>	
<b>Lockout</b>	<b>\$50</b>	
<b>Mileage</b>	<b>\$3 mile</b> <b>\$4.50/mile</b>	Outside Richmond City limits Oversized vehicle mileage
<b>Private Property</b>	<b>\$125</b>	Plus storage \$45/day after 24 hours
<b>Retows</b>	<b>\$60</b>	\$45 for auction vehicle in city limits
<b>Stolen</b>	<b>\$85</b> <b>\$85</b>	Plus storage \$45/day after 24 hours 7AM-7PM 7PM-7AM
<b>Storage</b>	<b>\$45/day</b>	Including weekends/holidays
<b>Tire Change</b>	<b>\$45</b>	Per tire
<b>Traffic/Parking Violation</b>	<b>\$110</b>	Plus storage \$45/day after 24 hours
<b>Convenience Tows</b>	<b>\$40</b>	Towing of operable City vehicles
<b>Winching</b>	<b>\$68</b>	Per hour/one hour minimum

<b>Winching oversized vehicles</b>	<b>\$100</b>	<b>Per hour/one hour minimum</b>
<b>Oversized Vehicle Fee</b>	<b>\$150</b> <b>\$50/day storage rate</b>	<b>(10,001 – 16,000 lbs.)</b>
<b>Oversized Vehicle Fee</b>	<b>\$275</b> <b>\$55/day storage rate</b>	<b>(16,001 – 26,000 lbs.)</b>
<b>Oversized Vehicle Fee</b>	<b>\$350/hour</b> <b>\$60/day storage rate</b>	<b>(over 26,001 lbs.)</b>
<b>Air hook up</b>	<b>\$55</b>	
<b>Cage brakes</b>	<b>\$55</b>	
<b>Remove Drive Shaft</b>	<b>\$55</b>	
<b>Additional labor/stand-by time</b> <b>\$60/hour</b>		
<b>Vehicles are available for release from 7:00AM to 8:00PM.</b> <b>After hours release fee - \$35, 8:00PM-7:00AM.</b>		

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:**

**FOR THE CONTRACTOR:**

\_\_\_\_\_  
Director of Procurement Services

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Title: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
J. E. Lincoln Saunders  
Acting Chief Administrative Officer

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Assistant City Attorney

3/15/2021

\_\_\_\_\_  
Date