

INTRODUCED: April 24, 2023

AN ORDINANCE No. 2023-128

To authorize the Chief Administrative Officer and the Director of Procurement Services, for and on behalf of the City of Richmond, to execute the sixth 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 third renewal option of Contract No. 16000022041.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 8 2023 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

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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 8 2023 REJECTED: _____ STRICKEN: _____

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 documenting the exercise of the third renewal option of Contract No. 16000022041;

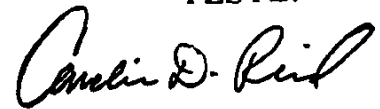
NOW, THEREFORE,

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 sixth 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 third renewal option of 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:**

A handwritten signature in cursive script that reads "Amelia D. Reed".

City Clerk



City of Richmond

Intracity Correspondence

O&R REQUEST

DATE: March 21, 2023

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sabrina Joy-Hogg, DCAO Finance and Administration

THROUGH: Sheila White, Director of Finance

THROUGH: Jason May, Director of Budget and Strategic Planning

THROUGH: Rene Almaraz, Director of Procurement Services

THROUGH: Robert Steidel, Deputy Chief Administrative Officer- Operations

FROM: Bobby Vincent, Director of Public Work

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.6 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.

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") deem it to be to their mutual benefits to modify the Seibert's Towing Contract to exercise the second of three one-year renewal options under section 1.3 of the Terms and Conditions of the Contract to renew the Contract for the term of June 23, 2023, through June 22, 2024, which is the last renewal. The Towing Advisory

Board will be preparing a Request for Proposals (RFP) for tow related services and tow lot operations for solicitation.

RECOMMENDATION: Approval is recommended by the City Administration and the Towing Advisory Board of No. 6 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: April 24, 2023

CITY COUNCIL PUBLIC HEARING DATE: May 8, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Public Safety (April 25, 2023)

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

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: (1) VA Code §46.2s1217, (2) Contract modification No. 6

STAFF: 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. 16000022041

CITY OF RICHMOND

PROCUREMENT SERVICES CONTRACT MODIFICATION NO. 6

THIS CONTRACT MODIFICATION is made and entered into as of the _____ day of _____, 2023, 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. 16000022041, 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, on April 27, 2021, the City and the Contractor executed a Procurement Services Contract Modification No. 4 that (i) documented the City's exercise of the first of three one-year renewal options, to renew the Contract under section 1.3 of the General Terms and Conditions of the Contract 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;

WHEREAS, July 8, 2022, the City and the Contractor executed a Procurement Services Contract Modification No. 5 that documented the City's exercise of the second of three one-year renewal options, to renew the Contract under section 1.3 of the General Terms and Condition of the Contract for the term of June 23, 2022, through June 22, 2023;

WHEREAS, the City and the Contractor now deem it to be to their mutual benefit to modify the Contract to (i) document the exercise of the third of three one-year renewal options under section 1.3 of the General Terms and Conditions of the Contract for the term of June 23, 2023, through June 22, 2024, and (ii) document an increase for certain 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; and

WHEREAS, the Council for the City of Richmond has approved this Contract Modification by Ordinance No. _____, adopted _____, 2023;

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, 2023, and ending at 11:59 p.m. on June 22, 2024, 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:

Abandoned	\$120	Plus storage \$50/day after 24 hours
Accidents	\$180 \$195	7AM-7PM 7PM-7AM Plus \$50/day upon entering lot Extra clean-up \$23
City Citations	\$120	Plus storage \$50/day after 24 hours
Release on Scene	\$45	
Disabled	\$95 \$110	Plus \$50/day upon entering lot 7AM-7PM 7PM-7AM
DMV/Admin Fee	\$57	Applied after 72 hours
Driver’s Arrest	\$120	Plus storage \$50/day after 24 hours
Environmental/CAPS	\$120	Plus storage \$50/day after 24 hours
Flipover	\$65	
Hold for Investigation (HFI)	\$110	Plus storage \$50/day 24 hours after notice
Jump Start	\$55	
Lockout	\$55	
Mileage	\$3.50/mile \$5.00/mile	Outside Richmond City limits Oversized vehicle mileage
Private Property	\$135	Plus storage \$50/day after 24 hours

Retows	\$65	\$45 for auction vehicle in city limits
Stolen	\$95 \$105	Plus storage \$50/day after 24 hours 7AM-7PM 7PM-7AM
Storage	\$50/day	Including weekends/holidays
Tire Change	\$50	Per tire
Traffic/Parking Violation	\$120	Plus storage \$50/day after 24 hours
Convenience Tows	\$45	Towing of operable City vehicles
Winching	\$75	Per hour/one hour minimum
Winching oversized vehicles	\$115	Per hour/one hour minimum
Oversized Vehicle Fee	\$170 \$55/day storage rate	(10,001 – 16,000 lbs.)
Oversized Vehicle Fee	\$295 \$60/day storage rate	(16,001 – 26,000 lbs.)
Oversized Vehicle Fee	\$370/hour \$65/day storage rate	(over 26,001 lbs.)
Air hook up	\$60	
Cage brakes	\$60	
Remove Drive Shaft	\$60	
Additional labor/stand-by time \$65/hour		
Vehicles are available for release from 7:00AM to 8:00PM. After hours release fee - \$35, 8:00PM-7:00AM.		

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.

SIGNATURES APPEAR ON FOLLOWING PAGE

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
Chief Administrative Officer

Date

APPROVED AS TO FORM:

Susan M. McKenney

Senior Assistant City Attorney