



AGENDA

BOARD OF MAYOR AND ALDERMEN WORK SESSION

**Monday, April 1, 2019, 4:30 p.m.
City Hall, 225 W. Center St., Courtroom, 2nd Floor**

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Jennifer Adler
Alderman Joe Begley

Alderman Betsy Cooper
Alderman Colette George
Alderman Tommy Olterman

Leadership Team

Jeff Fleming, City Manager
Chris McCartt, Assistant City Manager for Administration
Ryan McReynolds, Assistant City Manager for Operations
J. Michael Billingsley, City Attorney
Sid Cox, City Recorder/Chief Financial Officer
David Quillin, Police Chief

Scott Boyd, Fire Chief
Lynn Tully, Development Services Director
George DeCroes, Human Resources Director
Heather Cook, Marketing and Public Relations Director

1. Call to Order
2. Roll Call
3. Healthy Kingsport – Kandy Childress
4. Farmers Market – Sid Cox & Kristie Leonard
5. Review of Items on April 2, 2019 Business Meeting Agenda
6. Adjourn

Next Work Session, April 15: TBD

Citizens wishing to comment on agenda items please come to the podium and state your name and address. Please limit your comments to five minutes. Thank you.

City of Kingsport

Project Status in Pictures

April 2, 2019



1 Bays Mountain Park - Parking Lot
Ongoing work includes parking lot stone subgrade installation. Final paving is expected in the next few weeks.

3 Bays Mountain Park - Drainage for Parking Lot
The drainage work is complete.

2 Regional Science & Technology Center
Roofing, stairwells, and elevator shafts have recently been completed. Ongoing interior work continues - sheetrock, electrical, plumbing, HVAC, etc.

4 Lynn View - Bleachers
Completing placement of concrete retaining wall for bleachers.

Status Updates on Active Projects sorted by Cost

Estimated Cost	Project Owner	Project Name	Project Description	Completion Date	Current Status
\$7,500,000.00	Ryan McReynolds	SR 347 (Rock Springs Road) [State & MTPO funded]	TDOT Managed, joint funded reconstruction of the State portion of Rock Springs Road	12/31/2020	Preliminary plans expected Summer 2019.
\$6,600,000.00	Niki Ensor	Water & Wastewater Facilities SCADA/Telemetry Project	Design and installation of SCADA/Telemetry system that will serve both water and sewer plants, sewer lift stations, water pump stations and boosters, along with monitoring in the distribution and collection systems.	4/1/2020	Received Bids on sewer portion of SCADA project on 2/19. Resolution to award bid to Frizzell Construction for \$2,888,300 on 3/19/19
\$4,400,000.00	Niki Ensor	WWTP Electrical Improvements	Design of wastewater treatment plant improvements. Project includes replacement of the Main Switchgear, Switchgear SB-1 and related equipment at the wastewater treatment plant.	5/1/2020	Finalizing plans. Tentative bid set for April.
\$4,186,000.00	Chris McCartt	New KATS Transit Center	Construction of a new KATS Transit Center on the former foundry property.	4/29/2019	HVAC installation complete and working; ceramic tile work in restrooms ongoing; interior door installation started.
\$3,867,000.00	Chad Austin	Border Regions Sewer Extensions	Sewer extensions to serve the Border Regions Annexations in the vicinity of Tri-Cities Crossing and Fordtown Rd.	2/17/2020	Final design is ongoing. Evaluating several areas for low pressure system instead of gravity.
\$3,750,000.00	Niki Ensor	Chemical Feed Design	Design of WTP Chemical Feed improvements. Project will include new facilities for pre and post chemical feed and implementation of bulk bleach for disinfection.	11/1/2020	Awaiting proposal for final design and construction phase services. Funding included in FY20 CIP.
\$3,740,000.00	Niki Ensor	West Kingsport Forcemain and Pump Station Improvements	Elimination of Pendragon SLS (#120) with gravity. Rehab of West Kingsport SLS (#119) and installation of new forcemain to the WWTP.	6/1/2020	Bid Advertisement - 3/24/18, Pre-Bid Conference - 4/3/19, Bid Opening - 4/25/19
\$3,300,000.00	Michael Thompson	Indian Trail Drive Extension	The extension of Indian Trail Drive to Eastman Road at the current Reedy Creek Road / Eastman Road intersection. The project includes a bridge over Reedy Creek and realigning Reedy Creek Road to tie into the new Indian Trail Drive Extension.	6/30/2021	Still awaiting RPAI (East Stone Commons Owner) coordination with designer on access needs.
\$2,380,000.00	Ryan McReynolds	City Hall Relocation - Phase 1	Renovations of floors 3 thru 6 for the consolidation of City offices to one location at 415 Broad Street.	12/31/2019	Cain Rash West is continuing to work on the plans for renovations to floors 3-6.
\$2,300,000.00	Ryan McReynolds	Justice Center Renovations	Renovations and expansion of Justice Center that will accommodate court space and county offices currently residing in City Hall.	12/31/2020	Cain Rash West has been meeting with KPD to access current and future needs. Continue to work on layouts to best utilize space and maintain functionality.
\$1,700,000.00	Michael Thompson	Main Street Rebuild	The reconstruction of Main Street from Sullivan Street to Clay Street. [City & MTPO Funded]	4/1/2020	MOU for AEP design and easements is being routed for signatures. Expect to have construction contract information for BMA consideration June 2019. Spring 2020 construction start anticipated.

Estimated Cost	Project Owner	Project Name	Project Description	Completion Date	CurrentStatus
\$1,074,738.00	Chad Austin	Phase 4 Water Improvements	Waterline replacement in Sullivan Gardens area on Ridge Road, Maplewood Street, Mill Creek Road, Clover Bottom Drive, Clearview Street, Creekmore Drive, and Rosemont Street.	2/14/2020	Pre-con held 3/14/19 at 11a.m. NTP to be determined.
\$961,140.00	Michael Thompson	Stone Drive - Phase 2 (SR 1, US 11W) Sidewalk Improvements	Construction of sidewalk along Stone Drive from Stonebrook Place Pvt. Dr. to Lynn Garden Dr. [95% State Funded 5%]	8/31/2020	Received Notice to Proceed with right of way phase on 2/28/2019. Will be working thru the TDOT right of way process over the coming months.
\$937,442.00	Kitty Frazier	Kingsport Greenbelt - Eastern Extension - Phase 1	New 1 mile long Greenbelt section from the 0.4 mile marker (bottom of the hill from Exchange Place) to Cleek Road. [Fed. Grant & City funded]	11/1/2019	Project expected to begin during the week of April 1st.
\$881,182.00	Schools	J Fred Johnson Stadium - Turf Replacement	The replacement of approximately 162,100 square feet of artificial grass surface at J Fred Johnson Stadium (football and baseball fields) and associated logos/markings. Work also includes the removal and offsite disposal of the existing artificial surfac	6/30/2019	The standard turf project is complete. Decals and custom color work will be completed after baseball season.
\$697,475.00	Michael Thompson	Stone Drive - Phase 1 (SR 1, US 11W) Sidewalk Improvements	Construction of sidewalk along Stone Drive from Stonebrook Place Pvt. Dr. to American Way where current sidewalk gaps exist. Includes work to make existing driveways ADA accessible. [95% State Funded 5% City]	12/7/2019	Working to finalize the right of way phase of this project.
\$577,000.00	Niki Ensor	Tri-County Tank Replacement Project	Replacement of 160,000 gallon steel water storage tank in Tri-County Pressure Zone, located on Big Ridge Rd.	7/1/2019	Eastern Tank will be back on site Wednesday March 27th to install roof panels and x-ray welds.
\$468,001.00	Rob Cole	Bays Mountain Parking Improvements	Construction of new asphalt parking lot and asphalt paving improvements to the overflow parking lot and access road.	4/30/2019	Grading and ditch work is complete. Road subgrade placement will be complete by March 30. Asphalt paving expected in mid April.
\$415,000.00	Chad Austin	SR 93- Fall Branch section (TDOT)	TDOT project to improve State Route 93 in the Fall Branch area. Impacted waterlines in this area will be are to be relocated as part of the TDOT project.	1/29/2021	TDOT Letting Date: 6/21/2019; Construction to begin mid- to late-July 2019
\$391,711.50	David Edwards	Bloomington Culvert Replacement	Exist. double 7' x 7' box culvert is failing adjacent to Bloomington Dr. Project will be a replacement of the double box within the ROW and will create a separation from the private section of the culvert that extends downstream from Bloomington Dr.	6/1/2019	Contract signed with Summers Taylor. Notice to Proceed will be delayed approximately 60 days to account for bridge material fabrication.
\$384,689.00		Area 10 Concrete - Phase 1	Concrete roadway and sidewalk repairs on Colfax Ave, Camden Dr, Clearwood Ave, and Broadwood Dr	4/19/2019	Work is 85% complete on this project.
\$373,871.00	Rob Cole	Bays Mountain Septic System Upgrades	Replacement of septic system at Bays Mountain Park with installation of sewer lift station and force main to base of park road to allow for more capacity.	5/31/2019	American Environmental was the low bidder. Contract documents are being prepared.

Estimated Cost	Project Owner	Project Name	Project Description	Completion Date	CurrentStatus
\$352,000.00	Chad Austin	SR 93- Horse Creek/Derby Drive Section (TDOT)	TDOT project to improve State Route 93 in the Horse Creek/Derby Drive area. Project also includes improvements with the intersection with Derby Drive, along with a new bridge crossing Horse Creek. Impacted waterlines in this area will be are to be reloc	8/31/2022	TDOT "B Date" package due date pushed back to 5/28/2021; anticipated letting December 2021
\$262,770.00	Chris McCart	Lynn View Community Center Site Improvements Phase 2	New metal bleachers and two new pre-Engineered metal building for Electrical Room and Storage Building.	4/19/2019	Contractor is pouring retaining wall.
	Niki Ensor	SLS Rehab and Replacement	Rehabilitation of SLS # 108 (Oak Glen Drive). Replacement of SLS #307 (Cooks Valley) and #308 (Lakeside Drive).	1/1/2020	Received drawings for review 12/21/18

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AGENDA

BOARD OF MAYOR AND ALDERMEN

BUSINESS MEETING

**Tuesday, April 2, 2019, 7:00 p.m.
City Hall, 225 W. Center St., Courtroom, 2nd Floor**

Board of Mayor and Aldermen

Mayor John Clark, Presiding
Vice Mayor Mike McIntire
Alderman Jennifer Adler
Alderman Joe Begley

Alderman Betsy Cooper
Alderman Colette George
Alderman Tommy Olterman

City Administration

Jeff Fleming, City Manager
Chris McCartt, Assistant City Manager for Administration
Ryan McReynolds, Assistant City Manager of Operations
J. Michael Billingsley, City Attorney
Sid Cox, City Recorder/Chief Financial Officer
David Quillin, Police Chief
Scott Boyd, Fire Chief
Lynn Tully, Development Services Director
George DeCroes, Human Resources Director
Heather Cook, Marketing and Public Relations Director

I. CALL TO ORDER

II.A. PLEDGE OF ALLEGIANCE TO THE FLAG

II.B. INVOCATION – Pastor Randall Wright, St. Matthew United Methodist Church

III. ROLL CALL

IV.A. RECOGNITIONS & PRESENTATIONS

1. Healthy Kingsport State Awards (Alderman Adler)
2. Barry Brickey, 2019 Fire and Life Safety Education of the Year (Vice Mayor McIntire)
3. Information on Kingsport Clean Up Weeks (Ryan McReynolds)

IV.B. APPOINTMENTS

1. Reappointment to the Kingsport Higher Education Commission (AF: 64-2019) (Mayor Clark)
 - Appointment

V. APPROVAL OF MINUTES

1. Work Session – March 19, 2019
2. Business Meeting – March 19, 2019

VI. COMMUNITY INTEREST ITEMS

A. PUBLIC HEARINGS

None

COMMENT

Citizens may speak on agenda items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes. A total of thirty minutes is allocated for public comment during this part of the agenda.

B. BUSINESS MATTERS REQUIRING FIRST READING

1. Amending Sections 2-591 and 98-596(a) to Include the Word “Responsible” Before “Compliant Bidder” (AF: 69-2019) (Mike Billingsley)
 - Ordinance – First Reading

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

1. Vacate Unimproved Right-of-Way Named Tranbarger Ave. Located off Galloway St. (AF: 47-2019) (Jessica Harmon)
 - Ordinance – Second Reading and Final Adoption

D. OTHER BUSINESS

1. Renewing the Award of the Bid for School Crossing Guard Services (AF: 62-2019) (David Quillin)
 - Resolution
2. Apply for and Receive TN Department of Health Project Diabetes Grant (AF: 65-2019) (Chris McCartt)
 - Resolution
3. Approving Application and Contract with VDOT for Transit Planning (AF: 61-2019) (Bill Albright)
 - Resolution
4. Awarding the Bid for the Purchase of Two (2) AWD Utility Wagons (AF: 66-2019) (David Quillin, Steve Hightower)
 - Resolution

5. Awarding the Bid for the Purchase of Seven (7) Marked Police Sedans (AF: 67-2019) (David Quillin, Steve Hightower)
 - Resolution
6. Awarding the Bid for the Purchase of 2 Police Pursuit Utility Wagons (AF: 68-2019) (David Quillin, Steve Hightower)
 - Resolution
7. Awarding the Bid for the Purchase of One (1) F550 Crew Cab with Utility Body & Crane (AF: 73-2019) (Ryan McReynolds, Steve Hightower)
 - Resolution
8. Awarding the Bid for the Purchase of Two (2) F550 Extended Cab with Utility Body (AF: 74-2019) (Ryan McReynolds, Steve Hightower)
 - Resolution
9. Renewing the Proposal for Concession Food Service Distributor for the Kingsport Aquatic Center to H.T. Hackney Company and B.K.T., Inc. (AF: 60-2019) (Chris McCartt)
 - Resolution
10. Hosting Agreement Between Earth Networks Inc. and the City of Kingsport (AF: 72-2019) (Chris McCartt)
 - Resolution

VII. CONSENT AGENDA

1. Apply for and Receive a Specialized Motorcycle Enforcement Grant through the Tennessee Highway Safety Office (THSO) (AF: 63-2019) (David Quillin)
 - Resolution
2. Amending Resolution No. 2019-120 (AF: 71-2019) (Steve Hightower)
 - Resolution

VIII. COMMUNICATIONS

- A. City Manager
- B. Mayor and Board Members
- C. Visitors

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes.

IX. ADJOURN



AGENDA ACTION FORM

Reappointment to the Kingsport Higher Education Commission

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-64-2019
 Work Session: April 1, 2019
 First Reading: N/A

Final Adoption: April 2, 2019
 Staff Work By: Committee
 Presentation By: Mayor Clark

Recommendation:

Approve reappointment.

Executive Summary:

It is recommended to reappoint Dr. MaryLee Davis to her first full four-year term as she has been fulfilling an unexpired term. If approved by the Board of Mayor and Aldermen the recommended table reflects term dates.

The commission is composed of ten (10) members; four (4) community members appointed by the Board of Mayor and Aldermen. The remaining members consist of Mayor, City Manager, NESCC President, Institution President Representative, Superintendent of Schools and CEO of NETWORKS.

Community Directors may serve no more than two consecutive four-year terms without at least one intervening year following expiration of the second term.

Current Commission				
Member	Eligibility	Term Expires	Appointed	Terms Served
John Williams	Community Member	11/30/20	7/1/12	2
Miles Burdine	Community Member	11/30/20	9/4/18	Fulfilling unexpired term
Keith Wilson	Community Member	11/30/20	7/1/12	2
Dr. MaryLee Davis	Community Member	3/31/19	9/18/18	Fulfilling unexpired term

Recommended Commission				
Member	Eligibility	Term Expires	Appointed	Terms Served
John Williams	Community Member	11/30/20	7/1/12	2
Miles Burdine	Community Member	11/30/20	9/4/18	Fulfilling unexpired term
Keith Wilson	Community Member	11/30/20	7/1/12	2
Dr. MaryLee Davis	Community Member	11/30/23	9/18/18	1

Attachments:

1. None

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Tuesday, March 19, 2019, 4:00 PM
Council Room – City Hall

PRESENT: Board of Mayor and Aldermen

Mayor John Clark

Vice-Mayor Mike McIntire

Alderman Jennifer Adler

Alderman Joe Begley

(arrived after roll call)

Alderman Colette George

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 4:00 p.m. by Mayor Clark.
2. **ROLL CALL:** By Deputy City Recorder Marshall. Absent: Alderman Betsy Cooper and Alderman Tommy Olterman.
3. **KEDB/NETWORKS.** Mr. Craig Denison gave a presentation on KEDB and Mr. Clay Walker presented information on NETWORKS. Some discussion followed.
4. **BAYS MOUNTAIN PARK UPDATE ON CAPITAL PROJECTS.** Rob Cole provided information on this item and answered questions from the board.
5. **REVIEW OF AGENDA ITEMS ON THE MARCH 5, 2019 REGULAR BUSINESS MEETING AGENDA.** City Manager Fleming and members of staff gave a summary or presentation for each item on the proposed agenda. The following items were discussed at greater length or received specific questions or concerns.

VI.D.2 Amend Exhibit A to the City County Sewer Extension Agreement (AF: 53-2019). City Manager Fleming provided details on this item, pointing out the other government entities involved have already approved it.

VI.D.4 Bid Award for Wastewater Treatment Plant and Sewer Lift Station SCADA Master Plan Implementation to Frizzell Construction (AF: 54-2019). City Manager Fleming stated this utilities investment covered all 96 pump stations as well as the waste water treatment plant. Alderman Adler asked about the time line and Eric Hayes provided further details.

VI.D.6 Bid Award for Mach Alert Fire Station Alerting System (AF: 48-2019). Fire Chief Scott Boyd answered questions on this item, noting it was the next generation upgrade and was included in the fire facilities master plan.

Minutes of the Regular Work Session of the Board of Mayor and Aldermen of Kingsport, Tennessee, Tuesday, March 19, 2019

VII.4 Approve Starting Salary for City Recorder (AF: 59-2019). City Manager Fleming commented on this item and the retirement of City Recorder Demming. Sid Cox has been selected to fill this position and as it is appointed in the charter, this item is a formality.

6. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Clark adjourned the meeting at 5:48 p.m.

ANGELA MARSHALL
Deputy City Recorder

JOHN CLARK
Mayor

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, March 19, 2019, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor John Clark, Presiding

Vice Mayor Mike McIntire

Alderman Jennifer Adler

Alderman Joe Begley

Alderman Colette George

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

James Demming, City Recorder/Chief Financial Officer

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor John Clark.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by New Vision Youth.
- II.B. **INVOCATION:** Pastor Adam Love, Kingsley United Methodist Church.
- III. **ROLL CALL:** By City Recorder Demming. Absent: Alderman Betsy Cooper and Alderman Tommy Olterman.
- IV.A. **RECOGNITIONS AND PRESENTATIONS.** None.
- IV.B. **APPOINTMENTS/REAPPOINTMENTS.**
 1. **Reappointment to the Beverage Board** (AF: 56-2019) (Mayor Clark).

Motion/Second: McIntire/George, to approve:

REAPPOINTMENT OF MR. STEVE LAHAIR TO SERVE ANOTHER THREE-YEAR TERM ON THE **BEVERAGE BOARD** EFFECTIVE IMMEDIATELY AND EXPIRING ON MARCH 31, 2022.

Passed: All present voting “aye.”

V. **APPROVAL OF MINUTES.**

Motion/Second: Adler/Begley, to approve minutes for the following meetings:

A. March 4, 2019 Regular Work Session

B. March 5, 2019 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

A. **PUBLIC HEARINGS.**

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, March 19, 2019

1. Vacate Unimproved Right-of-Way Named Tranbarger Avenue Located off Galloway Street (AF: 47-2019) (Jessica Harmon).

PUBLIC COMMENT ON ITEM VI.A.1. None.

Motion/Second: McIntire/Adler, to pass:

AN ORDINANCE TO VACATE A SECTION OF PUBLIC RIGHT-OF-WAY NAMED TRANBARGER AVENUE LOCATED OFF OF GALLOWAY STREET SITUATED IN THE CITY, TWELFTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting “aye” except George “abstained.”

PUBLIC COMMENT. Mayor Clark invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING. None.

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.

D. OTHER BUSINESS.

1. Bid Award for Purchase of Furniture for Dobyys-Bennett Science and Technology Addition Using Sourcewell Cooperative Purchasing Agreement to WorkSpace Interiors (AF: 51-2019) (David Frye).

Motion/Second: McIntire/George, to pass:

Resolution No. 2019-126, A RESOLUTION AWARDING THE BID FOR PURCHASE OF FURNITURE FOR THE NEW DOBYNS-BENNETT SCIENCE AND TECHNOLOGY ADDITION TO WORKSPACE INTERIORS, INC. THROUGH THE SOURCEWELL COOPERATIVE PURCHASING AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting “aye.”

2. Amend Exhibit A to the City County Sewer Extension Agreement (AF: 53-2019) (Mike Billingsley)

Motion/Second: Adler/Begley, to pass:

Resolution No. 2019-127, A RESOLUTION APPROVING AN AMENDMENT TO EXHIBIT A TO THE SEWER AGREEMENT COMMONLY KNOWN AS THE CITY COUNTY SEWER EXTENSIONS AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT, IF ANY; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting “aye.”

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, March 19, 2019**

**3. Mediation Agreement with George William Tindall and Wife
Judith Ann Tindall (AF: 52-2019) (Mike Billingsley).**

Motion/Second: George/McIntire, to pass:

Resolution No. 2019-128, A RESOLUTION APPROVING A MEDIATION AGREEMENT WITH GEORGE WILLIAM TINDALL AND WIFE JUDITH ANN TINDALL AND AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE SETTLEMENT AGREEMENT

Passed: All present voting “aye.”

**4. Bid Award for Wastewater Treatment Plant and Sewer Lift
Station SCADA Master Plan Implementation to Frizzell Construction (AF: 54-2019)
(Ryan McReynolds).**

Motion/Second: McIntire/George, to pass:

Resolution No. 2019-129, A RESOLUTION AWARDDING THE BID FOR THE WASTEWATER TREATMENT PLANT AND SEWER LIFT STATION SCADA MASTER PLAN IMPLEMENTATION PROJECT TO FRIZZELL CONSTRUCTION AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting “aye.”

**5. Release of All Claims for a Vehicle Crash on June 28, 2018 at
the Kingsport Aquatic Center (AF: 50-2019) (Mike Billingsley).**

Motion/Second: Adler/McIntire, to pass:

Resolution No. 2019-130, A RESOLUTION APPROVING A SUBROGATION RELEASE FOR PROPERTY DAMAGE FROM THE MADISON COUNTY BOARD OF EDUCATION, THE NORTH CAROLINA SCHOOL BOARDS ASSOCIATION AND CYNTHIA BALL FOR PROPERTY DAMAGE TO A UTILITY POLE AT THE KINGSFORT AQUATIC CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE RELEASE

Passed: All present voting “aye.”

**6. Bid Award for Mach Alert Fire Station Alerting System (AF:
48-2019) (Scott Boyd).**

Motion/Second: McIntire/Begley, to pass:

Resolution No. 2019-131, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE MOTOROLA SOLUTIONS INC. MACH ALERT FIRE STATION ALERTING SYSTEM

Passed: All present voting “aye.”

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, March 19, 2019**

7. Contract Amendment with East Tennessee Turf and Landscape
(AF: 55-2019) (Chris McCartt).

Motion/Second: George/McIntire, to pass:

Resolution No. 2019-132, A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH EAST TENNESSEE TURF AND LANDSCAPE FOR ON-SITE WETLAND MITIGATION FOR THE KINGSPORT AQUATIC CENTER AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting “aye.”

VII. CONSENT AGENDA. (*These items are considered under one motion.*)

Motion/Second: McIntire/George, to adopt:

1. Law Enforcement Agency Highway Safety Grant from the Tennessee Highway Safety Office (THSO) (AF: 49-2019) (David Quillin).

Pass:

Resolution No. 2019-133, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A HIGHWAY SAFETY GRANT FROM THE TENNESSEE HIGHWAY SAFETY OFFICE

Passed: All present voting “aye.”

2. Renew Bid Award for Purchase of Water and Wastewater Chemicals (AF: 57-2019) (Ryan McReynolds).

Pass:

Resolution No. 2019-134, A RESOLUTION RENEWING THE AWARD OF BID FOR PURCHASE OF CHLORINE TO JCI JONES CHEMICAL; FOR ZINC ORTHOPHOSPHATE TO CARUS CORPORATION; FOR COAGULANT TO GULBRANDSEN MANUFACTURING, INC.; FOR POLYMER TO COASTAL WATER TECHNOLOGY, LLC; AND FOR HYDROFLUOROSILIC ACID TO UNIVAR USA; SODIUM PERMANGANATE TO SHANNON CHEMICAL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting “aye.”

3. Reject Bids for Re-Roofing and Exterior Repairs for Fire Station No. 5 (AF: 58-2019) (Ryan McReynolds).

Pass:

Resolution No. 2019-135, RESOLUTION REJECTING ALL BIDS RELATED TO THE RE-ROOFING AND EXTERIOR REPAIRS FOR FIRE STATION NO. 5

Passed: All present voting “aye.”

Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, Tuesday, March 19, 2019

4. **Approve Starting Salary for City Recorder** (AF: 59-2019) (Jeff Fleming).

Pass:

APPROVE STARTING SALARY FOR CITY RECORDER

Passed: All present voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Fleming commended City Recorder Demming on his years of service to the city and for the success he has brought to the finance department. He also commented on the BMA's recent trip to Nashville and thanked the aldermen for their time, service and sacrifices made.

B. MAYOR AND BOARD MEMBERS. Alderman Adler promoted upcoming events for Keep Kingsport Beautiful at the library. She also noted the clean-up and special items for pickup and recycle is April 1-2. Vice-Mayor McIntire thanked Mr. Demming for his service and wished him a happy retirement. He also wished Alderman George a happy birthday. Mr. McIntire also commented on participating with the Mayor in a recent career day for 1600 eighth graders and thanked those responsible for putting it on. Lastly, he congratulated Doby's-Bennett Principal Chris Hampton on his recent award from the University of Tennessee. Alderman Begley recognized the castle playground rebuild volunteers and commented on the BMA trip to Nashville. Mr. Begley also congratulated Mr. Demming. Alderman George stated she would miss Jim and recognized Alderman Olterman watching from home after a bad fall earlier in the week. She also stated the Neighborhood Commission had yard signs available to encourage voting in the upcoming election. Mayor Clark stated there would be a ribbon cutting for the new castle playground this Friday at 10:30 to recognize a community coming together.

C. VISITORS. Crystal Regan, Carolyn Gibbons, Elminia Dougherty, Teresa Allgood, Dani Cook, Tim Mullen and Stacy Barton made comments to the board regarding Ballard Health.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Clark adjourned the meeting at 8:07 p.m.

ANGELA MARSHALL
Deputy City Recorder

JOHN CLARK
Mayor



AGENDA ACTION FORM

Amending Sections 2-591 and 98-596(a) to Include the Word "Responsible" Before "Compliant Bidder"

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager

Action Form No.: AF-69-2019
Work Session: April 1, 2019
First Reading: April 2, 2019

Final Adoption: April 16, 2019
Staff Work By: Morelock, Billingsley
Presentation By: Billingsley

Recommendation:
Approve the Ordinance.

Executive Summary:

Article VII, Section 2 and Article X, Section 1 of the city charter provide that bids are awarded to the lowest responsible compliant bidder. City code sections 2-591 and 98-596(a) include provisions pertaining to the award of bids in certain situations. The word "responsible" is not included in those sections, although the words "lowest compliant bidder" are in those sections. The attached ordinance adds the word "responsible" to those code sections so that the bid is awarded to the lowest responsible compliant bidder, making it consistent with the requirements of the city charter.

City code section 2-591 defines "responsible compliant bidder" as a person who has the capability in all respects to perform fully the contract requirements and has the integrity and reliability which will ensure good faith performance, and who has submitted a bid which conforms in all material respects to the invitation to bid and includes all the criteria used in evaluating the bid.

Attachments:

- 1. Ordinance

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 2-591 RELATING TO DEFINITIONS AND SECTION 98-596(a) RELATING TO AUTHORIZATION TO CONTRACT FOR TOWING SERVICES AND STORAGE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That Section 2-591 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended by changing the definition of multistep sealed bidding to read as follows:

Sec. 2-591. Definitions

Multistep sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the city manager, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired in the best interest and advantage to the city and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to evaluate and determine the acceptability of technical offers.

SECTION II. That Section 98-596(a) of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 98-596. Authorization to contract for towing services and storage.

(a) The city may contract the services of one or more competent towing service firms for the removal and storage of motor vehicles taken into custody of the city for any reason. Any contract for towing services and storage of motor vehicles pursuant to this section shall be awarded on the basis of the city's competitive bidding procedure and awarded to the lowest responsible compliant bidder, in the best interest and advantage to the city.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

JOHN CLARK, Mayor

ATTEST:

SIDNEY H. COX, City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING _____
PASSED ON 2ND READING _____



AGENDA ACTION FORM

Vacate Unimproved Right-of-Way Named Tranbarger Ave. Located off Galloway St.

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *JAF*

Action Form No.: AF-47-2018
Work Session: March 19, 2019
First Reading: March 19, 2019

Final Adoption: April 2, 2019
Staff Work By: Jessica Harmon
Presentation By: Jessica Harmon

Recommendation:

- ~~Hold public hearing~~
- Approve ordinance vacating unimproved right-of-way named Tranbarger Ave. located off Galloway St.

Executive Summary:

This is a request to vacate approximately 217 feet in of unimproved right-of-way named Tranbarger Avenue, totaling 0.124 acres. This right-of-way was platted in 1940 but never constructed. The purpose of this owner-requested vacating is to allow for the owner to combine his property into one lot. Currently, he owns property on both sides of the area of request. During their February 2019 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation for the vacating to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on March 4, 2019.

Attachments:

1. Notice of Public Hearing
2. Ordinance
3. Legal Description
4. Map
5. Staff Report

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—



AGENDA ACTION FORM

Vacate Unimproved Right-of-Way Named Tranbarger Ave. Located off Galloway St.

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager *JF*

Action Form No.: AF-47-2018
 Work Session: March 19, 2019
 First Reading: N/A

Final Adoption: March 19, 2019
 Staff Work By: Jessica Harmon
 Presentation By: Jessica Harmon

Recommendation:

- Hold public hearing
- Approve ordinance vacating unimproved right-of-way named Tranbarger Ave. located off Galloway St.

Executive Summary:

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Attachments:

1. Notice of Public Hearing
2. Ordinance
3. Legal Description
4. Map
5. Staff Report

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, March 19, 2019, to consider the vacating of an unimproved portion of right-of-way named Tranbarger Avenue located off Galloway Street. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for vacating is generally described as follows:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT THE CORNER OF LOT 7 AND LOT 17, BELL RIDGE HEIGHTS SUBDIVISION (PLAT BOOK 2,PAGE 44). THENCE NORTH 66° 00' EAST, A DISTANCE OF 130.5 FEET TO A POINT, SAID POINT LOCATED IN THE NORTHERLY SIDELINE OF GALLOWAY STREET. THENCE CONTINUING WITH SAID SIDELINE NORTH 66° 15' EAST, A DISTANCE OF 47.8 FEET TO A POINT, SAID POINT A CORNER TO LOT 17 AND BEING KNOWN AS THE POINT OF BEGINNING. THENCE ALONG THE WESTERLY SIDELINE OF TRANBARGER AVENUE (AN UNOPEN AND UNIMPROVED STREET) AND LOTS 17,16,15 AND 14,BELL RIDGE HEIGHTS SUBDIVISION NORTH 13° 15' WEST, A DISTANCE OF 217.50 FEET TO A POINT, SAID POINT IN THE LINE OF LOT 13. THENCE ALONG LOT 13 NORTH 76° 00' EAST, A DISTANCE OF 25.00 FEET TO A POINT, SAID POINT IN THE EASTERLY SIDELINE OF TRANBARGER AVENUE. THENCE ALONG SAID SIDELINE AND LOT 18 SOUTH 13° 15' EAST, A DISTANCE OF 213.19 TO A POINT, SAID POINT IN THE NORTHERLY SIDELINE OF GALLOWAY STREET. THENCE ALONG SAID SIDELINE SOUTH 66° 15' WEST, A DISTANCE OF 25.42 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 0.124 ACRES, MORE OR LESS AND IS KNOWN AS TRANBARGER AVENUE

All interested persons are invited to attend this meeting and public hearing. A detailed map and description is on file in the offices of the City Manager, Kingsport Library, and Planning Office for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-343-9783.

CITY OF KINGSPORT
Angie Marshall, Deputy City Clerk
P1T: 03/04/19

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A SECTION OF PUBLIC RIGHT-OF-WAY NAMED TRANBARGER AVENUE LOCATED OFF OF GALLOWAY STREET SITUATED IN THE CITY, TWELFTH CIVIL DISTRICT OF SULLIVAN COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, after due investigation and careful consideration at a public meeting held on February 21, 2019, the Kingsport Regional Planning Commission has determined that the public interest of the city is best served and warrants vacating that portion of a right-of-way described herein, nor can any future use of the same for right-of-way purposes be reasonably anticipated; and,

WHEREAS, as a result of its action at the meeting held on February 21, 2019, the Kingsport Regional Planning Commission recommends to the board of mayor and aldermen to vacate for that portion of a right-of-way described herein.

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. The city hereby vacates and closes to public use all of a certain section of right-of-way named Tranbarger Avenue located off Galloway Street within the City of Kingsport, 12th Civil District of Sullivan County, Tennessee, which for purposes of this vacation is further described as follows:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT THE CORNER OF LOT 7 AND LOT 17, BELL RIDGE HEIGHTS SUBDIVISION (PLAT BOOK 2, PAGE 44). THENCE NORTH 66° 00' EAST, A DISTANCE OF 130.5 FEET TO A POINT, SAID POINT LOCATED IN THE NORTHERLY SIDELINE OF GALLOWAY STREET. THENCE CONTINUING WITH SAID SIDELINE NORTH 66° 15' EAST, A DISTANCE OF 47.8 FEET TO A POINT, SAID POINT A CORNER TO LOT 17 AND BEING KNOWN AS THE POINT OF BEGINNING. THENCE ALONG THE WESTERLY SIDELINE OF TRANBARGER AVENUE (AN UNOPEN AND UNIMPROVED STREET) AND LOTS 17, 16, 15 AND 14, BELL RIDGE HEIGHTS SUBDIVISION NORTH 13° 15' WEST, A DISTANCE OF 217.50 FEET TO A POINT, SAID POINT IN THE LINE OF LOT 13. THENCE ALONG LOT 13 NORTH 76° 00' EAST, A DISTANCE OF 25.00 FEET TO A POINT, SAID POINT IN THE EASTERLY SIDELINE OF TRANBARGER AVENUE. THENCE ALONG SAID SIDELINE AND LOT 18 SOUTH 13° 15' EAST, A DISTANCE OF 213.19 TO A POINT, SAID POINT IN THE NORTHERLY SIDELINE OF GALLOWAY STREET. THENCE ALONG SAID SIDELINE SOUTH 66° 15' WEST, A DISTANCE OF 25.42 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINS 0.124 ACRES, MORE OR LESS AND IS KNOWN AS TRANBARGER AVENUE

SECTION II. That this ordinance shall take effect from and after its date of passage as the law directs, the welfare of the City of Kingsport, Tennessee, requiring it.

ATTEST:

JOHN CLARK
Mayor

SIDNEY H. COX
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

PASSED ON 1ST READING: _____
PASSED ON 2ND READING: _____

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 THIS MAP CAN NOT BE USED FOR ANY OTHER
 PURPOSE THAN IS INTENDED ON THIS DATE.



BELL RIDGE
 HEIGHTS SUBDIVISION
 P.B. 2, PG. 44

LARKIN
 D.B. 245A, PG. 129

P/18

BELL RIDGE
 HEIGHTS SUBDIVISION
 P.B. 2, PG. 44

LARKIN
 D.B. 245A, PG. 129



N66°00'E
 130.5'

13
 N76°00'E
 25.00'

14

15

16

17

TRANBARGER AVENUE
 PER P.B. 2, PG. 44

N13°15'W
 217.50'

S13°15'E
 213.19'

0.124 AC

25.42'

GALLOWAY STREET
 S66°15'W

47.8'

LEGEND

P.B. PLAT BOOK
 PG. PAGE
 AC. ACRES
 D.B. DEED BOOK

NOTES:

- 1) NORTH BASED ON REFERENCED PLAT
- 2) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL FLOOD INSURANCE ADMINISTRATION BOUNDARY MAP 47183C0030D EFFECTIVE DATE SEPTEMBER 29, 2006 AND FOUND THAT THE ABOVE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- 3) BOUNDARY INFORMATION TAKEN FROM REFERENCED PLAT AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY.

MAP OF: TRANBARGER AVENUE VACATING

OWNER: WALLACE LARKIN ESTATE

CIVIL DISTRICT: 12TH COUNTY: SULLIVAN

STATE: TENNESSEE TAX MAP 12N "E" PART OF PAR. 22

SCALE: 1 INCH = 40 FEET DATE: JANUARY 31, 2019

REFERENCE: PLAT BOOK 2, PAGE 44

18-11324 FB/PG: N/A

FOR: _____

ALLEY & ASSOCIATES, INC.

243 E Market Street
 Kingsport, Tennessee 37660
 E-mail: mstrickler@alleyassociates.com

Property Information	Right-of-Way Vacating		
Address			
Tax Map, Group, Parcel	R-O-W splits TM12N Group E Parcel22		
Civil District	12 th Civil District		
Overlay District	N/A		
Land Use Designation	Residential		
Acres	+/- .124 acres		
Applicant #1 Information		Surveyor Information	
Name: Wallace Larkin Estate Address: 6 Rollinggreen Rd. City: Greer State: SC Zip Code: 29651 Email: Phone Number:		Name: Alley & Associates, INC. Address: 243 E Market Street City: Kingsport State: TN Zip Code: 37660 Email: mstrickler@alley@associates.com Phone Number: (423) 392-8896	
Planning Department Recommendation			
<p>(Approve, Deny, or Defer)</p> <p>The Kingsport Planning Division recommends abandonment of the unimproved right-of-way located off Galloway Street:</p> <ul style="list-style-type: none"> Request reviewed by all city departments No utilities located in the right-of-way <p>Staff Field Notes and General Comments:</p> <p>The applicant that is requesting the vacating of unimproved right-of-way owns property on both sides of Tranbarger Avenue. Street was originally platted in 1940. Never built or improved upon.</p> <p>Utilities: No utilities present in the vacating request area.</p>			
Planner:	Harmon	Date: 2/11/19	
Planning Commission Action		Meeting Date:	February 21, 2019
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

PROPERTY INFORMATION	Right-of-Way Vacating
ADDRESS	Located off Mellon St
DISTRICT, LAND LOT	Sullivan County 12 th Civil District, TM 12N, Group E, Parcel 22
OVERLAY DISTRICT	N/A
PROPOSED ZONING	No Change
ACRES +/- 0.124	
EXISTING USE	Vacant
PROPOSED USE	Vacant

PETITIONER 1: Wallace Larkin Estate

**Surveyor: Alley & Associates, INC.
243 E Market Street Kingsport TN**

INTENT

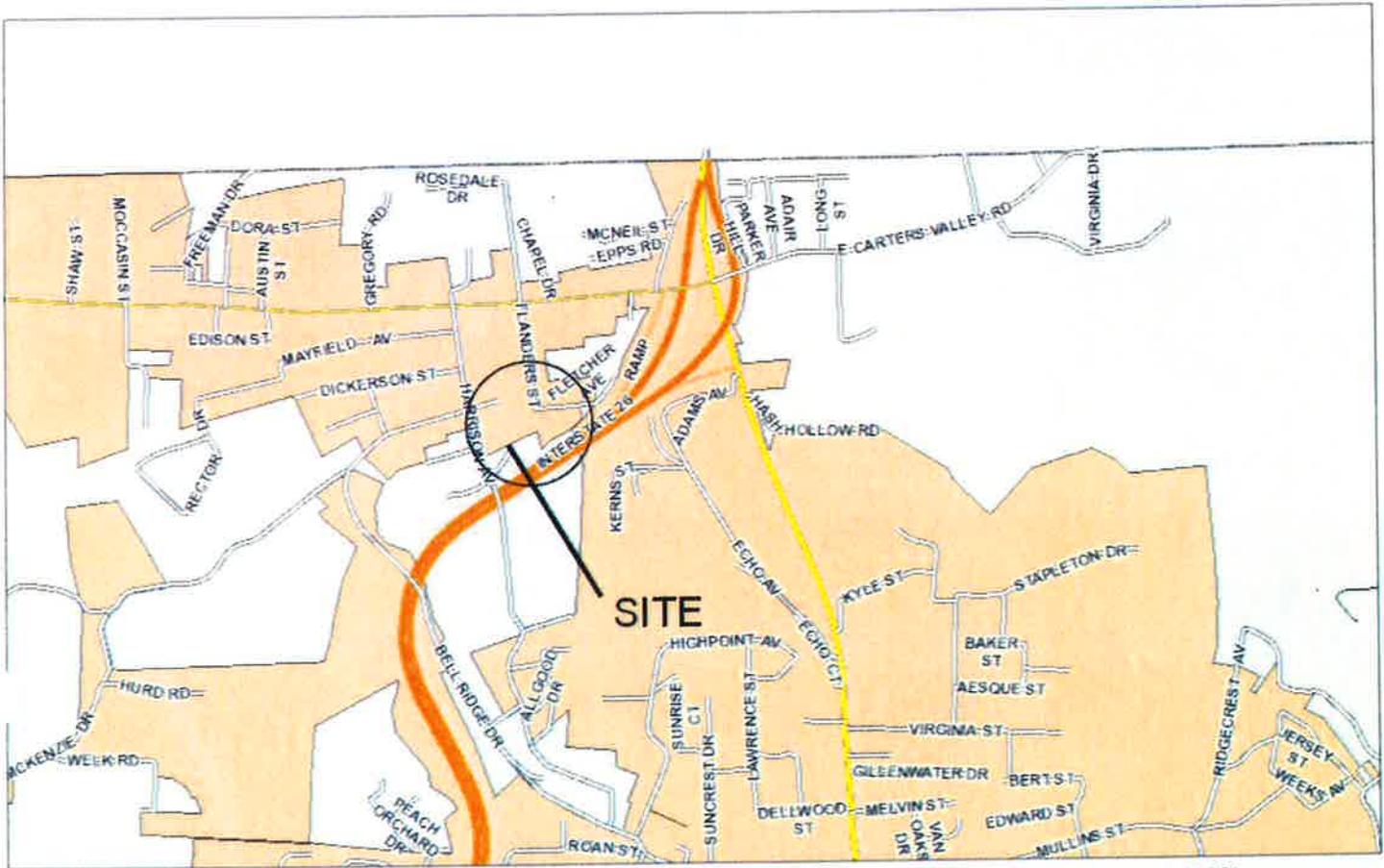
The applicants are requesting that unimproved right-of-way that splits property that they own be vacated and abandoned.

The area requested to be vacated is approximately 25' wide and 217 feet in length. The right-of-way was originally platted in 1940 but never improved or opened. No utilities lie within the area of request.

The property was annexed in 2011 and staff has verified with Sullivan County Highway Department that the right-of-way was never vacated by Sullivan County prior to annexation.

This request has been reviewed by all city departments and they have responded that there is no need for this portion of right-of-way from a city perspective.

Location



2/5/2019, 2:17:02 PM



Web AppBuilder for ArcGIS

Zoning



2/5/2019, 2:23:02 PM

● Addressee	City Zoning	P-3	A-1	B-1	B-3	B-4P	IM-1	M-1
□ Sullivan Co. Parcel Data	<IM1>	GC	A-2	B-2	B-4	B-3	IM-1P	P-1
□ TAVC	B-3E	AP	B-3	B-4P	GC	M-2	P-C	



Future Land Use



2/5/2019, 2:24:31 PM

- Addresses
- Sullivan Co Parcel Data
- Future Land Use
 - A gr/Vacant
 - Single Family
 - Multi-Family
 - Industrial
 - Retail/Commercial
 - Public
 - Utilities



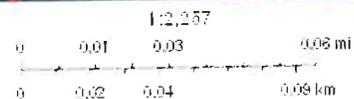
Web Application 11/16/2010

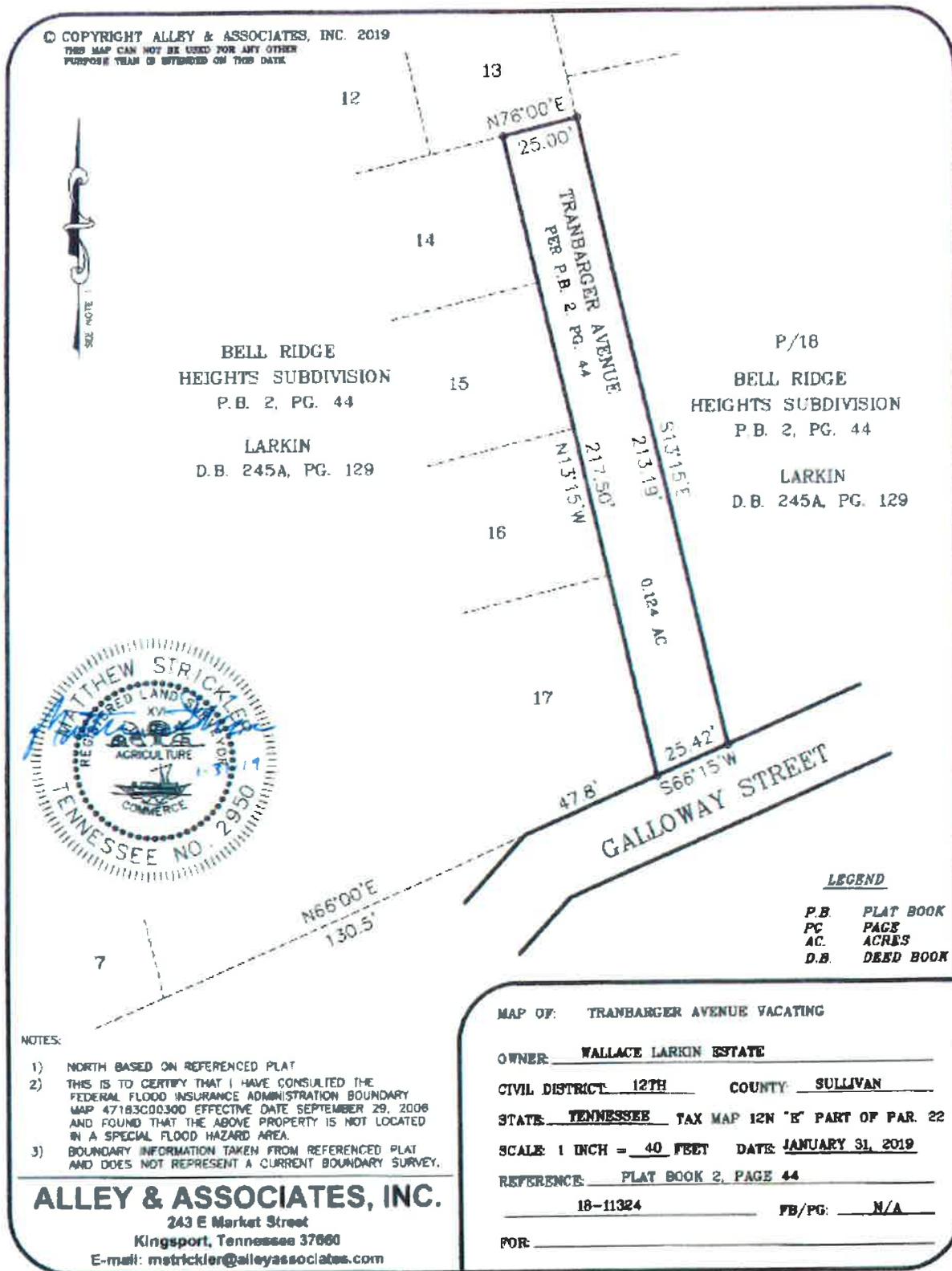
Aerial w/Utilities



2/5/2019, 2:05:21 PM

- Addresses
- Sewer Manholes
- Water Lines
- Sullivan Co Parcel Data
- Sewer Mains





View from Galloway Street



RECOMMENDATION:

Staff recommends sending a favorable recommendation to the Board of Mayor and Alderman for the vacating of unimproved right-of-way as platted on the 1940 Bell Ridge Heights Subdivision as City Staff sees no future use for this right-of-way



AGENDA ACTION FORM

Renewing the Award of the Bid for School Crossing Guard Services

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *JF*

Action Form No.: AF-62-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Commander J. Bellamy
Presentation By: Chief D. Quillin

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on May 24, 2018 for the acquisition of school crossing guard services. The City's Invitation to Bid included a renewal option clause which allows the city to renew the award for an additional 12 month period if costs are acceptable to both parties with BMA approval. Cross Safe requested a consumer price index increase of 1.1% to give their staff a cost of living pay increase. It is the recommendation of the Police Department to extend the school crossing guard services with Cross Safe for an additional 12 month period.

The time frame for these renewals is May 1, 2019 through April 30, 2020. Please see the attached documents.

Kingsport City Schools will transfer a specified amount annually. Funding is identified in the Police Department Budget Account # 110-3001-441-2020.

Attachments:

- 1. Resolution
- 2. Bid Opening Minutes
- 3. Recommendation Memo & Renewal Letters

Funding source appropriate and funds are available: *JF*

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AMENDING THE AGREEMENT FOR SCHOOL CROSSING GUARDS TO CROSS SAFE AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, on June 19, 2018, the board approved the bid award of crossing guards to Cross Safe for nine (9) crossing guards to Cross Safe and authorized the mayor to execute an agreement for the same; and

WHEREAS, the bid included a renewal option clause that allows the city to renew the award for an additional 12 month period, if costs are acceptable to both parties, with board approval; and

WHEREAS, staff recommends amending the agreement with Cross Safe to renew the award of bid for the period of 12 months, beginning May 1, 2019, and ending April 30, 2020, with a 1.1% cost of living price index increase; and

WHEREAS, funding is identified in the Police Department Budget Account # 110-3001-441-2020.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the amendment to the agreement renewing the award of bid for the school crossing guard services for nine (9) crossing guards with Cross Safe is approved, and the mayor is authorized and directed to execute a city standard service agreement for same and all documents necessary and proper to effectuate the purpose of the agreement.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

**MINUTES
BID OPENING
May 24, 2018
4:00 P.M.**

Present: Sandy Crawford, Procurement Manager; and Brent Morelock, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

SCHOOL CROSSING GUARD SERVICES		
VENDOR	COST PER CROSSING GUARD PER DAY	COMMENTS
Elite Manufacturing & Professional Services	\$43.10	
Cross Safe	\$43.90	
All City Management Services	\$49.98	
Spur Employment, Inc.	\$13.48*	*Based on one hour per day. Two hours per day would be \$26.96

The submitted bids will be evaluated and a recommendation made at a later date.



KINGSPORT POLICE DEPARTMENT

MEMORANDUM

TO: Nikiska Eichmann, Asst. Procurement Manager

FROM: Jason Bellamy, Commander

RE: School Crossing Guard Services

DATE: March 19, 2019

This memo is to inform you of our intent to renew our contract with Cross Safe for School Crossing Guard services for the 2019-2020 school year. Thus far, the services have exceeded expectations with very few complications or issues. Additionally, this service has continued to free up police officers, who were routinely tasked with this duty, so they may tend to more critical tasks like traffic control or answering citizen calls for assistance.

As you know, Mr. Haupricht of Cross Safe has made a request for a 1.1% price increase to address cost of living increases. That will result in a nominal price increase and we feel the request is reasonable. KCS and the police department are both agreeable to his request. Since this is a shared endeavor with the schools, we will be amending the MOU which addresses the manner in which the cost is shared and the amount of reimbursement.

Eichmann, Nikisha

From: Brian Haupricht <HauprichtB@parkinc.com>
Sent: Thursday, March 14, 2019 11:21 AM
To: Eichmann, Nikisha
Subject: RE: School Crossing Guard Services

Nikisha,

We would like to request a CPI increase in order to give our staff a cost of living pay increase. The current CPI for your area is 1.1%. That being said, if you are unable to do it, we would be willing to move forward another year and freeze the pay for the staff for the new year.

Thank you,

Brian Haupricht | President
www.parkinc.com | 704.377.1755



From: Eichmann, Nikisha <NikishaEichmann@KingsportTN.gov>
Sent: Wednesday, March 13, 2019 4:58 PM
To: Brian Haupricht <HauprichtB@parkinc.com>
Subject: School Crossing Guard Services

Good afternoon,

I am working on our blanket purchase orders for our upcoming fiscal year and we are looking to possibly renew with Cross Safe for our school crossing guard service. Would you all be willing to hold our current pricing for another year from 7/1/19-6/30/20. Please let me know as soon as possible.

Thank you,

Nikisha Eichmann
Assistant Procurement Manager
City of Kingsport
P: 423-229-9314
NikishaEichmann@KingsportTN.gov





AGENDA ACTION FORM

Apply for and Receive TN Department of Health Project Diabetes Grant

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *JF*

Action Form No.: AF-65-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Robin DiMona
Presentation By: Chris McCartt

Recommendation:

Approve the Resolution.

Executive Summary:

Changes in institutional practices and the environment that structurally integrate physical activity into routines can increase automatic physical activity choices. Proposed improvements include walking track renovations, a new playground, and a new outdoor basketball court. If awarded this grant, Lynn View Neighborhood Park will be utilized by area children, parents, and grandparents meeting their daily exercise needs and reducing the risk of diabetes in our community. No financial match is required for infrastructure improvements to Lynn View Neighborhood Park. The grant is a three phase funding program with allocations of \$150,000 per year beginning July 2019.

Attachments:

- 1. Resolution

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TENNESSEE DEPARTMENT OF HEALTH PROJECT DIABETES GRANT

WHEREAS, the city, through the parks and recreation department, would like to apply for a Project Diabetes grant through the Tennessee Department of Health; and

WHEREAS, if awarded, this grant would be used for the Lynn View Neighborhood Park proposed improvements that include walking track renovations, a new playground, and a new outdoor basketball court, all of which can be utilized by children, parents, and grandparents meeting their daily exercise needs and reducing the risk of diabetes in the city; and

WHEREAS, the maximum amount of the grant award is \$450,000.00, which is divided into three yearly allocations of \$150,000.00, beginning July, 2019; and

WHEREAS, the grant does not require a local match.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized and directed to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive Project Diabetes grant funds from the Tennessee Department of Health in the amount of \$450,000.00 for the proposed improvements at Lynn View Neighborhood Park, which does not require a local match.

SECTION II. That the mayor is authorized and directed to execute any and all documents including those necessary and proper to demonstrate the city's compliance with the grant requirements or its provisions necessary to effectuate the purpose of the grant or this resolution.

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Approving Application and Contract with VDOT for Transit Planning

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager

Action Form No.: AF-61-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Bill Albright
Presentation By: Bill Albright

Recommendation:

Approve the Resolution.

Executive Summary:

Each Federal Fiscal Year, the City of Kingsport, on behalf of the Kingsport MTPO, applies for and receives an allocation of Section 5303 Planning funds from the Federal Transit Administration via the Virginia Department of Rail and Public Transportation (DRPT). The Kingsport MTPO's jurisdiction covers part of Virginia as well as Tennessee and receives separate FTA funding through each state government. Consequently, this is a separate application and contract through Virginia's DRPT based on population in the Virginia portion of the urbanized area. These funds are used by the Kingsport MTPO for transportation planning activities. For FY 2020 the total grant funding is \$4,486, which is proportioned as follows: FTA 80% or \$3,588, Va DRPT 10% match or \$449, and City of Kingsport match 10% or \$449. Appropriation and a project budget for these funds have already been programmed through the City's FY 2020 budget process. The action approves submittal of the application and acceptance of the contract and Section 5303 funds.

FTA requires the FY19 Certifications and Assurances be executed by the City of Kingsport, which sets out the requirements for the Section 5303 Planning funds.

Attachments:

- 1. Resolution
- 2. Certifications and Assurances

Funding source appropriate and funds are available:

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE ELECTRONIC APPLICATION AND CONTRACT BETWEEN THE CITY OF KINGSPORT AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY ADMINISTRATION PLANNING FUNDS FOR USE BY THE KINGSPORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION FOR THE FISCAL YEAR 2020; AUTHORIZING THE MAYOR TO EXECUTE THE FTA FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES, AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LETTER OF AUTHORIZATION

WHEREAS, the Federal Highway Administration provides planning funds for use by the Metropolitan Planning Organization (MPO) available through the Virginia Department of Transportation (VDOT) in the amount of \$4,486.00 for fiscal year 2020; and

WHEREAS, matching funds in the amount of \$449.00 are required, which are accounted for during the annual budget process and will come from the approved FY2020 budget for the MPO; and

WHEREAS, the Federal Transit Authority requires the Certifications and Assurances be executed to receive the Section 5303 Planning Funds.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the online application and contract with the Virginia Department of Transportation to receive Federal Highway Administration Planning Funds in the amount of \$4,486.00 and requiring \$449.00 in matching funds for use by the Kingsport Area Metropolitan Transportation Planning Organization for the fiscal year 2020, is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, the online application and contract with the Virginia Department of Transportation to receive Federal Highway Administration Planning Funds in the amount of \$4,486.00 and requiring \$449.00 in matching funds for use by the Kingsport Area Metropolitan Transportation Planning Organization for the fiscal year 2020 and any other documents necessary and proper to effectuate the purpose of the letter of Authorization.

SECTION III. That the Federal Transit Administration Fiscal Year 2019 Certifications and Assurances is approved.

SECTION IV. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized to execute, in a form approved by the city attorney and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, a Federal Transit

Administration Fiscal Year 2019 Certifications and Assurances and any other documents necessary and proper to effectuate the purpose of the same.

SECTION V. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the document set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION VI. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION VII. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

This certification appears on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 C.F.R. Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 C.F.R. Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated

- against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
- (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 C.F.R. Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 C.F.R. Part 24.
- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
- (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R. Part 200, Subpart F, "Audit Requirements", as adopted and implemented by U.S. DOT at 2 C.F.R. Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.

- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 C.F.R. 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. Part 200, particularly 2 C.F.R. §§ 200.317–200.326 “Procurement Standards;

- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 C.F.R. Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 C.F.R. § 180.300. Additionally, each applicant must disclose any information required by 2 C.F.R. § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;
- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

CATEGORY 2. TAX LIABILITY AND FELONY CONVICTIONS.

Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. As prescribed by U.S. DOT Order 4200.6, FTA requires each applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 3. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 C.F.R. § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 C.F.R. Part 20.

3.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 4. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

4.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 C.F.R. § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 C.F.R. Part 604, the terms and conditions of which are incorporated herein by reference.

4.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 C.F.R. § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 C.F.R. § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 C.F.R. § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 5. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it has, or will develop, a transit asset management plan in compliance with 49 C.F.R. Part 625.

CATEGORY 6. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

6.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 C.F.R. § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 C.F.R. Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 C.F.R. Part 663.

6.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 C.F.R. § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 C.F.R. Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 7. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 8. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 9. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act’s Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 10. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 7 or Category 8.

CATEGORY 11. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 7, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 7 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 7, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 12. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 C.F.R. Part 625.

CATEGORY 13. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 7 for the Urbanized Area Formula Grants Program, Category 9 for the Fixed Guideway Capital Investment Grants program, and Category 12 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 7, 9, and 12 by reference.

CATEGORY 14. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 C.F.R. § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 C.F.R. Part 655.

CATEGORY 15. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 C.F.R. §§ 659.43, 672.31, and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 C.F.R. part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
- (b) Compliant with the requirements of 49 C.F.R. part 672, "Public Transportation Safety Certification Training Program"; and
- (c) Compliant with the requirements of 49 C.F.R. part 674, "State Safety Oversight".

CATEGORY 16. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 C.F.R. Part 37, it must make the following certification. This certification is required by 49 C.F.R. § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;

- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 17. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 18. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2019, Pub. L. 116-6, div. G, title I, § 191.

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the applicant will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

FTA FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: _____

The Applicant certifies to the applicable provisions of categories 01–18. _____

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Tax Liability and Felony Convictions	_____
03 Lobbying	_____
04 Private Sector Protections	_____
05 Transit Asset Management Plan	_____
06 Rolling Stock Buy America Reviews and Bus Testing	_____
07 Urbanized Area Formula Grants Program	_____
08 Formula Grants for Rural Areas	_____
09 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
10 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____
11 Enhanced Mobility of Seniors and Individuals with Disabilities Programs	_____
12 State of Good Repair Grants	_____
13 Infrastructure Finance Programs	_____
14 Alcohol and Controlled Substances Testing	_____
15 Rail Safety Training and Oversight	_____
16 Demand Responsive Service	_____
17 Interest and Financing Costs	_____
18 Construction Hiring Preferences	_____

FEDERAL FISCAL YEAR 2019 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE

PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2019)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2019, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2019.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name _____ Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name _____ Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.



AGENDA ACTION FORM

Awarding the Bid for the Purchase of Two (2) AWD Utility Wagons

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager *JF*

Action Form No.: AF-66-2019
 Work Session: April 1, 2019
 First Reading: N/A

Final Adoption: April 2, 2019
 Staff Work By: Committee
 Presentation By: D. Quillin / S. Hightower

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on March 13, 2019 for the purchase of Two (2) AWD Utility Wagons for use by the Police Dept. The advertisement for the Invitation to Bid was published in the Kingsport Times News on February 24, 2019 and placed on our website for 17 calendar days. It is the recommendation of the committee to accept the apparent low compliant bid from Auto World of Big Stone Gap for two (2) 2019 Journey SE AWD:

\$25,977.77	Unit Cost
\$51,955.54	Total Purchase Price

Please see the attached recommendation memo for additional information & pricing comparisons.

These units are fleet replacements.

Funding is identified in Project/Account # 51150085019010.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available: *JF*

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO ALL-WHEEL DRIVE UTILITY WAGONS TO AUTO WORLD OF BIG STONE GAP AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened March 13, 2019, for the purchase of two (2) all-wheel drive utility wagons for the use at the police department; and

WHEREAS, upon review of the bids, the board finds Auto World of Big Stone Gap. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase two (2) 2019 Journey SE AWD from Auto World of Big Stone Gap, at a total purchase cost of \$51,955.54; and

WHEREAS, funding is identified in account number 51150085019010.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of two (2) 2019 Journey SE AWD, at a total purchase cost of \$51,955.54, is awarded to Auto World of Big Stone Gap and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
March 13, 2019
4:00 P.M.

Present: Brent Morelock, Procurement Manager; and Nikisha Eichmann, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

AWD UTILITY WAGON				
Vendor:	Qty.:	Unit Cost:	Delivery Time:	Make/Model:
Autoworld of Big Stone Gap	2	\$25,977.77	180 Days	2019 Journey SE AWD

The submitted bids will be evaluated and a recommendation made at a later date.

Vehicle Vendors

Members:

Brian Clark
Carl Archer
Carolina Industrial Equipment
cbaton@cdjrcolumbia.com
CMI Equip
Courtesy Chevrolet
Cox Tractor
Crabtree Buick GMC
Empire Ford
Empire Ford II
Fairway Ford
Finley
Freedom Ford/Chevrolet
Freeland Auto
Golden Circle Ford
Goodpasture Motor Co
GSP Marketing
Jim Rogers
Lance Cunningham Ford
Lonnie Cobb Ford
MHC Kenworth
Mid State Equipment
Municipal Equipment
Neighborhood Ford
Public Works Equipment
Richmond Machinery
Rodders & Jets
Stowers
Stringfellow
todd.love@thetruckpeople.com
Tri Cities Dodge
Triad Freightliner
West Hills Tractor
Worldwide Equipment

brian@autoworldbsg.com
carlarcher@billgatton.com
rob@cieequipment.com
cbaton@cdjrcolumbia.com
cmiequip@bellsouth.net
chite@courtesykingsport.com
jcox1956@yahoo.com
crabtreebgmc@gmail.com
kp_porter@hotmail.com
jason.empireford@gmail.com
alandrinnon@fairwaykingsport.com
dmeador@heavymachinesinc.com
drewjohnson32@yahoo.com
herb.odom@freelandauto.com
wpickard@goldencircle.com
sales@goodpasturemotor.com
dave@g-sproducts.com
jrogers@thepetestore.com
ctuckerold@lcford.com
lcag.fleet@gmail.com
chris.jessee@mhc.com
robert@mtjoyrv.com
mequip@iglou.com
toddlove12@gmail.com
cory@pweasi.com
richmondmachinery@msn.com
roddersandjetsco@aol.com
dhigdon@stowerscat.com
craig@stringfellow.bz
todd.love@thetruckpeople.com
nick.jennings@tricitiedodge.com
bjanutolo@triadfreightlinertn.com
tina.eldridge@westhillstractor.com
scott.pekar@thetruckpeople.com



FLEET MAINTENANCE DIVISION

City of Kingsport, Tennessee

To: Nikisha Eichmann, Assistant Procurement Manager
From: Steve Hightower, Fleet Manager
 Mike Burnette, Sergeant, Quartermaster
Date: March 21, 2019
Re: AWD Wagon Purchase Recommendation

This will confirm our review and recommendation to purchase the low compliant bid of the following vendor for use by the Police Department.

Item	Quantity	Description	Award to Vendor	Fuel Economy
1	2	2019 Dodge Journey	Auto World of Big Stone	16 City/ 24 Hwy

Compliant Bidder

The bidder was compliant in all major aspects of the minimum specification requirements for the Police All Wheel Drive Wagon specified. To determine if this single bidder price of \$25,977.77 per unit was a competitive price, the most recent purchase of an identical vehicle and specifications were reviewed. Kingsport’s previous purchase price for Police AWD Wagons in 2014 was \$23,939 per unit. This represents an increase of 8.5% over a five year period which would be a 1.7% increase per year. This percentage is well below the normal annual 3% increases we would normally incur by the Original Equipment Manufacturers. We therefore feel that the offering of Auto World is competitive.

These units will be Fleet Replacements.

Delivery and Compliance to Specifications expectations have been added to insure prompt delivery of any vehicle or piece of equipment purchased by the City of Kingsport. Failure of the awarded vendor to deliver on time or correct pre acceptance inspection deficiencies within the allotted time results in a monetary a \$50 dollar a day penalty assessed on a daily basis. This process will insure the departments receive their replacement units in a timely manner. Specified time allotted for delivery is 180 days after Receipt of Award with 15 days to correct inspection deficiencies.

The bid offerings were reviewed with the Police Department’s, Mike Burnette, Sergeant, Quartermaster who is agreement with this recommendation. A confirming email of agreement is attached.

Fuel Economy Improvement

00%

No fuel economy improvements would be realized since the replacement units are similar to the current units being operated.

1. Trade in(s):
 - a. Trade not applicable to this purchase

Origin/ Dealer Information

2. New Unit(s) Origin of Manufacture:
 - a. Vehicle – Toluca, Mexico

i. 31 % Domestic/ 69 % Foreign Materials

3. New Unit(s) Purchase Dealer:

a. Vehicle – Auto World – Big Stone, VA.

Should you have any questions on this recommendation, please do not hesitate to contact us.

Thank you.



Picture is for demonstration purposes only and does not reflect the actual unit(s) being purchased.

From: Burnette, Mike
Sent: Wednesday, March 20, 2019 10:04 AM
To: Hightower, Steve <SteveHightower@KingsportTN.gov>
Subject: Police Fleet Vehicle Bids

Mr Hightower,

After reviewing the Police Fleet Vehicle Bids for FY 18-19, I agree with your recommendation to award the police fleet bids to Auto World.

Thanks,

Sgt Mike Burnette
Quartermaster
Kingsport Police Dept
200 Shelby St
Kingsport, TN 37660
Office 423-229-9370
Cell 423-429-5871



AGENDA ACTION FORM

Awarding the Bid for the Purchase of Seven (7) Marked Police Sedans

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager 

Action Form No.: AF-67-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Committee
Presentation By: D. Quillin / S. Hightower

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on March 13, 2019 for the purchase of Seven (7) Marked Police Sedans for use by the Police Dept. The advertisement for the Invitation to Bid was published in the Kingsport Times News on February 24, 2019 and placed on our website for 17 calendar days. It is the recommendation of the committee to accept the apparent low compliant bid from Auto World of Big Stone Gap for seven (7) 2019 Dodge Charger Pursuit AWD:

\$24,477.77 Unit Cost
\$192,344.39 Total Purchase Price

Please see the attached recommendation memo for additional information & pricing comparisons.

These units are fleet replacements.

Funding is identified in Project/Account # 51150085019010.

Attachments:

- 1. Resolution
- 2. Bid Opening Minutes
- 3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available: 

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF SEVEN MARKED POLICE SEDANS TO AUTO WORLD OF BIG STONE GAP AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened March 13, 2019, for the purchase of seven (7) marked police sedans for the use at the police department; and

WHEREAS, upon review of the bids, the board finds Auto World of Big Stone Gap. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase seven (7) 2019 Dodge Charger Pursuit AWD from Auto World of Big Stone Gap, at a total purchase cost of \$192,344.39; and

WHEREAS, funding is identified in account number 51150085019010.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of seven (7) 2019 Dodge Charger Pursuit AWD, at a total purchase cost of \$192,344.39, is awarded to Auto World of Big Stone Gap and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
March 13, 2019
4:00 P.M.

Present: Brent Morelock, Procurement Manager; and Nikisha Eichmann, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

POLICE BLACK/WHITE SEDANS				
Vendor:	Qty.:	Unit Cost:	Delivery Time:	Make/Model:
Autoworld of Big Stone Gap	7	\$27,477.77	180 Days	2019 Dodge Charger Pursuit AWD

The submitted bids will be evaluated and a recommendation made at a later date.

Vehicle Vendors

Members:

Brian Clark	brian@autoworldbsg.com
Carl Archer	carlarcher@billgatton.com
Carolina Industrial Equipment	rob@cieequipment.com
cbaton@cdjrcolumbia.com	cbaton@cdjrcolumbia.com
CMI Equip	cmiequip@bellsouth.net
Courtesy Chevrolet	chite@courtesykingsport.com
Cox Tractor	jcox1956@yahoo.com
Crabtree Buick GMC	crabtreebgmc@gmail.com
Empire Ford	kp_porter@hotmail.com
Empire Ford II	jason.empireford@gmail.com
Fairway Ford	alandrinnon@fairwaykingsport.com
Finley	dmeador@heavymachinesinc.com
Freedom Ford/Chevrolet	drewjohnson32@yahoo.com
Freeland Auto	herb.odom@freelandauto.com
Golden Circle Ford	wpickard@goldencircle.com
Goodpasture Motor Co	sales@goodpasturemotor.com
GSP Marketing	dave@g-sproducts.com
Jim Rogers	jrogers@thepetestore.com
Lance Cunningham Ford	ctuckerold@lcford.com
Lonnie Cobb Ford	lcag.fleet@gmail.com
MHC Kenworth	chris.jessee@mhc.com
Mid State Equipment	robert@mtjoyrv.com
Municipal Equipment	mequip@iglou.com
Neighborhood Ford	toddlove12@gmail.com
Public Works Equipment	cory@pweasi.com
Richmond Machinery	richmondmachinery@msn.com
Rodders & Jets	roddersandjetsco@aol.com
Stowers	dhigdon@stowerscat.com
Stringfellow	craig@stringfellow.bz
todd.love@thetruckpeople.com	todd.love@thetruckpeople.com
Tri Cities Dodge	nick.jennings@tricitiedodge.com
Triad Freightliner	bjanutolo@triadfreightlinertn.com
West Hills Tractor	tina.eldridge@westhillstractor.com
Worldwide Equipment	scott.pekar@thetruckpeople.com



FLEET MAINTENANCE DIVISION

City of Kingsport, Tennessee

To: Nikisha Eichmann, Assistant Procurement Manager
From: Steve Hightower, Fleet Manager
 Mike Burnette, Sergeant, Quartermaster
Date: March 20, 2019
Re: Police Sedan Marked Purchase Recommendation

This will confirm our review and recommendation to purchase the compliant bid of the following vendor for use by the Police Department.

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Award to Vendor</u>	<u>Fuel Economy</u>
1	7	2019 Dodge Charger	Auto World of Big Stone	15 City/ 23 Hwy

Compliant Bidder

The bidder was compliant in all major aspects of the minimum specification requirements for the Police Sedan Marked specified. To determine if this single bidder price of \$27,477.77 per unit was a competitive price, the most recent purchase of an identical vehicle and specifications were reviewed. Kingsport's previous 2018 Dodge Police Sedan purchase price was \$26,451.52 per unit. This represents an increase of 3.9% or \$1,026.25 more. We feel that this reflects a competitive price due to the equivalent manufacturer's pricing increases seen for the 2019 base model year across all Original Equipment Manufacturers and due to the Federally imposed tariffs on aluminum and steel imports this past year. Additionally, Ford has discontinued their Police Sedan with all production ending in March 2019 so a Ford Police Cruiser offering was not possible.

These units will be Fleet Replacements.

Delivery and Compliance to Specifications expectations have been added to insure prompt delivery of any vehicle or piece of equipment purchased by the City of Kingsport. Failure of the awarded vendor to deliver on time or correct pre acceptance inspection deficiencies within the allotted time results in a monetary a \$50 dollar a day penalty assessed on a daily basis. This process will insure the departments receive their replacement units in a timely manner. Specified time allotted for delivery is 180 days after Receipt of Award with 15 days to correct inspection deficiencies.

The bid offerings were reviewed with the Police Department's, Mike Burnette, Sergeant, Quartermaster who is agreement with this recommendation. A confirming email of agreement is attached.

Fuel Economy Improvement

00%

No fuel economy improvements would be realized since the replacement units are similar to the current units being operated.

Trade In(s)

1. Trade in(s):
 - a. Trade ins are not applicable to this purchase

Origin/ Dealer Information

1. New Unit(s) Origin of Manufacture:
 - a. Vehicle – Brampton, Ontario, Canada
 - i. 63 % Domestic/ 37 % Foreign Materials
2. New Unit(s) Purchase Dealer:
 - a. Vehicle – Auto World – Big Stone Gap, VA.

Should you have any questions on this recommendation, please do not hesitate to contact us.
Thank you.



Picture is for demonstration purposes only and does not reflect the actual unit(s) being purchased.

From: Burnette, Mike
Sent: Wednesday, March 20, 2019 10:04 AM
To: Hightower, Steve <SteveHightower@KingsportTN.gov>
Subject: Police Fleet Vehicle Bids

Mr Hightower,

After reviewing the Police Fleet Vehicle Bids for FY 18-19, I agree with your recommendation to award the police fleet bids to Auto World.

Thanks,

Sgt Mike Burnette
Quartermaster
Kingsport Police Dept
200 Shelby St
Kingsport, TN 37660
Office 423-229-9370
Cell 423-429-5871



AGENDA ACTION FORM

Awarding the Bid for the Purchase of 2 Police Pursuit Utility Wagons

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *JA*

Action Form No.: AF-68-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Committee
Presentation By: D. Quillin / S. Hightower

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on March 13, 2019 for the purchase of Two (2) Police Pursuit Utility Wagons for use by the Police Dept. The advertisement for the Invitation to Bid was published in the Kingsport Times News on February 24, 2019 and placed on our website for 17 calendar days. It is the recommendation of the committee to accept the apparent low compliant bid from Auto World of Big Stone Gap for two (2) 2019 Dodge Durango Pursuit AWD:

\$33,977.77 Unit Cost
\$67,955.54 Total Purchase Price

Please see the attached recommendation memo for additional information & pricing comparisons.

These units are fleet replacements.

Funding is identified in Project/Account # 51150085019010.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available: *js*

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO POLICE PURSUIT UTILITY WAGONS TO AUTO WORLD OF BIG STONE GAP AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened March 13, 2019, for the purchase of two (2) police pursuit utility wagons for the use at the police department; and

WHEREAS, upon review of the bids, the board finds Auto World of Big Stone Gap. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase two (2) 2019 Dodge Durango Pursuit AWD from Auto World of Big Stone Gap, at a total purchase cost of \$67,955.54; and

WHEREAS, funding is identified in account number 51150085019010.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of two (2) 2019 Dodge Durango Pursuit AWD, at a total purchase cost of 67,955.54, is awarded to Auto World of Big Stone Gap and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
March 13, 2019
4:00 P.M.

Present: Brent Morelock, Procurement Manager; and Nikisha Eichmann, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

POLICE PURSUIT UTILITY WAGON				
Vendor:	Qty.:	Unit Cost:	Delivery Time:	Make/Model:
Autoworld of Big Stone Gap	2	\$33,977.77	180 Days	2019 Dodge Durango Pursuit AWD

The submitted bids will be evaluated and a recommendation made at a later date.

Vehicle Vendors

Members:

Brian Clark
Carl Archer
Carolina Industrial Equipment
cbaton@cdjrcolumbia.com
CMI Equip
Courtesy Chevrolet
Cox Tractor
Crabtree Buick GMC
Empire Ford
Empire Ford II
Fairway Ford
Finley
Freedom Ford/Chevrolet
Freeland Auto
Golden Circle Ford
Goodpasture Motor Co
GSP Marketing
Jim Rogers
Lance Cunningham Ford
Lonnie Cobb Ford
MHC Kenworth
Mid State Equipment
Municipal Equipment
Neighborhood Ford
Public Works Equipment
Richmond Machinery
Rodders & Jets
Stowers
Stringfellow
todd.love@thetruckpeople.com
Tri Cities Dodge
Triad Freightliner
West Hills Tractor
Worldwide Equipment

brian@autoworldbsg.com
carlarcher@billgatton.com
rob@ciequipment.com
cbaton@cdjrcolumbia.com
cmiequip@bellsouth.net
chite@courtesykingsport.com
jcox1956@yahoo.com
crabtreebgmc@gmail.com
kp_porter@hotmail.com
jason.empireford@gmail.com
alandrinnon@fairwaykingsport.com
dmeador@heavymachinesinc.com
drewjohnson32@yahoo.com
herb.odom@freelandauto.com
wpickard@goldencircle.com
sales@goodpasturemotor.com
dave@g-sproducts.com
jrogers@thepetestore.com
ctuckerold@lcford.com
lcag.fleet@gmail.com
chris.jessee@mhc.com
robert@mtjoyrv.com
mequip@iglou.com
toddlove12@gmail.com
cory@pweasi.com
richmondmachinery@msn.com
roddersandjetsco@aol.com
dhigdon@stowerscat.com
craig@stringfellow.bz
todd.love@thetruckpeople.com
nick.jennings@tricitydodge.com
bjanutolo@triadfreightlinertn.com
tina.eldridge@westhillstractor.com
scott.pekar@thetruckpeople.com



FLEET MAINTENANCE DIVISION

City of Kingsport, Tennessee

To: Nikisha Eichmann, Assistant Procurement Manager
From: Steve Hightower, Fleet Manager
 Mike Burnette, Sergeant, Quartermaster
Date: November 6, 2013
Re: Police Pursuit Utility Purchase Recommendation

This will confirm our review and recommendation to purchase the compliant bid of the following vendor.

Item	Quantity	Description	Award to Vendor	Fuel Economy
1	2	2019 Dodge Pursuit Utility	Auto World of Big Stone	14/22 MPG

Compliant Bidder

The bidder was compliant in all major aspects of the minimum specification requirements for the Police Pursuit Utility Wagon specified. To determine if this single bidder price of \$33,977.77 per unit was a competitive price, the most recent purchase of a similar vehicle type and specifications were reviewed. Kingsport's previous purchase price for a 2016 Ford Utility Interceptor was \$39,518. The 2019 Dodge offering represents a decrease of 14%, or \$5,540.23, less than was paid the Ford unit in 2016. We feel that this comparison reflects that Auto World offered a very competitive price on the Dodge Durango. It should be noted that the Dodge Utility Pursuit Wagon is a new product for Dodge for the 2019 model year.

These units will be Fleet Replacements.

Delivery and Compliance to Specifications expectations have been added to insure prompt delivery of any vehicle or piece of equipment purchased by the City of Kingsport. Failure of the awarded vendor to deliver on time or correct pre acceptance inspection deficiencies within the allotted time results in a monetary a \$50 dollar a day penalty assessed on a daily basis. This process will insure the departments receive their replacement units in a timely manner. Specified time allotted for delivery is 180 days after Receipt of Award with 15 days to correct inspection deficiencies.

The bid offerings were reviewed with the Police Department's, Mike Burnette, Sergeant, Quartermaster who is agreement with this recommendation. A confirming email of agreement is attached.

Fuel Economy Improvement

00%

No fuel economy improvements would be realized since the replacement units are similar to the current units being operated.

1. Trade in(s):
 - a. Not Applicable to this purchase
2. New Unit Origin of Manufacture:
 - i. Unit – Detroit, Michigan
 - ii. 60% Domestic/ 40% Foreign Materials
3. New Unit Purchase Dealer:
 - a. Unit – Auto World – Big Stone Gap , VA.

Should you have any questions on this recommendation, please do not hesitate to contact us.

Thank You.



Picture is for demonstration purposes only and does not reflect the actual unit(s) being purchased.

From: Burnette, Mike
Sent: Wednesday, March 20, 2019 10:04 AM
To: Hightower, Steve <SteveHightower@KingsportTN.gov>
Subject: Police Fleet Vehicle Bids

Mr Hightower,

After reviewing the Police Fleet Vehicle Bids for FY 18-19, I agree with your recommendation to award the police fleet bids to Auto World.

Thanks,

Sgt Mike Burnette
Quartermaster
Kingsport Police Dept
200 Shelby St
Kingsport, TN 37660
Office 423-229-9370
Cell 423-429-5871



AGENDA ACTION FORM

Awarding the Bid for the Purchase of One (1) F550 Crew Cab with Utility Body & Crane

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager *CF*

Action Form No.: AF-73-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Committee
Presentation By: R. McReynolds/S. Hightower

Recommendation:

Approve the Resolution.

Executive Summary:

Bids were opened on March 12, 2019 for the purchase of One (1) F550 Crew Cab with Utility Body & Crane for use by the Storm Water Dept. The advertisement for the Invitation to Bid was published in the Kingsport Times News on February 24, 2019 and placed on our website for 16 calendar days. It is the recommendation of the committee to accept the apparent low compliant bid from Fairway Ford for One (1) 2019 Ford F550 in the amount of \$71,190.00.

This unit is a fleet replacement.

Funding is identified in Account # 45700006229006 ST1800.

Attachments:

- 1. Resolution
- 2. Opening Bid Minutes
- 3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available: *js*

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF ONE F550 CREW CAB WITH UTILITY BODY AND CRANE TO FAIRWAY FORD AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened March 12, 2019, for the purchase of one (1) F550 crew cab with utility body and crane for the use at the storm water department; and

WHEREAS, upon review of the bids, the board finds Fairway Ford is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work, or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase one (1) 2019 Ford F550 from Fairway Ford, at a total purchase cost of \$71,190.00; and

WHEREAS, funding is identified in account number 45700006229006 ST1800.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of one (1) 2019 Ford F550, at a total purchase cost of \$71,190.00, is awarded to Fairway Ford and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
BID OPENING
March 12, 2019
4:00 P.M.

Present: Brent Morelock, Procurement Manager; and Nikisha Eichmann, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

F550 CREW CAB WITH UTILITY BODY & CRANE				
Vendor:	Qty.:	Unit Cost:	Delivery Time:	Make/Model:
Versa Lift Southeast	1	\$89,143.00	240 Days	F550 Knapheide 6108 DLR-38 Auto Crane 3203 Eh (Additional Info.)
Worldwide Ford Sales	1	\$72,077.00	100 Days	Ford F550 Crew Cab
Fairway Ford	1	\$71,190.00	150 Days	2019 Ford F550 Specs. & Additional Info.
Autoworld of Big Stone Gap	1	No Bid	N/A	N/A

The submitted bids will be evaluated and a recommendation made at a later date.

Vehicle Vendors

Members:

Brian Clark	brian@autoworldbsg.com
Carl Archer	carlarcher@billgatton.com
Carolina Industrial Equipment	rob@ciequipment.com
cbaton@cdjrcolumbia.com	cbaton@cdjrcolumbia.com
CMI Equip	cmiequip@bellsouth.net
Courtesy Chevrolet	chite@courtesykingsport.com
Cox Tractor	jcox1956@yahoo.com
Crabtree Buick GMC	crabtreebgmc@gmail.com
Empire Ford	kp_porter@hotmail.com
Empire Ford II	jason.empireford@gmail.com
Fairway Ford	alandrinnon@fairwaykingsport.com
Finley	dmeador@heavymachinesinc.com
Freedom Ford/Chevrolet	drewjohnson32@yahoo.com
Freeland Auto	herb.odom@freelandauto.com
Golden Circle Ford	wpickard@goldencircle.com
Goodpasture Motor Co	sales@goodpasturemotor.com
GSP Marketing	dave@g-sproducts.com
Jim Rogers	jrogers@thepetestore.com
Lance Cunningham Ford	ctuckerold@lcford.com
Lonnie Cobb Ford	lcag.fleet@gmail.com
MHC Kenworth	chris.jessee@mhc.com
Mid State Equipment	robert@mtjoyrv.com
Municipal Equipment	mequip@iglou.com
Neighborhood Ford	toddlove12@gmail.com
Public Works Equipment	cory@pweasi.com
Richmond Machinery	richmondmachinery@msn.com
Rodders & Jets	roddersandjetsco@aol.com
Stowers	dhigdon@stowerscat.com
Stringfellow	craig@stringfellow.bz
todd.love@thetruckpeople.com	todd.love@thetruckpeople.com
Tri Cities Dodge	nick.jennings@tricitiedodge.com
Triad Freightliner	bjanutolo@triadfreightlinern.com
West Hills Tractor	tina.eldridge@westhillstractor.com
Worldwide Equipment	scott.pekar@thetruckpeople.com



FLEET MAINTENANCE DEPARTMENT
City of Kingsport, Tennessee

To: Nikisha Eichmann, Assistant Procurement Manager
From: Chad Austin, Water/Wastewater Distribution Manager
Steve Hightower, Fleet Manager
Date: March 26, 2019
Re: Crew Cab with Utility Body and Crane - Purchase Recommendation

This will confirm our review and recommendation to purchase the low compliant bid of the following vendor for use by the Stormwater Department.

Table with 5 columns: Item, Quantity, Description, Award to Vendor, Fuel Economy. Row 1: 1, 1, 2019 Ford F550 w/Utility Body and Crane, Fairway Ford, 10 City/ 12 Hwy

Low Compliant Bidder

The bidder was the low compliant bidder in all major aspects of the minimum specification requirements for the Crew Cab with Utility Body and Crane Truck specified, which includes a Thompson Metals provided Utility Body and Crane.

This unit will be a Fleet Replacement.

Delivery and Compliance to Specifications expectations have been added to insure prompt delivery of any vehicle or piece of equipment purchased by the City of Kingsport. Failure of the awarded vendor to deliver on time or correct pre acceptance inspection deficiencies within the allotted time results in a monetary penalty assessed on a daily basis.

The bid offerings were reviewed with Chad Austin, Water/Wastewater Distribution Manager, who is in agreement with this recommendation.

Fuel Economy Improvement

00%

No fuel economy improvements would be realized since the replacement unit(s) are similar to the current unit(s) being operated.

Trade In(s)

- 1. Trade in(s): N/A

Origin/ Dealer Information

- 1. New Unit(s) Chassis Origin of Manufacture:
a. Chassis - Louisville, KY
i. 65 % Domestic/ 15 % Mexico

2. Utility Body Manufacturer:

- i. Body – Stahl Mfg. – Wooster, OH
- ii. 95 % Domestic/ 5 % Foreign Materials

3. Unit(s) Chassis Dealer:

- a. Chassis –Fairway Ford – Kingsport, TN

4. Unit(s) Body Dealer:

- a. Body – Kingsport Iron and Metal - Kingsport, TN

Should you have any questions on this recommendation, please do not hesitate to contact us.

Thank you.



Picture is for demonstration purposes only and does not reflect the actual unit(s) being purchased.

From: Austin, Chad

Sent: Monday, March 25, 2019 3:07 PM

To: Hightower, Steve <SteveHightower@KingsportTN.gov>

Subject: F550 Utility Truck with crane (Stormwater)

After reviewing the bids for the F550 Utility Truck with crane, the low bid from Fairway Ford meets the specifications and our needs.

Thank you,

Chad E. Austin, PE

Water Services Manager

Water Services Division

City of Kingsport

P: 423-224-2509

ChadAustin@KingsportTN.gov

1113 Konnarock Rd

Kingsport, TN 37664



AGENDA ACTION FORM

Awarding the Bid for the Purchase of Two (2) F550 Extended Cab with Utility Body

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager 

Action Form No.: AF-74-2019
 Work Session: April 1, 2019
 First Reading: N/A

Final Adoption: April 2, 2019
 Staff Work By: Committee
 Presentation By: R. McReynolds/S. Hightower

Recommendation:
 Approve the Resolution.

Executive Summary:

Bids were opened on March 12, 2019 for the purchase of Two (2) F550 Extended Cab with Utility Body for use by the Water & Wastewater Maintenance Dept. The advertisement for the Invitation to Bid was published in the Kingsport Times News on February 24, 2019 and placed on our website for 16 calendar days. It is the recommendation of the committee to accept the apparent low compliant bid from World Wide Ford Sales for Two (2) 2019 Ford F550:

	\$49,477.00	Unit Cost
	\$1,700.00	Option A (Ladder Rack)
	\$500.00	Option B (Pipe Rack)
less	\$11,507.00	Trade-In Allowance Equipment #1735
less	\$6,507.00	Trade-In Allowance Equipment #1764
	\$83,140.00	Total Purchase Price

Please see the attached recommendation memo for additional information & pricing comparisons.

This unit is a fleet replacement.

Funding is identified in Account # 51150085019010.

Attachments:

1. Resolution
2. Bid Opening Minutes
3. Recommendation Memo w/ Photo

Funding source appropriate and funds are available: 

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Oiterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AWARDDING THE BID FOR THE PURCHASE OF TWO F550 EXTENDED CAB WITH UTILITY BODY TRUCKS TO WORLD WIDE FORD SALES AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened March 12, 2019, for the purchase of two (2) F550 extended cab with utility body trucks for the use at the water and wastewater maintenance department; and

WHEREAS, the city will receive \$11,507.00 for a trade-in allowance for vehicle #1735 and a trade-in allowance of \$6,507.00 for vehicle #1764; and

WHEREAS, upon review of the bids, the board finds World Wide Ford Sales is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work, or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase two (2) 2019 Ford F550 trucks from World Wide Ford Sales, at a total purchase cost of \$83,140.00 which includes the deduction of the \$18,014.00 trade-in allowances; and

WHEREAS, funding is identified in account #51150085019010.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of two (2) 2019 Ford F550 trucks at a total purchase cost of \$83,140.00 which includes the deduction of the \$18,014.00 trade-in allowances, is awarded to World Wide Ford Sales, and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

MINUTES
 BID OPENING
 March 12, 2019
 4:00 P.M.

Present: Brent Morelock, Procurement Manager; and Nikisha Eichmann, Assistant Procurement Manager

The Bid Opening was held in the Council Room, City Hall.

The Procurement Manager opened with the following bids:

F550 EXTENDED CAB WITH UTILITY BODY								
Vendor:	Qty.:	Unit Cost:	Option A:	Option B:	Trade-In #1735:	Trade-In #1764:	Delivery Time:	Make/Model:
Twide Ford Sales	2	\$49,477.00	\$1,700.00	\$500.00	\$11,507.00	\$6,507.00	100 Days	F550 Extended Cab 2019 Specs. & Additional Info.
World of Big Stone Gap	2	No Bid	N/A	N/A	N/A	N/A	N/A	N/A

The submitted bids will be evaluated and a recommendation made at a later date.

Vehicle Vendors

Members:

Brian Clark	brian@autoworldbsg.com
Carl Archer	carlarcher@billgatton.com
Carolina Industrial Equipment	rob@ciequipment.com
cbaton@cdjrcolumbia.com	cbaton@cdjrcolumbia.com
CMI Equip	cmiequip@bellsouth.net
Courtesy Chevrolet	chite@courtesykingsport.com
Cox Tractor	jcox1956@yahoo.com
Crabtree Buick GMC	crabtreebgmc@gmail.com
Empire Ford	kp_porter@hotmail.com
Empire Ford II	jason.empireford@gmail.com
Fairway Ford	alandrinnon@fairwaykingsport.com
Finley	dmeador@heavymachinesinc.com
Freedom Ford/Chevrolet	drewjohnson32@yahoo.com
Freeland Auto	herb.odom@freelandauto.com
Golden Circle Ford	wpickard@goldencircle.com
Goodpasture Motor Co	sales@goodpasturemotor.com
GSP Marketing	dave@g-sproducts.com
Jim Rogers	jrogers@thepetestore.com
Lance Cunningham Ford	ctuckerold@lcford.com
Lonnie Cobb Ford	lcag.fleet@gmail.com
MHC Kenworth	chris.jessee@mhc.com
Mid State Equipment	robert@mtjoyrv.com
Municipal Equipment	mequip@iglou.com
Neighborhood Ford	toddlove12@gmail.com
Public Works Equipment	cory@pweasi.com
Richmond Machinery	richmondmachinery@msn.com
Rodders & Jets	roddersandjetsco@aol.com
Stowers	dhigdon@stowerscat.com
Stringfellow	craig@stringfellow.bz
todd.love@thetruckpeople.com	todd.love@thetruckpeople.com
Tri Cities Dodge	nick.jennings@tricitysdodge.com
Triad Freightliner	bjanutolo@triadfreightlinern.com
West Hills Tractor	tina.eldridge@westhillstractor.com
Worldwide Equipment	scott.pekar@thetruckpeople.com



FLEET MAINTENANCE DIVISION
City of Kingsport, Tennessee

To: Nikisha Eichmann, Assistant Procurement Manager
From: Chad Austin, Water/Wastewater Distribution Manager
 Steve Hightower, Fleet Manager
Date: March 26, 2019
Re: Cab Chassis w/Utility Bed /Dual Rear Purchase Recommendation

This will confirm our review and recommendation to purchase the compliant bid of the following vendor for use by the Water/Wastewater Department and accept the trade in offerings. We would also like to add Option A; Ladder Rack on one unit and Option B: Pipe Rack on the second unit.

<u>Item</u>	<u>Quantity</u>	<u>Description</u>	<u>Award to Vendor</u>	<u>Fuel Economy</u>
1	2	2019 Ford F550 Ext Cab 4x2	World Wide Ford	8 City/ 12 Hwy

Compliant Bidder

The bidder was the compliant in all major aspects of the minimum specification requirements for the Cab Chassis w/Utility Bed Dual Rear units specified. To determine if this single bidder price of \$49,477 per unit was a competitive price, the most recent purchase of an identical vehicle and specifications were reviewed. Kingsport’s previous 2018 F550 Chassis with Utility Body purchase price was \$47,711 per unit. The World Wide Ford bid offering represents an increase of 3.7% or \$1,766 more. We feel that this reflects a competitive price due to the equivalent manufacturer’s pricing increases seen for the 2019 base model year across all Original Equipment Manufacturers and due to the Federally imposed tariffs on aluminum and steel imports this past year.

These units will be Fleet Replacements

Delivery and Compliance

Delivery and Compliance to Specifications expectations have been added to insure prompt delivery of any vehicle or piece of equipment purchased by the City of Kingsport. Failure of the awarded vendor to deliver on time or correct pre acceptance inspection deficiencies within the allotted time results in a monetary penalty assessed on a daily basis. This process will insure the departments receive their replacement units in a timely manner. Specified time allotted for delivery is 100 Days with 15 days to correct inspection deficiencies and a \$50 dollar a day penalty assessed.

The bid offerings were reviewed with the Water/ Wastewater Distribution Manager, Chad Austin, who is agreement with this recommendation. Confirming email of agreement is attached.

Fuel Economy Improvement

00%

No fuel economy improvements would be realized since the replacement units are similar to the current units being operated and replaced.

Trade In(s)

1. Trade in(s):
 - a. 1735 - 2007 Ford F450 Truck w/Utility Body– Age: 12 Years – 66,393 Mileage – 7.68 MPG
 - b. Trade Offering: \$11,507
2. Trade in(s):
 - a. 1764 - 2007 Mitsubishi Cab Chassis w/Utility Bed – Age: 12 Years – 98,932 Mileage – 12.94 MPG
 - b. Trade Offering: \$6,507

Origin/ Dealer Information

3. New Unit(s) Origin of Chassis Manufacture:
 - a. Vehicle – Louisville, Kentucky
 - i. 65 % USA & Canada/ 15 % Mexico/ 10% Other
4. New Unit(s) Purchase Dealer:
 - a. Vehicle – World Wide Ford – Marion, VA.
5. New Unit(s) Origin of Body Manufacture: Reading
 - a. Reading, Pennsylvania
 - i. 99% Domestic/ 1% Foreign
6. New Unit(s) Body Dealer:
 - a. Blaziers Tuck Body – Knoxville, TN

Should you have any questions on this recommendation, please do not hesitate to contact us.

Thank you.



Picture is for demonstration purposes only and does not reflect the actual unit(s) being purchased.

From: Austin, Chad
Sent: Monday, March 25, 2019 3:06 PM
To: Hightower, Steve <SteveHightower@KingsportTN.gov>
Subject: F550 Utility Trucks (Water/Wastewater)

After reviewing the bids for the F550 Utility bed trucks for Water Maintenance and Wastewater Maintenance, the low bid from Worldwide Equipment meets the specifications and our needs.

Thank you,

Chad E. Austin, PE
Water Services Manager
Water Services Division
City of Kingsport
P: 423-224-2509
ChadAustin@KingsportTN.gov



1113 Konnarock Rd
Kingsport, TN 37664



AGENDA ACTION FORM

Renewing the Proposal for Concession Food Service Distributor for the Kingsport Aquatic Center to H.T. Hackney Company and B.K.T., Inc.

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager 

Action Form No.: AF-60-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Committee
Presentation By: Chris McCartt

Recommendation:

Approve the Resolution.

Executive Summary:

Proposals were opened on April 26, 2017 for a Concession Food Service Distributor at the Kingsport Aquatic Center. Proposals were solicited by publicly advertising in the Kingsport Times News on April 12, 2017 and by posting the solicitation on our website for 15 calendar days. Initial proposal terms awarded the contract for (1) year with a renewal option of (1) year increments.

Staff is proposing to the City to renew concession vendors, H.T. Hackney Company and B.K.T., Inc. for a period of one (1) year for the concession stand at the Kingsport Aquatic Center. Both of the vendors have provided service to the City within the terms of their contract over the past period, and it is staff's recommendation to renew the contract for another one (1) year period for various concessions items & equipment at the Kingsport Aquatic Center.

Concession items will be ordered on an as needed basis by the City. The contract will be awarded for a period of one (1) year with a renewal option on an annual basis in (1) one year increments providing all terms, conditions, and costs are acceptable to both parties. The City reserves the right to re-bid at the end of any contract period.

Funding is identified in account # 41950225073190.

It is staff's recommendation that the City accept the food service vendors as proposed.

Attachments:

- 1. Resolution

Funding source appropriate and funds are available: 

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE RENEWAL OF THE
KINGSPORT AQUATIC CENTER CONCESSION FOOD
SERVICE DISTRIBUTOR CONTRACTS WITH H.T. HACKNEY
COMPANY AND B.K.T., INC.

WHEREAS, on May 15, 2017, the board approved contracts with H.T. Hackney Company and B.K.T., Inc. as the Concession Food Service Distributors at the Kingsport Aquatic Center; and

WHEREAS, the contracts with H.T. Hackney Company and B.K.T., Inc. for concession food service distribution at the Kingsport Aquatic Center were for a period of one (1) year, with a renewal option on an annual basis in (1) one year increments up to three (3) additional years; and

WHEREAS, staff recommends renewing the agreement for the period of one year; and

WHEREAS, concession items will be ordered on an as needed basis, and funding is identified in account # 41950225073190.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the renewal of the contracts with H.T. Hackney Company and B.K.T., Inc. as the Kingsport Aquatic Center concession food service distributors for a period of one year is approved, and the city manager is authorized to execute purchase orders to the same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

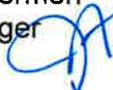
APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Hosting Agreement Between Earth Networks Inc. and the City of Kingsport

To: Board of Mayor and Aldermen
From: Jeff Fleming, City Manager 

Action Form No.: AF-72-2019
Work Session: April 1, 2019
First Reading: N/A

Final Adoption: April 2, 2019
Staff Work By: Chris McCartt
Presentation By: Chris McCartt

Recommendation:
Approve the Resolution.

Executive Summary:
Earth Networks Inc. approached the City of Kingsport towards the end of 2018 regarding the placement of a camera and weather station within our downtown. Ultimately both parties agreed the best placement for the camera and weather station was on top of the new City Hall, 415 Broad Street. This location provides unique views of our downtown business district as well as historic Church Circle. Earth Networks and WCYB intend to use camera and weather station for various purposes associated with their local evening news/weather. Similar units are already located in other areas of the City. The City of Kingsport will be responsible for providing power and internet service.

Attachments:
1. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH EARTH NETWORKS, INC. AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, Earth Networks, Inc. would like to place a camera and weather station on top of the new City Hall located at 415 Broad Street; and

WHEREAS, the location provides unique views of our downtown business district as well as historic Church Circle; and

WHEREAS, the city will be responsible for providing power and internet service.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That an agreement with Earth Networks, Inc, for a camera and weather station located on the roof of the new City Hall located at 415 Broad Street, is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, the agreement with Earth Networks, Inc, for a camera and weather station located on the roof of the new City Hall located at 415 Broad Street and all other documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of the agreement or this resolution, said agreement being as follows:

HOSTING AGREEMENT

by and between Earth Networks, Inc.

And

City of Kingsport

This HOSTING AGREEMENT (the "Agreement") is made effective as of the 27th day of December, 2018 by and between Earth Networks, Inc. a Delaware corporation with principal offices at 12410 Milestone Center Drive, Suite 300, Germantown MD 20876 ("EN"), and City of Kingsport, 225 West Center Street, Kingsport, TN 37660 ("HOST").

WHEREAS, EN manufactures and deploys Weather Stations, each such system being comprised of a weather sensor suite, a master control unit, a digital display, a communications device, and a sensor shelter, or optional equipment such as a camera, weather server and computer (referred herein as the "Hardware"), and computer programs for collection, display and dissemination of real-time and historical data via an Intranet or the Internet (referred herein as the "Software");

WHEREAS, EN desires to install ONE HD Camera, related Hardware and Software (if applicable) at designated locations owned or controlled by HOST for continued collection and dissemination of local weather information;

WHEREAS, both parties agree that it is of mutual benefit to have the HOST participate in this program;

THEREFORE, the parties agree to the following terms and conditions:

1. Weather Systems. EN will place at designated HOST facilities, at no cost to the HOST, ONE HD Camera, including Hardware and Software, (as determined by EN), to collect and report real-time and historical weather data and/or digital camera images via the Internet as described herein.

2. Term and Termination. This Agreement shall have a term of one year, with automatic yearly extensions unless either party opts out of such extension with notice at least 30 days prior to the

expiration of either the original or any renewal term, as applicable. After the initial one year term HOST shall have the right to terminate this Agreement upon not less than thirty (30) days' notice to EN for HOST's convenience and without cause, such a termination will not be deemed a breach of contract by either party.

3. **Rights and Licenses.** EN retains all rights to the design of the Earth Networks Weather Stations and Cameras, Hardware, Software, and ownership of the Systems, the data generated by the Systems (including weather data measured directly by System components, calculated data from the Software, and video imagery from cameras), which rights the HOST and each participating site hereby acknowledges and agrees not to assert or claim any interest in, save and except only as otherwise expressly granted in paragraph 4.

4. Data Rights

(1) EN grants to the HOST a royalty-free license for the term of the Agreement to use data generated by Earth Networks Weather Stations solely and exclusively for educational, research and internal operational purposes within the HOST network, which the parties agree includes all subsidiary and affiliated companies of HOST.

(2) Except as noted in (1) above, the HOST may not, without express permission of EN, provide the data generated by HOST sites to any party, including other government agencies. HOST may, however, provide and/or allow links to data pages created pursuant to this Agreement.

(3) Except as otherwise stated herein, EN has the exclusive right to resell, provide, or otherwise use the data generated by the Systems.

5. **Installation and Maintenance.** The installation and maintenance of the Earth Networks system provided to HOST under this Agreement is the responsibility of EN. Installation and maintenance shall be in accordance with EN standard specifications, which includes but is not limited to the requirement for multiple small building penetrations where agreed and directed by the OST in order to affix the system to the building structure and the running of data cable to an internal termination point. In this regard, most installation may require drilled holes for bracket support and cable access may require new building penetrating conduit. HOST shall allow the previously described work to be completed, shall provide the site and power supply (described in #8 below) for the Systems and Hardware. HOST shall keep the systems powered up and connected to an "always-on" Internet connection configured to EN' specifications (described in #8 below) regarding firewall and port security required to allow live data to transmit at all times. EN shall provide a toll-free technical support service line as well as online technical support to assist such maintenance

6. **Delivery and Shipment Costs.** The HOST will provide EN the delivery address for each site where a system is to be installed. EN shall pay all shipping costs including optional equipment and software.

7. **Disposal.** EN reserves the right to remove the Earth Networks system upon termination of the agreement. EN shall ensure that the removal is done with minimal damage to the HOST building and further agrees to pay for any costs necessary to ensure the building is in the same condition, excepting only normal wear and tear, as it was prior to the installation.

8. **HOST Requirements.** The HOST shall provide for each participating site the following site related requirements (minimum specifications are indicated): (1) electrical power sufficient for operation of the Systems which includes two 120V outlets within 5 feet of where the indoor equipment is to be located; (2) direct, high speed "always on" Internet connection (ISDN, T-1, T-3, or equivalent) where port 9500 UDP/TCP outbound and port 80 TCP are open. Earth Networks will provide a technical support service line as well as online technical support to assist with such efforts. HOST shall allow EN access to the Hardware, upon reasonable notice, for the purpose of supplying necessary maintenance and/or the installation of additional sensor equipment.

9. **Limitations/Disclaimer of Liability.** The HOST assumes no responsibility to protect the equipment from damage of any kind. Except for damages caused by EN' s willful misconduct, recklessness, or gross negligence, the parties agree that to the extent permitted by applicable law, EN disclaims liability related to the manufacture, or delivery, of the equipment, the software and/or supplies used in connection with the equipment or the provision of services for the equipment whether such claim alleges breach of contract, or tortious conduct including but not limited to negligence or any other theory. Both parties disclaim liability for indirect, incidental, special, or consequential damages (including but not limited to, loss of use, revenue, or profit) whether such claim alleges breach of contract, tortuous conduct including but not limited to negligence, or any other theory.

10. **Extraordinary Circumstances.** Except for obligations of payment, neither EN nor the HOST shall be liable for nonperformance caused by circumstances beyond their control, including but not limited to, work stoppages, floods, lightning and all other acts of God. In the event of the loss of any weather station hardware at any installed HOST site, the replacement of such hardware shall be at the sole discretion and cost of EN.

11. Necessary Maintenance by EN. HOST will provide upon reasonable notice by EN access to the system(s) for the purpose of supplying necessary maintenance and/or the installation of additional sensor equipment.
 12. Non-Waiver of Rights. The failure of EN or the HOST to insist upon strict performance of the terms and conditions of this Agreement or to exercise any rights or remedies, shall not be construed as a waiver of its rights to assert any of the same rights or to rely on any such terms or conditions at any time thereafter.
 13. Governing Law. This Agreement shall be governed by the laws of the State of Tennessee without reference to its conflict of laws rules.
 14. Breach . Either party may terminate this Agreement on breach by the other party of any material term or condition hereof 30 days after written notice is given to the breaching party by the non-breaching party if such breach is not cured.
 15. Business Relationship. Nothing contained herein shall create or be deemed to create any association, partnership, joint venture, the relation of principal and agent, or the relationship of employee and employer between the parties herein.
 16. Notices. All notices given under any of the provisions of this Agreement shall be deemed to have been duly given when made in writing and either delivered via overnight express delivery requiring the signature of the accepting party's representative or three days after the date of mailing via U.S. Postal Service, certified mail, return receipt requested, to the addresses of the parties set forth in this Agreement as the principal offices or to other such addresses as such party shall specify in writing to the other party.
 17. Severability. If any provision of this Agreement shall be held to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall remain valid and enforceable.
 18. Assignment. Neither party may assign this Agreement or any of its rights and obligations hereunder to any person, firm, or corporation, without the prior written consent of the other, which consent shall not be unreasonably withheld, provided that either party may, on notice to the other, assign this Agreement to a subsidiary or to any party that acquires or succeeds to all or substantially all of such party's business or assets. This Agreement shall bind and inure to the benefit of each party's successors and permitted assigns.
 19. Modification. No provision of this Agreement may be changed, waived, discharged or terminated orally, but only by an instrument of equal formality signed by duly authorized representatives of the parties hereof.
 20. Entire Agreement. This Agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof. The division of the Agreement into paragraphs is only a matter of convenience for reference and shall not define or limit any of the terms or provisions hereof. Any term used in the singular shall be deemed to include the plural when the context of its use is so required. The fact that the wording of this Agreement has been provided by one party or the other shall not be taken into consideration in the construction or interpretation of this Agreement.
- IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this Agreement.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Apply for and Receive a Specialized Motorcycle Enforcement Grant through the Tennessee Highway Safety Office (THSO)

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager *JF*

Action Form No.: AF-63-2019
 Work Session: April 1, 2019
 First Reading: N/A

Final Adoption: April 2, 2019
 Staff Work By: Capt. Gore
 Presentation By: Chief Quillin

Recommendation:

Approve the Resolution.

Executive Summary:

The Tennessee Highway Safety Office (THSO) will be providing grant funding via a pilot program to combat the high number of motorcycle crashes, involving serious injuries and fatalities, in Kingsport and Sullivan County over the past three years. This funding, which the Kingsport Police Department wishes to apply for, will be utilized to enforce motorcycle law violations through overtime saturation patrols by the department's officers.

This request is for \$12,000 with no match required. Funding is for a one year period.

Attachments:

- 1. Resolution

	<u>Y</u>	<u>N</u>	<u>O</u>
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A HIGHWAY SAFETY GRANT FROM THE TENNESSEE HIGHWAY SAFETY OFFICE

WHEREAS, the city, through the police department, would like to apply for a grant from the Tennessee Highway Safety Office, which will be utilized to enforce motorcycle law violations through overtime saturation patrols by the department's officers; and

WHEREAS, the maximum amount of the grant award is \$12,000.00, and the grant does not require a local match;

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the mayor, or in his absence, incapacity, or failure to act, the vice mayor, is authorized and directed to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, all documents necessary and proper to apply for and receive Highway Safety grant funds from the Tennessee Highway Safety Office in the amount of \$12,000.00, which does not require a local match.

SECTION II. That the mayor is authorized to execute any and all documents including those necessary and proper to demonstrate the city's compliance with the grant requirements or its provisions necessary to effectuate the purpose of the grant or this resolution.

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Amending Resolution No. 2019-120

To: Board of Mayor and Aldermen
 From: Jeff Fleming, City Manager *JF*

Action Form No.: AF-71-2019
 Work Session: April 1, 2019
 First Reading: N/A

Final Adoption: April 2, 2019
 Staff Work By: Committee
 Presentation By: Steve Hightower

Recommendation:

Approve the Resolution.

Executive Summary:

On March 5, 2019, the Board of Mayor and Aldermen approved the Resolution to Award the Bid to Purchase one (1) 72 Passenger School Bus to Mid-South Bus Center. A copy of the Resolution is attached. Since the action on March 5, 2019, it has been determined that the funds for the purchase was included in Kingsport City School Budget instead of the Fleet Maintenance account referenced and approved in Resolution No.2019-120.

It is recommended that the Board of Mayor and Aldermen approve the Resolution to amend Resolution No. 2019-120 and authorize the purchase of (1) 72 Passenger School Bus to Mid-South Bus Center with funds allocated in Account # 141-7250-831.07-29.

Attachments:

- 1. Resolution
- 2. Resolution No. 2019-120

Funding source appropriate and funds are available: *JF*

	Y	N	O
Adler	—	—	—
Begley	—	—	—
Cooper	—	—	—
George	—	—	—
McIntire	—	—	—
Olterman	—	—	—
Clark	—	—	—

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 2019-120 TO REFLECT THE CORRECT ACCOUNT NUMBER PERTAINING TO THE AWARD OF BID FOR THE PURCHASE OF ONE 72 PASSENGER SCHOOL BUS TO MID-SOUTH BUS CENTER, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, on March 5, 2019, the board approved the bid award for one (1) 72 passenger type 'D' school bus, to Mid-South Bus Center, Inc., for the Kingsport City Schools; and

WHEREAS, since that time, staff has realized an incorrect account number had been used for funding; and

WHEREAS, the city would like amend Resolution No. 2019-120 to reflect the new account number of #141-7250-831.07-29

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That Resolution No. 2019-120 which approved the award of bid of one 72 passenger bus to Mid-South Bus Center, Inc., is amended by changing the account number for funding to #141-7250-831.07-29, and that no other provision of the resolution has changed and it is still in full effect and hereby ratified.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 2nd day of April, 2019.

JOHN CLARK, MAYOR

ATTEST:

SIDNEY H. COX, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

RESOLUTION NO. 2019-120

A RESOLUTION AWARDING THE BID FOR THE PURCHASE OF ONE 72 PASSENGER SCHOOL BUS TO MID-SOUTH BUS CENTER, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

WHEREAS, bids were opened January 31, 2019, for the purchase of one (1) 72 passenger type 'D' school bus, for the Kingsport City Schools; and

WHEREAS, the city accepted Option A – Additional Hard Drive for Recording System, for an additional amount of \$2,230.00 to be added to the total; and

WHEREAS, the city will not receive a trade-in allowance. This unit is a new addition to the Fleet; and

WHEREAS, upon review of the bids, the board finds Mid-South Bus Center, Inc. is the lowest responsible compliant bidder meeting specifications for the particular grade or class of material, work or service desired and is in the best interest and advantage to the city, and the City of Kingsport desires to purchase one (1) Thomas Saf-T-Liner EFX1318S 72 passenger type 'D' school bus, with option A – Additional Hard Drive for Recording System for the bus from Mid-South Bus Center, Inc., at a total purchase cost of \$106,662.00, which includes the option addition of \$2,230.00; and,

WHEREAS, funding is identified in account #51150085019010.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the bid for the purchase of one (1) Thomas Saf-T-Liner EFX1318S 72 passenger type 'D' school bus, with Option A – Additional Hard Drive for the Recording System for the bus at a total purchase cost of \$106,662.00, which addition of \$2,230.00, is awarded to Mid-South Bus Center, Inc., and the city manager is authorized to execute a purchase order for same.

SECTION II. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

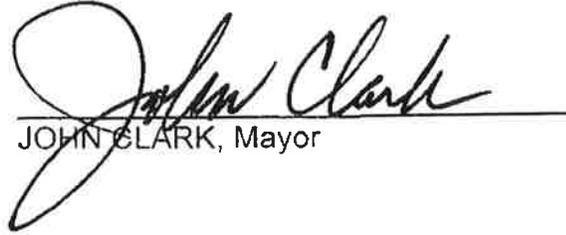
SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 5th day of March, 2019.

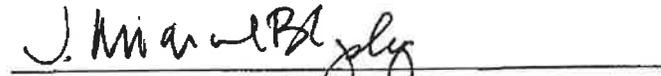
ATTEST:


ANGELA MARSHALL
Deputy City Recorder




JOHN CLARK, Mayor

APPROVED AS TO FORM:


J. MICHAEL BILLINGSLEY, City Attorney