

AN ORDINANCE TO AUTHORIZE AND APPROVE A ONE-YEAR EXTENSION OF CONTRACT 20037FD BETWEEN THE CITY OF WILMINGTON AND CITY TOWING SERVICES, LLC FOR THE PROVISION OF TOWING AND IMPOUNDING OF VEHICLES

#4870

Sponsor:

Council
Member
Adams

Co-Sponsor:

Council
President
Shabazz

WHEREAS, pursuant to Section 2-308 and Section 8-200 of the City Charter, the City of Wilmington is authorized to enter into contracts for the supply of personal property or the rendering of services for a period of more than one year if approved by City Council by ordinance; and

WHEREAS, the City publicly advertised the specifications for Contract 20037FD – Towing and Impounding of Vehicles (the “Contract”) – in accordance with the requirements of Section 8-200 of the City Charter, and subsequently awarded the Contract, a copy of which is available for review in the Department of Finance, Procurement Division, to City Towing Services, LLC (the “Contractor”), the lowest responsible bidder; and

WHEREAS, the Contract’s term is from December 1, 2019 to November 30, 2020, at a price of zero dollars (\$0.00); and

WHEREAS, in early 2020, the Centers for Disease Control and Prevention designated the Coronavirus Disease 2019 (“COVID-19”) as a serious public health threat, and, therefore, social distancing is required to help mitigate exposure to (and community spread of) COVID-19; and

WHEREAS, the Governor of the State of Delaware declared a State of Emergency for the State of Delaware (“Delaware Emergency Declaration”) on March 13, 2020 due to the ongoing serious public health threat that COVID-19 poses, which has subsequently been modified and extended; and

WHEREAS, the Mayor of the City of Wilmington declared a State of Emergency for the City of Wilmington (the “City Emergency Declaration” and collectively with the

Delaware Emergency Declaration, the “Emergency Declarations”) on March 13, 2020 in connection with COVID-19, which has subsequently been modified and extended; and

WHEREAS, because of the Emergency Declarations, the City stopped booting and towing vehicles for the majority of the calendar year 2020; and

WHEREAS, because of the City’s aforementioned actions, the Contractor did not have the opportunity to perform under the Contract for the majority of the calendar year 2020; and

WHEREAS, in order to (i) provide the Contractor with the opportunity to perform towing services for the City, (ii) provide continuity of an essential service, (iii) minimize disruption, and (iv) secure an additional year of towing services at no cost to the City, the City would like to enter into an amendment to the Contract (the “Amendment”), which would provide a one-year extension of the Contract on the same terms and at the same price; and

WHEREAS, the cost to the City of the Amendment would be zero dollars (\$0.00); and

WHEREAS, it is the recommendation of the Department of Finance that the City enter into the Amendment.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. The Amendment to the Contract between the City and City Towing Services, LLC, a copy of which is attached hereto as Exhibit “A”, for a one-year extension of the Contract, at the same cost of zero dollars (\$0.00) and on the same terms, is hereby approved, and the Mayor, or his designee, is hereby authorized to execute as many copies of

the Amendment, as well as to take all additional undertakings related thereto, as may be necessary.

SECTION 2. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... October 15, 2020
Second Reading..... October 15, 2020
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2020.

Mayor

SYNOPSIS: This Ordinance authorizes the City to enter into an amendment to Contract 20037FD - Towing and Impounding of Vehicles (the "Contract") - between the City and City Towing Services, LLC to extend the Contract for one (1) year from December 1, 2020 through November 30, 2021 on the same terms and at the same cost.

FISCAL IMPACT STATEMENT: There is no fiscal impact to the City because the cost of the Amendment to the City is zero dollars (\$0.00).

W0112236

EXHIBIT A

**AMENDMENT TO CONTRACT 20037FD
(TOWING AND IMPOUNDING OF VEHICLES)
BETWEEN THE CITY OF WILMINGTON AND CITY TOWING SERVICES LLC**

This amendment (this "Amendment") is entered into this _____ day of _____ 2020 by and between the City of Wilmington, a municipal corporation of the State of Delaware, (the "City") and City Towing Services LLC (the "Contractor").

WHEREAS, the City and the Contractor wish to amend Contract 20037FD (Towing and Impounding of Vehicles) (the "Contract") between the parties dated November 25, 2019 to extend the expiration date of the Contract for one year to allow the Contractor to continue to provide towing & impounding services to the City in accordance with the terms of this Amendment and the Contract.

NOW, THEREFORE, WITNESSETH the City and the Contractor hereby agree as follows:

1. The Contractor shall continue to provide towing & impounding services to the City in accordance with the Contract's specifications and other requirements.
2. There is no cost to the City for the Contractor's aforementioned services.
3. The term of this Amendment shall be from December 1, 2020 through November 30, 2021.
4. All other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties, through their duly authorized representatives, have executed this Amendment to the Contract on the date first written above.

THE CITY OF WILMINGTON

WITNESS: _____

By:
Title:

CITY TOWING SERVICES LLC

WITNESS: _____

By:
Title: