



## Legislation Text

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**File #:** 16-0027, **Version:** 1

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**DATE:** January 6, 2016

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Russell Truell, Assistant City Administrator / CFO  
Lisa Clayton, Parks Director  
Brian Wilcox, Purchasing Manager

**SUBJECT:**

Report of execution of contract with Charlie Irwin Painting, LLC of Franklin, Tennessee, in the total lump-sum amount of \$78,836 for improvements to the shelter at the City's Bicentennial Park for the Parks Department (Purchasing Office Procurement Solicitation No. 2016-013; Contract No. 2015-0377)

**Purpose**

The purpose of this procurement is to purchase improvements to the shelter at the City's Bicentennial Park. This project includes removal and abatement of any existing lead-based paint and asbestos on interior and exterior of shelter; pressure washing of entire framing under roof and flooring; sandblasting all steel columns; and painting all steel framing including columns under roof.

**Background**

The Board of Mayor and Aldermen voted on December 8, 2015 to approve the recommended award as a result of the competitive bidding process recently conducted by the City. Staff has now finalized, and the City Administrator has now executed, the procurement agreement to memorialize this award.

It is worth noting that an attachment (no. 4) to this procurement agreement is the form of the paint manufacturer's product warranty (which, upon execution after completion of the project, would become a separate contract - CoF Contract No. 2015-0392). The Law Department is not able to approve the product warranty (CoF Contract No. 2015-0392) as to form due to the following two objections:

- In subsection 7.2 (limitation of liability), the paint manufacturer declined to add "but only to the extent permissible by Tennessee law" at the end of this provision, as had been requested by CoF Law; and
- In section 12 ("Governing Law"), the paint manufacturer declined deleting this section which states that the warranty "shall be interpreted and construed under and in accordance with the laws of the Commonwealth of Pennsylvania."

Because the product warranty is an attachment to the procurement agreement (CoF Contract No. 2015-0377), the Law Department is also not able to approve the procurement agreement as to form.

**Financial Impact**

The financial impact of the recommended award was considered by the Board of Mayor and Aldermen within the context of considering the recommendation to award the procurement to the contractor identified above, and has not changed.

**Recommendation**

Staff recommends that the Board of Mayor and Aldermen acknowledge receipt of this report of execution of a contract with Charlie Irwin Painting, LLC of Franklin, Tennessee, in the total lump-sum amount of \$78,836 for improvements to the shelter at the City's Bicentennial Park for the Parks Department.