

MEMORANDUM

TO: Honorable Members of the Board of Aldermen
FROM: Annie Connor, Legislative Liaison, Mayor's Office
RE: Implementation of the Ordinance to Protect Vulnerable Road Users
DATE: January 11, 2018

Under the city's new Ordinance to Safeguard Vulnerable Road Users, Chapter 12, Article VII, (the "sideguard ordinance"), different types of contracts for goods or services present varying levels of difficulty when it comes to implementation.

The Somerville Avenue Utilities bid package, which was released on December 15, 2017, presented a particularly challenging set of circumstances in this regard. This project includes a considerable number contractors and subcontractors whose trucks will be used for a wide range of purposes during the project. Some trucks, for example, will be coming from out of state for one day to drop off materials. Other trucks will be making multiple trips to the construction site for the duration of the project. In addition to this range of purposes, the ownership status of the trucks can vary since some contractors lease their trucks while others own them outright.

For these reasons, implementing the requirements of the ordinance for this contract presented a logistical challenge. But instead of simply waiving the requirements for all of the contractors for the entire project, the purchasing department, the fleet division, the solicitor's office and the capital projects department did their due diligence to determine which types of contractors and trucks within this project could be held accountable to these requirements. The attached partial waiver and acknowledgement of the ordinance requirements is the result of these collaborative efforts among the departments. This form was included in the bid package, along with an informational flyer and instructions on how to schedule inspections with the fleet division. See attached.

In addition, in order to ensure that similar types of bids are treated similarly in the future, the following rule was drafted and approved by OSPCD pursuant to section 12-125(c) of the ordinance:

For procurement purposes, the City may issue a waiver, in whole or in part, with or without conditions, if based on a reasonable investigation, the Fleet Division and Purchasing Department both determine that extenuating circumstances exist.

Please contact me with any questions.