

BILL NO.: 4727

ORDINANCE NO.: _____

Introduced by: Council Present

**AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, AUTHORIZING THE
MAYOR TO EXECUTE THE ATTACHED LEO M. ELLEBRACHT COMPANY
AGREEMENT FOR PERSONAL PROTECTIVE EQUIPMENT**

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1. The Mayor is hereby authorized to enter into and execute the attached Leo M. Ellebracht Company Agreement for personal protective equipment for structural firefighting 2019 according to Bid #888.

Section 2. The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

1st Reading this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2019

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___

STANDARD
PROJECT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2019, by and between Leo M. Ellebracht Company; 1000 Corporate Parkway, Suite 101; Wentzville, MO 63385. (A corporation organized and existing under the laws of the State of Missouri) hereinafter called the "CONTRACTOR" and The City of Berkeley, Missouri.

WITNESSETH, that the Contractor and the City of Berkeley, Missouri for the considerations stated herein agree as follows:

STATEMENT OF WORK: The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, services, materials, supplies, etc. needed to perform and complete all work required for the **BID # 888 "Personal Protective Equipment"**, and any and all required supplemental work for completion of the project in accordance with the Plans, Specifications, and all Contract Documents.

The City of Berkeley will pay the Contractor for the performance of the contract in current funds, for the total quantities of work performed at the unit prices stipulated on the attached bid for the several respective items of work completed subject to additions and deductions mutually agreed upon by both parties of this agreement.

Payments will be made within 30 days after the City approves the final inspection of the project, and the contractor submits a final invoice. The final invoice shall not be deemed as received until after the City approves the completion of the project.

CONTRACT: The executed Contract documents consist of all documents furnished to each bidder and the successful Contractor for this project.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in two (2) original copies on the day and year first above written.

Contractor: **Leo M. Ellebracht Company**

City of Berkeley, Missouri

By: _____

By: _____

Title: _____

Title: Mayor

Street: _____

Street: 8425 Airport Road

City: _____

City: Berkeley, MO 63134

Attest:

Attest:

By: _____

By: _____

Title: _____


Title: _____

MEMORANDUM



TO: Honorable Mayor Theodore Hoskins &
Honorable City Council Members

THRU: Debra Irvin, City Manager

FROM: Fire Chief  James Linhardt, Berkeley Fire Department

DATE: August 13, 2019

SUBJECT: Bid No. 888 – Personal Protective Equipment for Firefighting

Recommendation: The Fire Department has reviewed all aspects contained in all the Firefighter Personal Protective Equipment bids received from three vendors. The bid that was received from Leo M. Ellebracht Company adhered to the Berkeley Fire Department specifications completely with **zero** exceptions and is NFPA 1971 compliant. The other two vendors both made exceptions to our specifications. Banner Fire made **five** exceptions and Sentinel Fire equipment made **nine** exceptions to the specifications. All gear will be custom fit for each firefighter and delivered within forty-five to fifty days from the contract award date.

Background: The City of Berkeley posted a Request for Proposals for Protective Gear Equipment. This gear would replace our alternate set of gear that has reached the end of its service life per NFPA 1851. The alternate set of gear is at or exceeds the maximum life span of ten years. The fire department clothing committee was established and met with several vendors and decided on minimum requirements and detailed specifications for the proposed firefighter turnout gear. Unanimously the committee produced the set of specifications that were sent out to vendors for an opportunity to bid. The city on behalf of the fire department received only one bid that met the department's specifications. This equipment is utilized by the firefighters on a daily basis, and their ability to function effective and safely depends on quality equipment. Each firefighter will receive a complete set of new turnout gear consisting of a coat, pants, boots, suspenders, helmet, firefighting hood and gloves. Finally the fire department has the legal right to specify the safety gear based on the following:

The Fire Department (for the remainder of this section referred to as the “specifier”) chooses to exercise its Legal Right to Specify as determined by the U.S. Supreme Court’s affirmation of the decision handed down in the case of Whitten Corp. vs. Paddock, by the U.S. District Court of Massachusetts, the First Federal District Court, which in effect states: 1) That as trained professionals, specifiers make informed judgments on products that they feel best serve their needs. Also, that proprietary specifications (if chosen) DO NOT violate any antitrust laws. Technically, very few brands of material or equipment are exactly alike, and if the specifier wants to limit the specification to one source, he/she has the right to do so and enforce it. 2) Only the specifier has the responsibility and judgment for determining whether a proposed substitution is an “or equal”. 3) That from start to finish in the purchasing process, only the specifier can ultimately decide if another desirable product is available in lieu of the specification. 4) Finally, that the courts concluded “the burden is on the supplier or manufacturer, who has NOT been specified, to convince the specifier that their product is equal for the purpose of a particular project”. The specifier has determined that this product specification shall represent the product to which all offerings shall be compared. Due to the fact that firefighting is an ULTRAHAZARDOUS, UNAVOIDABLY DANGEROUS activity, only trained Fire Department personnel with specific knowledge in the area of Personal Protective Equipment shall be allowed to make the final determining decision on the selection of the appropriate product to serve the Fire Department’s needs.

Supporting Documents: See attached bid package and bid.

Potential Objection: None foreseen as adequate funds are available in the fire department equipment line item.

Staff Reference: If you have any questions please feel free to contact me at (314) 400.3602 or email Linhardt@ci.berkeley.mo.us or Captain Reginald Sankey at (314) 400.3602 or email Sankey@ci.berkeley.mo.us

Evaluation of Personal Protective Equipment Bids

The turnout gear bid that was received from Banner Fire came in lowest bid. The product bid was for Globe entry level gear which is the lowest cost gear they offer. It is not the same gear that they had brought in for evaluation prior to the bid. They only took exception to five of the fire department specifications, however they did not meet the fire department specifications in at least ten areas that the Honeywell Morning Pride gear did meet. The uniform committee met and discussed this and found the lower priced gear was compliant to our specs in many areas. The bid that was selected is the Morning Pride gear from the Leo M. Ellebracht Company. These are the areas where the Globe gear did not meet specifications.

10.0 Sizing.

The custom sizing increments for fitting the gear to the firefighter are larger increments than the specifications. Particularly important are coat sleeves in .5 inch increments (versus 1 inch) which is important in making sure the sleeve length protects the area between the glove and the sleeve without being too long which makes it bulky and heavier or too short which allows for burns on the wrist. Pant inseam increments of 1 inch (versus 2 inches) are important in making sure the pant length is long enough to protect when crawling while not being so long that the back of the leg gets walked on and worn out. Custom fitting of the coat in the shoulders with tapering to the waist or flaring to the waist, depending on the body style, is important to have proper fit without having excess material that leads to firefighter stress. Proper fit facilitates mobility and minimizes stress.

13.0 Stitch Methods.

13.1 Major A & B Seams (as defined by NFPA 1971) are double stitched, double feld throughout all three layers (outer shell, moisture barrier and thermal liner) and shall be made with Nomex thread, minimum Tex size T-90. The Globe gear bid does not meet the requirement for double stitched, double feld throughout and the minimum T-90 thread. This is important for durability of the gear. The fire department has experienced very good performance in terms of durability of the current Morning Pride gear. Repairs, which used to be common with seams, have been eliminated with the double stitched, double feld construction.

24.0 Design Concept.

The Globe gear bid does not meet the requirement for continuous and unbroken moisture barrier and thermal liner protection from the collar seam to the hem at the bottom of the coat tail. The moisture barrier also is not extended into all the areas of the coat body and sleeve. The Morning Pride gear has continuous protection with outer shell, moisture barrier and thermal liner overlap at coat facings, collar linings and pant fly to give uninterrupted protection.

26.0 Patterning Requirements

The design of the sleeves, called Kinetic Cut, allows for full range of motion of the arms from the side to above the head with minimal rise in the coat, allowing for less material length required in the coat, minimizing firefighter stress when working, especially when working overhead.

Forward flex sleeve eliminates undesirable sleeve retraction when reaching up or forward.

27.0 Drag Rescue Device (DRD)

Globe DRD is not articulating as specified and is more difficult to install after cleaning the coat. The Morning Pride DRD is simple to install and articulates.

32.0 Chin Strap

Globe chin strap does not meet the specifications.

35.0 Inner Wristlet & Waterwell

The Globe design of the inner wristlet and waterwell forms a waterwell that retains water when the arms are overhead. The specifications call for the water well to be attached to the moisture barrier to channel the water when the arms are overhead down between the moisture barrier and the outer shell to the ground.

39.0 Custom Coat Options to Be Provided

Morning Pride design uses dead air panels on the shoulders which provides for better heat compression protection and insulation with minimal weight and allows for breathability to get heat out from the body. Globe uses a thermal cape that adds weight and retains body heat.

Hand warmer pockets on Morning Pride have fleece lining on both sides versus just one side.

41.0 Patterning Concept (Pants)

All three layers of the garment are patterned the same with the Morning Pride gear. The over-sized diamond pattern in the crotch area provides for maximum action stride and optimum stepping reach. There are no seams in the crotch area. Design provides for full range of motion.

49.0

Pant Custom Options to Be Provided

Morning Pride Angled Cuffs provide for full coverage while eliminating stepping on the pant at the heel. The Globe bid does not provide for fitting the pant length with 1" increments (they are 2" increments) and does not have the angled cuffs which means that sizing the pant length for each individual firefighter cannot be as exact.

Morning Pride BiFlex Heat Channel knees design allows for maximum flexibility in the knee area while providing padding and thermal protection for the knee when crawling. Globe bid does not provide the flexibility with the thermal protection.

Telescoping Particulate Shield in the pant legs provides for protection from cancer-causing materials to enter the pant while providing for maximum flexibility of the pant leg, not riding up the leg when bending or crawling.



James Linhardt

Fire Chief

**Leo M. Ellebracht
Company**

*Everything for
Firefighting*

1000 Corporate Parkway
Suite 101
Wentzville, MO 63385

Telephone 636-332-6985
Fax 636-332-8046
Toll Free 800-325-8509

August 2, 2019

**BID 888 PERSONAL PROTECTIVE EQUIPMENT FOR
STRUCTURAL FIREFIGHTING 2019**

We are pleased to provide you with the attached bid for personal protective equipment.

- Twenty-five (25) sets of Honeywell Morning Pride Coats and Pants per Berkeley Fire Department Specifications
- Twenty-five (25) Cairns 1044 Defender Traditional Helmets per Berkeley Fire Department Specifications; Black, Red or White Color
- Twenty-five (25) pair of Haix Fire Eagle Air Leather Structural Firefighter Boots per Berkeley Fire Department Specifications
- Twenty-five (25) pair TechTrade ProTech Fusion Pro Gloves per Berkeley Fire Department Specifications
- Twenty-five (25) Honeywell Carbon Kevlar Mask Mate Square Bib Firefighting Hoods per Berkeley Fire Department Specifications

Bid pricing is good if ordered by August 31, 2019. Second year pricing is good until August 31, 2020. Third year pricing is good until August 31, 2021. Pricing includes free shipping during the contract period for all items.

Delivery will be within 45 to 50 days after receipt of orders.

Pricing includes individually sizing the personal protective equipment and delivery to the fire department.

If there are any questions on this bid, please do not hesitate to contact me.

Thank you for the opportunity to quote on your requirements.

Sincerely,



Lloyd A. De Wald
Sales Representative

BID NO. 888 "PERSONAL PROTECTIVE EQUIPMENT FOR STRUCTURAL FIREFIGHTING" was opened and read as follows:

Signed: <u>Sheila Swinney</u>	Title: <u>Contract Specialist</u>
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Pg.No.	Item Description						
5	BID FORM	X				X	
6	PROJECT AGREEMENT	X				X	
7-8	SPECIFICATION-GENERAL INSTRUCTIONS TO BIDDERS						
9	AFFIRMATIVE ACTION STATEMENT	X				X	
10	AFFIRMATIVE ACTION/PRIME VENDOR QUESTIONNAIRE	X				X	
11	EXHIBIT- AFFIDAVIT OF WORK AUTHORIZATION	X				X	
	DETAILED TECHNICAL SPECIFICATIONS	X				X	
	Total Bid	\$80,224.20				\$75,037.50	\$79,100.00
	NO. of Copies	4				4	4

LEO M. ELLEBRACH

City of Berkeley Fire Department Bid Form

25 Structural Firefighting Coats	\$ <u>1459</u> each. Extended \$ <u>36,475</u>
25 Structural Firefighting Pants	\$ <u>1025</u> each. Extended \$ <u>25,625</u>
25 Structural Firefighting Traditional Helmets	\$ <u>240</u> each. Extended \$ <u>6,000</u>
25 Pairs Structural Firefighting Leather Boots	\$ <u>330</u> each. Extended \$ <u>8,250</u>
25 Pairs Structural Firefighting Gloves	\$ <u>65</u> each. Extended \$ <u>1,625</u>
25 Structural Firefighting Hoods	\$ <u>45</u> each. Extended \$ <u>1,125</u>

TOTAL BID PRICE FOR 25 SETS: \$ 79,100

Bid price is good for orders placed by August 31, 2019

SECOND YEAR PRICING:

Add 5% to bid price. Second year pricing is good from Sept. 1, 2019 to August 31, 2020

THIRD YEAR PRICING:

Add 5% to second year pricing. Second year pricing is good from Sept. 1, 2020 to August 31, 2021.

BANNER FIRE

City of Berkeley Fire Department Bid Form

25 Structural Firefighting Coats \$ 1482⁰⁰ each. Extended \$ 37,050⁰⁰

25 Structural Firefighting Pants \$ 910⁰⁰ each. Extended \$ 22,750⁰⁰

25 Structural Firefighting Traditional Helmets \$ 239⁰⁰ each. Extended \$ 5,975.00

25 Pairs Structural Firefighting Leather Boots \$ 265⁰⁰ each. Extended \$ 6,625.00

25 Pairs Structural Firefighting Gloves \$ 71⁰⁰ each. Extended \$ 1,775.00

25 Structural Firefighting Hoods \$ 34.50 each. Extended \$ 862.50

TOTAL BID PRICE FOR 25 SETS: \$ 75,037.50

SECOND YEAR PRICING:

(25) Structural Firefighting Coats	\$ 1570 ⁰⁰
(25) Structural Firefighting Pants	\$ 965 ⁰⁰
(25) Structural Firefighting Traditional Helmets	\$ 249 ⁰⁰
(25) Pr. Structural firefighting leather boots	\$ 275 ⁰⁰
(25) Pr. Structural firefighting Gloves	\$ 73 ⁰⁰
(25) Structural firefighting Hoods	\$ 35.99

THIRD YEAR PRICING:

(25) Structural Firefighting Coats	\$ 1664 ⁰⁰
(25) Structural Firefighting Pants	\$ 1022 ⁰⁰
(25) Structural Firefighting traditional Helmets	\$ 260 ⁰⁰
(25) Pr. Structural Firefighting Leather Boots	\$ 286 ⁰⁰
(25) Pr. Structural Firefighting Gloves	\$ 75 ⁰⁰
(25) Structural Firefighting Hoods	\$ 38 ⁰⁰

SENTINEL FIRE

City of Berkeley Fire Department Bid Form

25 Structural Firefighting Coats	\$ <u>2575.08</u> each. Extended \$ <u>64377.00</u>
25 Structural Firefighting Pants	\$ <u>-----</u> each. Extended \$ <u>-----</u>
25 Structural Firefighting Traditional Helmets	\$ <u>223.65</u> each. Extended \$ <u>5591.30</u>
25 Pairs Structural Firefighting Leather Boots	\$ <u>285.00</u> each. Extended \$ <u>7125.00</u>
25 Pairs Structural Firefighting Gloves	\$ <u>80.13</u> each. Extended \$ <u>2003.30</u>
25 Structural Firefighting Hoods	\$ <u>45.11</u> each. Extended \$ <u>1127.70</u>

TOTAL BID PRICE FOR 25 SETS: \$ 80,224.20

SECOND YEAR PRICING:

** Structural gear will NOT increase by more than 5% starting March 1, 2020 through Feb 1, 2021.

THIRD YEAR PRICING:

** Structural gear will NOT increase by more than 5% starting March 1, 2021 through Feb 1, 2022.

LEO M. ELLERBACH

Dyna-Fit Suspenders w/ Snap Attach & Metal Quick Adjust Installed
Dyna-Fit w/ 2 tone lime Scotchlite trim
Suspender Padding
Telescoping Particulate Shield

Does Your Bid Comply With All Aspects Of This Section? Yes ☒ No ☐

OPTION PRICING:

Provide option pricing for the following option specified for the pants:

Delete the Telescoping Particulate Shield Deduct \$22.00 per pant.

PERCENTAGE SPECIFICATION COMPLIANCE CALCULATIONS

	Total Number "Yes/No" Questions	59	
	Total Number of Yes Answers	59	
	Total Number of No Answers	0	
% Specification Compliance: $[(\text{Total Yes Answers}) \div (\text{Total Answers})] \times 100\%$		100	%
Each "No" answer requires a full written explanation. Each "Yes/No" question not checked where provided will be considered a "No" answer.			

HELMET, BOOTS, GLOVES, AND HOODS

Cairns 1044 Defender Traditional Fire Helmet

Haix Fire Eagle Air Leather Structural Firefighter Boots or equivalent

TechTrade ProTech Fusion Pro Gloves Style # PT.8 SC or equivalent

Honeywell Carbon Kevlar Mask Mate Square Bib Firefighting Hood, Black Model HD-NLNL-SQ-B or equivalent

BANNER

Dyna-Fit Suspenders w/ Snap Attach & Metal Quick Adjust Installed
Dyna-Fit w/ 2 tone lime Scotchlite trim
Suspender Padding
Telescoping Particulate Shield

Does Your Bid Comply With All Aspects Of This Section? Yes ☐ No ☒

OPTION PRICING:

Provide option pricing for the following option specified for the pants:

Delete the Telescoping Particulate Shield

PERCENTAGE SPECIFICATION COMPLIANCE CALCULATIONS

	Total Number "Yes/No" Questions	6059	
	Total Number of Yes Answers	5854	
	Total Number of No Answers	5	
% Specification Compliance: $[(\text{Total Yes Answers}) \div (\text{Total Answers})] \times 100\%$		98	%
Each "No" answer requires a full written explanation. Each "Yes/No" question not checked where provided will be considered a "No" answer.			

HELMET, BOOTS, GLOVES, AND HOODS

Cairns 1044 Defender Traditional Fire Helmet

Haix Fire Eagle Air Leather Structural Firefighter Boots or equivalent

TechTrade ProTech Fusion Pro Gloves Style # PT.8 SC or equivalent

Honeywell Carbon Kevlar Mask Mate Square Bib Firefighting Hood, Black Model HD-NLNL-SQ-B or equivalent

SENTINEL

Dyna-Fit Suspenders w/ Snap Attach & Metal Quick Adjust Installed
Dyna-Fit w/ 2 tone lime Scotchlite trim
Suspender Padding
Telescoping Particulate Shield

Does Your Bid Comply With All Aspects Of This Section? Yes ☒ No ☐

OPTION PRICING:

Provide option pricing for the following option specified for the pants:

Delete the Telescoping Particulate Shield

PERCENTAGE SPECIFICATION COMPLIANCE CALCULATIONS

	Total Number "Yes/No" Questions	6059	
	Total Number of Yes Answers	5150	
	Total Number of No Answers	9	
% Specification Compliance: $[(\text{Total Yes Answers}) \div (\text{Total Answers})] \times 100\%$		85	%
Each "No" answer requires a full written explanation. Each "Yes/No" question not checked where provided will be considered a "No" answer.			

HELMET, BOOTS, GLOVES, AND HOODS

Cairns 1044 Defender Traditional Fire Helmet

Haix Fire Eagle Air Leather Structural Firefighter Boots or equivalent

TechTrade ProTech Fusion Pro Gloves Style # PT.8 SC or equivalent

Honeywell Carbon Kevlar Mask Mate Square Bib Firefighting Hood, Black Model HD-NLNL-SQ-B or equivalent