



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 | (305) 809-3700

MEMORANDUM

To: Mark Finigan

From: John Paul Castro

Date: 2/3/2016

Reference: Brand Determination for Toter, LLC carts

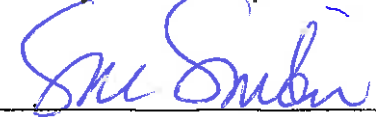
Pursuant to purchasing Code 2-844 relating to Brand Name Specifications, "Since use of a brand name specification is restrictive of product competition, it may be used only when the purchasing agent makes a written determination that only the identified brand name item will satisfy the City's needs."

Additionally, "The Purchasing Agent shall seek to identify sources from which the designated brand name item can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under the sole source procurement provisions of section 2-797".

In this case Toter, LLC was chosen due to their carts being constructed of medium density polyethylene opposed to high density polyethylene giving the cart more give on impact which lessens the chance of breakage. The carts are made by rotation molding unlike any other cart. The carts can nest (stack) 6 high when assembled saving considerable storage area and making distribution much more efficient. The marble color option is much more attractive than its competitors.

Purchasing Code 2-797 (1) b. states, "A contract may be awarded without competition when the department head makes a written determination and the purchasing agent verifies that, after conducting a good faith review of available sources, there is only one source for the required commodity or contractual service."

After a good faith review, this confirms that Toter, LLC is the only authorized vendor for Toter products. There is no distribution chain or resellers of Toter products, they are only sold factory direct. The price received has been determined to be fair and reasonable.

  
Sue Snider, Purchasing Agent

2/3/16  
Date

  
Mark Finigan, Finance Director

2/3/16  
Date