DATE: January 8, 2019

TO: City Council

FROM: Rosemarie Gaglione
Public Works Director

SUBJECT: Funding for Purchase of 15 Collection Vehicles (5/5/5)

CONTACT: Rosemarie Gaglione, Public Works Director
rosemarie.gaglione@oxnard.org, (805) 385-8055

RECOMMENDATION:

That City Council:
1. Ratify an appropriation in the amount of $4,847,373 to fund the purchase of fifteen Environmental Resources collection vehicles;
2. Ratify revised Purchase Order No. 6304 to Velocity Truck Center Ventura County in the additional amount of $45,175.12 for additional safety equipment for 12 collection vehicles; and
3. Approve an additional appropriation in the amount of $45,176 to fund the purchase of the additional safety equipment.

BACKGROUND

Ratification of Funds for Collection Vehicle Purchase

On June 6, 2017, the City Council approved Purchase Order Number 6304 in the amount of $4,851,760 for the purchase of ten (10) residential refuse collection vehicles, two (2) commercial (“front-loader”) collection vehicles, and three (3) industrial (“roll-off”) collection vehicles. The City financed the vehicles through a master lease / purchase agreement with Banc of America. The estimated annual interest rate is 3% for a ten (10) year term. The estimated $584,075 payment will be scheduled and budgeted semi-annually through the term of the lease / purchase agreement.

At this time, the vehicles have been received and are being rotated into use. Due to the high value of the trucks and the fact that they are in use by the City, staff determined it necessary to
pay the vendor for the equipment. The City Council had been told in two separate staff reports
the Banc of America line of credit would be used for large equipment purchases and then
specifically for the purchase of collection vehicles; however, the City Council has taken no
formal action to appropriate the funds. To rectify these actions, staff requests that the Council
ratify the appropriation of funds from the Banc of America line of credit. Please note that staff
negotiated a discount of $4,386.95, so the appropriation request is for $4,847,373 rather than the
original purchase order amount of $4,851,760.

Ratification of Purchase Order for Additional Safety Equipment

During the initial assembly process, staff recognized that additional items would be required to
make the vehicles compatible with existing Environmental Resources Division safety systems
and satisfy data recording requirements for public agencies. These items included: one (1)
Digital Video Recording (DVR) device per vehicle; one (1) visual backup light for the hearing
impaired per vehicle; and two (2) additional cameras to ensure 360-degree coverage for each
front-loader and residential vehicle.

In a similar situation, in fiscal year 2015-16, five (5) CNG collection vehicles had been ordered
and received to initiate the planned conversion of the ER collection fleet from diesel to CNG.
After delivery of these vehicles, the same safety and data storage items were added by an outside
vendor. Because these items were added after delivery, the process expended additional time and
staff resources and resulted in higher costs. In the current situation, staff opted to add the safety
and data storage items during production to prevent these higher costs; however, staff did not
properly follow the purchasing policy. To rectify this, staff requests that the City Council ratify
the amended purchase order, which adds $45,175.12 for the additional safety equipment.

Appropriate funds for the Additional Safety Equipment

Staff requests that the Council approve a total appropriation in the amount of $45,175.12 to
Environmental Resources accounts 634-6307-891.86-06 (Residential) in the amount of
$35,604.60 and 634-6308-891.86-06 (Commercial Front-Loader) in the amount of $9,570.52
through the Environmental Resources Debt Fund (634) in order to complete the payment to the
vendor, Velocity Truck Center, for the additional safety equipment.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans
adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

1. Ratification of recommendation 1 will require an appropriation in the amount of
$4,847,373 from the line of credit by Banc of America. The funding will be recorded in
the Environmental Resources Debt Fund (634) for the cost of the Residential vehicles
(account 634-6307-891.86-06), cost of Commercial Front-Loader (account 634-6308-891.86-06), and cost of Industrial Roll-off (account 634-6308-891.86-06).

2. Ratification of recommendation 2 and approval of recommendation 3 will authorize an additional appropriation in the amount of $45,176 from the line of credit by Banc of America for additional equipment for 12 collection vehicles.

3. Current ratepayer rates will be sufficient to cover the annual lease/purchase expense of approximately $584,075 and will be budgeted annually for ten (10) years. The FY18-19 budget includes funding for year one of the debt payment.

4. The vehicles will be purchased at the end of the lease for $1.00, and title of the vehicles will transfer to the City of Oxnard.

Prepared by the Finance and Public Works Departments

ATTACHMENTS:

Attachment A - BA
Attachment B - PO 6304 REVISED
Attachment C - Staff Report, June 6 2017
REQUEST FOR BUDGET APPROPRIATION

Department: PW - Environmental Resources  Date: November 27, 2018
Project/Program  
Manager: Todd Housley  Phone: 385-7957

Reason for Appropriation:
To appropriate funds for the purchase of 15 collection vehicles from Bank of America line of credit

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Net Change to Fund Balance  (4,892,549)

Net Appropriation Change  (4,892,549)

Approvals
Department Director
Chief Financial Officer
City Manager

REQUIRES CITY COUNCIL AUTHORIZATION
PURCHASE ORDER
CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

DATE: 10/25/2018

PROGRAM: ENVIRONMENTAL RESOURCES
DEL NORTE RECYCLING CTR.
111 DEL NORTE BLVD.
OXNARD, CA 93030

OUR P.O. # MUST APPEAR ON ALL INVOICES, PACKAGES AND CORRESPONDENCE

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<td>MARISELA HART</td>
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THIS PURCHASE SHALL BE FINANCED THROUGH A THIRD PARTY LEASING COMPANY. THIS THIRD PARTY ARRANGEMENT SHALL NOT AFFECT THE CONTRACTUAL

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard
PURCHASE ORDER
CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

DATE: 10/25/2018

VENDOR PHONE: (562)447-1260
VENDOR FAX: ( ) -
VENDOR #: 19164
VENDOR ADDRESS: VELOCITY TRUCK CENTER OF VC
P.O. BOX 101284
PASADENA, CA 91189-1284

SHIP TO: ENVIRONMENTAL RESOURCES
DEL NORTE RECYCLING CTR.
111 DEL NORTE BLVD.
OXNARD, CA 93030

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RELATIONSHIP BETWEEN THE CITY AND YOUR FIRM.
BECAUSE OF THE THIRD PARTY FINANCING, THE AMOUNT
INDICATED IN THE "AMOUNT" COLUMN REFLECTS ONLY
AMOUNTS DUE TO YOUR COMPANY DIRECTLY FROM THE
CITY. THE CITY GENERALLY FINANCES 100% OF THE COST
AND THEREFORE, THIS AMOUNT IS USUALLY $0.00.
LIEN HOLDER:
BANC OF AMERICA PUBLIC CAPTIAL CORP
ATTN: EILEEN HARWELL
2059 NORTHLAKE PARKWAY, 4TH FLOOR
TUCKER, GA 30084
EMAIL: EILEEN.HARWELL@BAML.COM
PAYMENT TERMS - FOR CALCULATING DUE DATES FOR
PAYMENT TERMS, THE CITY WILL USE EITHER THE DATE
THE INVOICE IS RECEIVED BY THE CITY OR THE DATE
THE GOODS/SERVICES ARE RECEIVED, WHICHEVER IS
LATER.
NET 30 FOB DESTINATION; PRICE INCLUDES SHIPPING
AND HANDLING. IN THE EVENT OF CONTRADICTION
BETWEEN THE CITY'S AND SELLER'S CONDITIONS, THE
CITY'S TERMS AND CONDITIONS SHALL PREVAIL.
AMOUNT TO BE FINANCED: $4,892,548.17. PG

TOTAL PURCHASE AMOUNT $4,892,548.17

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard
# PURCHASE ORDER

**CITY OF OXNARD**  
300 WEST 3RD STREET  
OXNARD, CA 93030

**PURCHASE ORDER NO.**  
006304

**DATE:** 10/25/2018

**VENDOR PHONE:** (562)447-1260  
**VENDOR FAX:**  
**VENDOR #:** 19164  
**VENDOR ADDRESS:** VELOCITY TRUCK CENTER OF VC  
P.O. BOX 101284  
PASADENA, CA 91189-1284

**SHIP TO:** ENVIRONMENTAL RESOURCES  
DEL NORTE RECYCLING CTR.  
111 DEL NORTE BLVD.  
OXNARD, CA 93030

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In order to receive payment, email all invoices to:  
invoices@oxnard.org

In the subject line, reference the Purchase Order number above.

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AUTHORIZED SIGNATURE. ________________________________

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By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard

Page 3 of 4
PURCHASE ORDERS
TERMS AND CONDITIONS

The City Purchasing Officer and the Vendor agree as follows:

1. Vendor shall furnish to City the labor, materials, equipment, supplies and/or services described in the Purchase Order preceding this page.

2. City shall pay to Vendor the price, or prices, specified in the Purchase Order upon delivery of the labor, materials, equipment, supplies and/or services, and acceptance thereof by the City Purchasing Officer, or upon the completion of the services to be performed and acceptance thereof.

3. If the Purchase Order is continuing in nature, City shall pay to Vendor the amount due Vendor for labor, materials, equipment or supplies furnished, or services completed and accepted.

4. Vendor shall deliver the labor, materials, equipment or supplies, or cause the services to be performed, within the time and in the manner specified in the Purchase Order. Vendor shall be excused in performance for delays resulting from causes beyond the control of Vendor.

5. If services are performed or labor furnished to City under the Purchase Order, Vendor agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, willfulness or acts for which Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor’s behalf would be held strictly liable. Vendor’s obligation to defend shall arise when a claim, demand or action is made or filed, whether or not such claim, demand or action results in a determination of liability or damages as to which Vendor is obligated to indemnify and hold harmless.

6. Insurance
   a) Vendor shall obtain and maintain during the performance of any services under this Agreement the following insurance coverage issued by a company satisfactory to the Risk Manager, unless the Risk Manager waives, in writing, the requirement that Vendor obtain and maintain such insurance coverage.
      i. Commercial general liability insurance, including a contractual liability endorsement, in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability coverage (Occurrence Form CG0001ED, November 1988);
      ii. Business automobile liability insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Auto Liability Insurance Services Office coverage (Occurrence Form CA000TED, June 1992) covering Code No. 1, "any auto";
      iii. Workers’ compensation insurance in compliance with the laws of the State of California, including employer’s liability insurance in an amount not less than $1,000,000 per claimant.

7. Vendor, in the event of any failure or default in the performance of its obligations under this Purchase Order, Vendor shall be considered an independent contractor.

8. Vendor, without the written consent of the City Purchasing Officer, shall not:
   a) Assign the Purchase Order, or any interest therein, or any money due thereunder;
   b) Make any changes, alterations or variations in the terms of the Purchase Order.

9. The cost of inspection on deliveries, or offers to make deliveries that do not meet specifications, will be paid by Vendor or deducted by City from amounts due Vendor.

10. Vendor shall indemnify and hold harmless City, its officers and employees, from liability, claims, loss or expense of any kind or nature on account of any copyrighted or uncopyrighted composition, patented or unpatented process or invention, article or appliance furnished or used under this Purchase Order.

11. Vendor shall comply with all applicable federal, state and local Ordinance, laws and regulations and shall obtain and pay for all required licenses and permits, including a City of Osmond business license.

12. Return or exchange of materials, equipment or supplies will not be permitted without written approval by the City Purchasing Officer.

13. All materials, supplies and equipment furnished under the Purchase Order shall, where applicable, be in full compliance with the Safety Orders and Regulations of the Division of Industrial Safety of the State of California and the Williams-Steiger Federal Occupational Health and Safety Act of 1970.

14. City may terminate this Purchase Order at any time by giving written notice of termination to Vendor. If termination is for cause, termination shall become effective on the date of the notice or at a later date specified in the notice. If termination is without cause, termination shall become effective five days after the date of the notice or at a later date specified in the notice.

15. Vendor shall comply with all applicable equal employment opportunity requirements of the California Department of Fair Employment and Housing in performing or contracting for any services under this Purchase Order.

16. For public projects, Vendor shall pay prevailing wages in accordance with Labor Code Sections 1720 et seq.

ADDITIONAL REQUIREMENTS FOR GRANT-FUNDED PROJECTS

17. The following requirements apply to any Purchase Order funded in whole or in part by federal grant funds.
   a) Upon expiration of the time specified on the reverse side, this Purchase Order shall terminate unless City and Vendor have mutually agreed in writing to an extension of time.
   b) If legal action is brought by either party because the other has failed to comply with terms or conditions of this Purchase Order, the prevailing party shall be awarded its attorney’s fees and costs in addition to its damages and/or equitable relief.
   c) Vendor shall comply with all applicable requirements of Executive Order 11246 as amended by Executive Order 11375 and the regulations adopted pursuant thereto (41 C.F.R. Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin.
   d) Vendor shall assure that the grantee (City), the Federal Grantor Agency, the Comptroller General of the United States, or any duly authorized representative, shall have access to any books, records, documents and papers, specifically relating to this Purchase Order, for the purpose of making audit, examination, excerpts and transcriptions for not less than three years after completion of the project and/or until the completion of the final project audit as required by the Federal Grants Agency.
DATE: June 6, 2017

TO: City Council

FROM: Daniel Rydberg
Public Works Director

SUBJECT: Purchase of 15 Compressed Natural Gas Trucks (5/10/10)

CONTACT: Daniel Rydberg, Public Works Director
Daniel.Rydberg@oxnard.org, 385-8055

RECOMMENDATION:

That City Council approve and authorize the Mayor to execute Purchase Order #6034 in the amount of $4,851,760 for the purchase of ten (10) residential refuse collection vehicles, two (2) commercial ("front-loader") collection vehicles, and three (3) industrial ("roll-off") collection vehicles from Velocity Truck Center.

BACKGROUND

On April 28, 2015 the City Council approved the purchase of five CNG refuse trucks to begin phasing out existing diesel powered trucks that have exceeded their useful life and continue to require an increasing high level of maintenance. The Environmental Resources Division (ER) requests approval to purchase an additional fifteen (15) CNG powered refuse collection trucks to continue the ER fleet upgrade process.

The ER fleet is currently comprised of vehicles with an average age of over 12 years. According to the Organizational Assessment and Audit of Corporate Support, Accountability and Value Systems received by Council on March 17, 2015, many of the vehicles are beyond their prescribed, serviceable life. While safe to operate, down-times and maintenance costs to keep these vehicles on the road safely are continually increasing as the vehicles age.

With the exception of five (5) recently-acquired CNG collection vehicles now in service, the remaining ER collection fleet vehicles are diesel. The cost of diesel fuel can be up to three times as high as CNG fueled vehicles; the exact ratio of diesel to CNG varies with oil prices and
market conditions. Most solid waste, refuse and organic collection agencies in California (public and private) and high-density urban environments nationwide are in the process of converting, or have completely converted their diesel fleets to CNG or other alternative fuel vehicles. This is now recognized as a fundamental Best Management Practice (BMP) in the industry. Further, CNG fuel is a much cleaner alternative to diesel and greatly reduces a vehicle’s effect on the environment by reducing greenhouse emissions by up to 90%. CNG is also domestically produced and its use reduces dependence on foreign oil.

In order to continue the fleet modernization and CNG conversion process, staff evaluated the operational needs after incorporating the five (5) new CNG vehicles into ER’s overall operation. Currently, the vehicles most in need of replacement are ten (10) residential refuse collection vehicles. Additionally, two (2) commercial (“front-loader”) collection vehicles and three (3) industrial (“roll-off”) collection vehicles; are needed. ER and Fleet Division staff worked together to develop specifications for the fifteen (15) proposed CNG replacement vehicles.

CNG vehicles are approximately 10% more costly initially to purchase than diesel equivalents, but the difference is quickly offset by lower fuel and maintenance costs and the community’s appreciation of the improved air quality. Additional safety and diagnostic items also contribute more to the unit cost of each vehicle. These items include cameras, maintenance software, GPS systems and fire suppression apparatus. The efficiencies and risk reductions submit to offsetting the initial costs of these devices. Staff consulted with other public and private collection agencies to ensure that industry standards were included in the specifications. All of the essential and accessory items on these vehicles are accepted in the industry as fundamental BMPs. A determination was also made to replace diesel vehicles with CNG not only due to the cost and environmental factors, but also due to the potential to fuel these vehicles in the future with gas produced by the Del Norte facility through the conversion of organic waste.

Staff recommends to piggy back on a bid issued by the City of Los Angeles on August 12, 2014 for fifteen (15) CNG powered refuse collection vehicles in lieu of issuing a formal request for bid. The City will acquire the fifteen (15) new CNG trucks with competitive pricing previously vetted through a public agency competitive bid process completed by the City of Los Angeles. Velocity Truck Center is a local vendor, located at 2501 Camino Del Sol in Oxnard. Velocity Truck Center will honor the City of Los Angeles piggy back bid. The proximity of Velocity Truck Center to the Del Norte Facility and the City of Oxnard Fleet Garage provides quicker response times for maintenance and warranty work not provided by the City’s Fleet Division.

The cost of the fifteen (15) refuse collection vehicles is $4,851,760. A Master Lease Agreement with Bank of America provides financing at low interest rates allowing the Environmental Resources Enterprise Fund to efficiently utilize working capital, thereby adding to ratepayer value while upgrading the fleet. The estimated annual interest rate is 2.1% for a five (5) year term. The estimated $529,327 payment will be scheduled and budgeted semi-annually.

**STRATEGIC PRIORITIES**
This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016. However, this item does address findings of the Organizational Assessment and Audit Corporate Support, Accountability, and Value System received by the Council on March 17, 2015.

FINANCIAL IMPACT

The funding for these vehicles will be part of the FY2017-18 Environmental Resources budget. Current user rates will be sufficient to cover the annual lease/purchase expense of approximately $530,000, and will be budgeted annually for five years. The vehicles will be purchased at the end of the lease for $1.00 and title of the vehicles will transfer to the City of Oxnard.

ATTACHMENTS:

Attachment A: Velocity Vehicle PO 6304 (1)
Recommendation:

That the City Council:

1. Ratify an appropriation in the amount of $4,847,373 to fund the purchase of fifteen Environmental Resources collection vehicles;
2. Ratify revised Purchase Order No. 6304 to Velocity Truck Center Ventura County in the additional amount of $45,175.12 for additional safety equipment for 12 collection vehicles; and
3. Approve an additional appropriation in the amount of $45,176 to fund the purchase of the additional safety equipment.
Background

- June 6, 2017 – Council approved PO #6304 for $4,851,760 for the purchase of 15 new CNG collection vehicles
- During assembly process, additional cameras and data recording devices added through manufacturer to match ER 360 degree standard and data preservation requirements for municipalities
- Increased total cost by $45,176
- City of Oxnard Purchasing Policy not followed
- Returning to transparently resolve the matter per policy
• Vehicles have been received and are being rotated into use
• Additional costs must be approved by Council
• During process of resolving this matter, staff able to negotiate reduction of $4,386.95
• Total purchase price is $4,892,549 from $4,851,760
Questions?