

City of Evansville



Request for Proposal ***RFP-01-003-2018-20***

TOWING & STORAGE OF NUISANCE, WRECKED, & IMPOUNDED VEHICLES TOWING OF ABANDONED VEHICLES

Issue Date: December 7, 2017

Issued By: City of Evansville
Purchasing Department
1 NW Martin Luther King Blvd. Rm. 323
Evansville, IN 47708

Transmitted Via: Email and Posting on Website:
<http://www.evansvillegov.org/city/departments/division.php?structureid=130>

Inquiries: Questions should be submitted via Email to:
Debra Spalding
Purchasing Director
dspalding@evansville.in.gov
812-436-4961

Proposals Due: December 20, 2017 @ 1:00 p.m.

TABLE OF CONTENTS

CONTRACTOR INSTRUCTIONS	PAGE:
1. Introduction	1
2. General Requirements	1
3. Response Instructions	1
4. Contact with Municipality Employees	2
5. Assess RFP Documents	2
6. Costs of RFP Preparation and Submission	2
7. Opening of Proposals	2
8. Proposal Review	2
9. Proposal Format and Form	2
10. Delivery of Proposals	4
11. Response Instructions	5
12. Security Bond and Performance Bond	5
13. Terms of Resulting Contract	6
14. Default and Termination of Contract	6
15. Withholding Payment	6
16. Indemnification	6
 PROPOSAL EVALUATION	
1. Evaluations	7
2. Summary of Evaluation Process	8
3. Presentations	8
4. Right of Refusal	8
5. SubContractors	8
6. Minority and Women Business Enterprise Utilization	9
7. E-Verify Program	9
8. Taxes	9
9. Licenses and Permits	9
10. Use of City of Evansville's Name	9
11. Incorporated by Reference	9
12. Choice of Law and Venue	10
13. Adversarial Parties	10
 SCOPE OF SERVICES	
1. Towing of Nuisance, Wrecked, & Impounded Vehicles	11
2. Storage of Nuisance, Wrecked, & Impounded Vehicles	12
3. Emergency Conditions	14
4. City Responsibilities	14
5. Fuel Escalation / De-Escalation	14
6. Towing of Abandoned Vehicles	15
7. Nuisance Vehicles – Administrative Fees	16
 REQUIRED FORMS	
Proposal Cost Towing & Storage of Nuisance, Wrecked, & Impounded	
Non City Owned Vehicles	A-1
City Owned Vehicles	B-1
EVSC Owned Vehicles	C-1
Proposed Additional Cost	
Towing of Abandoned Vehicles	C-1
Equal Employment Opportunity	E-1
Indiana Legal Employment Declaration	F-1
Non-Collusion Affidavit	G-1
Conflict of Interest / Familial Disclosure Form	H-1
 EXHIBITS	
A. Indiana Codes	IC-1
B & C. Evansville Municipal Codes	EMC-1

CONTRACTOR INSTRUCTIONS

1. INTRODUCTION

The Board of Public Safety, for the City of Evansville (the "Owner"), is soliciting competitive proposals from qualified vendors for a three-year contract for the towing and storage of nuisance, wrecked and impounded vehicles and towing/storage services of abandoned vehicles as defined under Indiana statutory provisions, especially IC 9-13-2-1, and as those provisions may from time to time be amended by the State legislature. The City is also seeking proposals for towing City owned vehicles and Evansville Vanderburgh School Corporation (EVSC) vehicles that have become inoperable.

Your company, among others, is invited to submit a proposal on a competitive basis in the format described in this Request for Proposal (RFP). This RFP establishes requirements and defines responsibilities of the proposing Vendor (hereinafter "Contractor" or "Operator") to perform all phases of work.

Sealed proposals will be received in Room 301, Civic Center Complex, and 1 N.W. Martin Luther King, Jr. Boulevard, Evansville, Indiana 47708 until 1:00 P.M. (CST) on December 20, 2017 at which time responding vendors will be announced. Proposals to be submitted prior to the scheduled Proposal opening shall be submitted to the Purchasing Department, Room 323, Civic Center Complex, 1 NW Martin Luther King Jr. Boulevard, Evansville, Indiana 47708. Proposals submitted to the Purchasing Department shall be submitted prior to 12:50 P.M. (CST) on December 20, 2017.

2. GENERAL REQUIREMENTS

- A. Must have the ability to tow up to 25 vehicles a day during any eight (8) hour period of time
- B. Wrecker Service must respond to scene within 20 minutes of notification
- C. Contractor shall impound vehicles, as requested by Police Officers
- D. Contractor shall provide the services set forth in this agreement twenty four (24) hours a day, seven (7) days a week, and three hundred and sixty five (365) days a year without exception.
- E. Contractor has fleet of registered recovery vehicles capable of providing service

MUST HAVE A MINIMUM OF 12 WRECKERS AND THREE (3) TANDEM AXLE WRECKERS CAPABLE OF REMOVING A TRACTOR TRAILER SIZED TRUCK

- F. Must be able to store 700-900 vehicles in a secure fashion, with adequate drainage and no mud problem. Minimum of 4 acres.
- G. Provide secure lock down opaque fence area for storage of vehicles
- H. Provide inside secure storage for up to eight (8) cars and two (2) Semi-tractors and trailers. (Reconstruction purposes)
- I. Hours of operation for customer pick-up shall be a minimum of:

7:00 AM - 6:00 PM Monday thru Friday
8:00 AM - 3:00 PM on Saturday
8:00 AM - 12:00 PM on Sunday

3. RESPONSE INSTRUCTIONS

The submitted proposal must follow the rules and format established within this Request for Proposals (RFP). Adherence to these rules will ensure a fair and objective analysis of all proposals. Failure to complete any portion of this request may result in rejection of a proposal.

CONTRACTOR INSTRUCTIONS

4. CONTACT WITH MUNICIPALITY EMPLOYEES

There shall be no verbal discussion of any nature concerning this RFP between any vendor and City employees, and/or Board Members before, during or after the public opening. This does not include discussions that may occur during site visits by the evaluation team during the review process.

To ensure a fair and objective evaluation of all proposals, vendors are required to submit all inquiries in writing to Debra Spalding, with the Evansville-Vanderburgh County Purchasing Department, at dspalding@evansvillegov.org no later than 4:00 pm CST on Thursday, December 14, 2017. All questions will be compiled, answered in writing, posted on the Purchasing Website, and emailed to all interested vendors no later than 5:00 pm CST on Monday, December 18, 2017.

5. ASSESS RFP DOCUMENTS

Before submitting a proposal, Contractors shall examine the specifications and Scope of Work in order to understand all conditions and limitations.

6. COSTS OF RFP PREPARATION AND SUBMISSION

Each Contractor shall be responsible for all costs incurred in order to prepare and submit their response to this RFP.

7. OPENING OF PROPOSALS

All responses received by the submission deadline will be publicly opened at the Board of Public Safety on December 20, 2017 at 1:00 p.m. Responding Contractors are welcome at the public opening. Only the names of the companies responding will be disclosed so as to avoid disclosure of contents to competing Contractors during the process of negotiation (IC 5-22-9-2).

8. PROPOSAL REVIEW

All documents submitted as part of the Contractor's proposal will be deemed confidential during the evaluation process. Contractor proposals will not be available for review by anyone other than the evaluation team or its designated agents. There shall be no disclosure of any Contractor's information to a competing Contractor prior to award of the contract. All applicable information will be subject to public disclosure in accordance with the Freedom of Information Act, at award of contract, cancellation of this RFP, or within 180 days, whichever shall occur first.

9. PROPOSAL FORMAT AND FORM

Each proposal will be prepared in the format specified in a tabbed three ring binder with a table of contents, incorporating the additional forms provided at the end of this document, and be submitted in a sealed envelope or box showing the vendor's name, business address, bid title, date and time of opening on the front of the envelope. Vendors must submit one (1) original, three (3) copies and one (1) electronic copy (maximum of three files) on a flash drive, Windows PDF compatible format. Proposals must be clear, concise, typewritten, and must be signed in ink by the official authorized to bind the submitter to its provisions.

The proposal must be prepared in the following format:

Section 1 – Introduction

Provide an introduction of your company, including principal owners.

Section 2 – Vendor Background and Qualifications

CONTRACTOR INSTRUCTIONS

Provide narrative responses to the following questions, including any necessary documentation, for each item listed below.

1. Specify the number of years the Vendor has been in the public sector towing business. Provide public sector vs. private sector for number of clients, as well as revenue percentage comparisons. (Vendors are required to furnish evidence that they have past experience in this type of work as outlined in the Scope of Services, to include specific experience in towing services.)
2. Provide a chronology of the company's growth, heritage, and staff size and ownership structure. Describe the seniority, tenure and background of the senior management team.
3. Indicate whether the business is a parent or subsidiary in a group of companies.
4. Has this company ever been purchased by another company or acquired because of a merger or acquisition? If yes, provide details regarding the name of the companies involved, specific services/products affected and when such merger or acquisition(s) took place.
5. What percentage of revenues does towing services, verses other services/products, currently represent to your company?
6. Provide a brief statement of the company's background demonstrating longevity and financial stability.
7. Include the company's past three (3) years of audited Financial Statements.
8. Indicate if the company incurred an annual operating loss in the last 5 years.
9. Has the company had a workforce reduction during the past 5 years? If so, provide details regarding workforce reductions: percentage or workforce, areas affected, senior management team changes, etc.
10. Provide details of all past or pending litigation, liens or claims filed against Vendor in the past five years.
11. Provide details of all past or pending litigation Vendor has filed against others in the past five years.
12. Describe your company's service & support philosophy, how it is carried out and how success is measured.

Section 3 – Customer References

Please provide at least five (5) customer letters of reference that are representative of the requested towing services.

Section 4 – Implementation and Support

Answer the following questions and provide the necessary documentation for each item listed below.

1. Provide a detailed list of vehicles and other equipment, along with VIN numbers to be utilized in the performance of this service, including proof of State registration of all recovery vehicles.
2. Provide a copy of all necessary occupational license(s) to perform such work, as required by local, state and federal regulations.
3. State your company's firm response schedule for the services. The desired response time is 20 minutes or less.

CONTRACTOR INSTRUCTIONS

4. List address, size and current zoning classification of Storage Facility(s). Also provide proof of the date "Special Use #9" was received at this facility(s).
5. Provide a list of all employees, title, date employment began and certifications obtained (related to this contract), including Commercial Driver's License.
6. Provide a Copy of your Company's Drug & Alcohol Use Policy

Section 5 – Insurance

The successful Contractor shall provide proof of insurance in an amount not less than as follows:

1. \$1,000,000 for injury or death to any one person arising out of any one accident or collision and \$2,000,000.00 aggregate
2. \$1,000,000 for damage to the property of each person resulting from a particular incident
3. \$1,000,000 for damage to vehicles or loss of personal property from vehicles while being towed to or stored at Contractor's storage facility at the request of the City

After award, the City of Evansville shall be an additional named insured on the policy and the towing company's insurance will be primary.

Section 6 – Cost Information

Please review the specific Scope of Services and provide the Proposed Costs included on pages A-1, B-1, C-1 and D-1. Vendors shall not substitute these pages.

Section 7 –Required Forms

Provide a signed original copy of all forms required to be submitted with this RFP in the following order:

- | | |
|---|-----|
| 1. Equal Employment Opportunity | E-1 |
| 2. Indiana Legal Employment Declaration | F-1 |
| 3. Non-Collusion Affidavit | G-1 |
| 4. Conflict of Interest / Familial Disclosure | H-1 |
| 5. Security (Bid) Bond | |

10. DELIVERY OF PROPOSALS

The submittals should be sealed and clearly labeled as "RFP-01-003-2018-20 Towing Services, Opening December 20, 2017." It is the sole responsibility of the Contractor to see that their RFP is received in the proper time. Any proposal received after the proposal opening date and time shall be eliminated from consideration and returned to the Contractor unopened.

Any RFP's delivered prior to 12:50 PM CST on December 20, 2017, shall be delivered to the following address:

Purchasing Department
Room 323
1 NW Martin Luther King Jr. Blvd,
Evansville, IN 47708.

CONTRACTOR INSTRUCTIONS

NOTE: Contractors may bring proposals directly to the December 20, 2017 Board meeting in room 301 of the Civic Center 1 NW Martin Luther King Jr. Blvd, Evansville, IN 47708. All Proposals must be handed to the Board Secretary by 1:00 p.m. in order to be considered.

11. RESPONSE INSTRUCTIONS

- A. **All proposals must be received on or before the time and date indicated in the Notice to Vendors.** The responsibility for submitting proposals in a timely manner is solely that of the vendor. The Owner will not be responsible for delays in mail delivery or delays caused by any other occurrence. Late proposals will not be considered and will be returned, unopened, to the vendor.
- B. Vendors shall submit their proposal in the required format, utilizing the PROPOSED COSTS forms provided and supplying all the required information.
- C. Vendors are required to provide all requested information. **Proposal should be submitted in a sealed envelope showing the vendor's name, business address, bid title, date and time of opening on the front of the envelope.** Only information provided inside this envelope will be considered, unless otherwise instructed. Failure to follow this instruction or any other instruction contained in this Request for Proposals may result in the rejection of your proposal.
- D. Complete withdrawal or complete exchange of proposal is acceptable, only if done before scheduled opening.
- E. All proposals must be signed by an authorized official of the firm.

12. SECURITY (BID) BOND PERFORMANCE BOND

Vendors are required to submit a Security Bond with their proposal

- 1. All proposals require a security (bid) bond or certified check in an amount equal to \$1,000. Security bonds must be executed by a corporate surety licensed under the laws of Indiana to execute such bonds. The surety must be a corporate surety authorized to do business in Indiana and Power of Attorney must accompany the security bond.
- 2. All proposals not accompanied by a security bond or a certified check, payable to the Evansville Vanderburgh County Purchasing Department, will be rejected as non-responsive.
- 3. Vendors wishing the return of the security bond should include a self-Addressed stamped envelope with their Proposal. The requested document will be returned as soon as possible upon successfully entering into contract negotiations with a selected Vendor.

Vendors may be required to submit a Performance Bond during contract negotiations.

- 1. In the event that the City enters into final contract negotiations with a Vendor, the City reserves the right to require Vendor to provide a performance bond in the amount of Ten Thousand Dollars (\$10,000.00), which may be used to satisfy any direct damages to the City resulting from Vendor's failure and/or refusal to engage in good faith negotiations and/or honor the terms of its proposal and/or contract. The bond must remain in effect for the duration of the contract. The Performance Bond is to be posted with the Purchasing Department within ten (10) business days after award.

In place of the bond, a certified check or cashier's check in the full amount of the contract may be provided. Such deposits must be filed with the executed contract documents and made a part thereof. It shall be the responsibility of the Vendor to include the cost

CONTRACTOR INSTRUCTIONS

13. TERMS OF RESULTING CONTRACT

The duration of this Contract shall be from the date of the signed agreement through December 31, 2020, unless sooner terminated for cause as provided in the contract. Any contract extensions approved by the Board of Public Safety shall be made at the unit prices specified in the Successful Vendor's bid/contract(s).

14. DEFAULT AND TERMINATION OF CONTRACT

The successful vendor shall assume full responsibility for towing services. Should the successful vendor fail to perform within the agreed upon time frame, the City reserves the right to contact another towing company for the services.

Should the successful vendor fail to correct any condition which is in violation of the terms of the contract(s), within 24 hours after having been notified by the Owner, the Owner may declare the contract(s) in default and terminate same immediately.

Vendor's failure to correct a written notice of failure to comply with the terms of contract(s) within 10 days shall be grounds for the City to terminate the contract(s).

15. WITHHOLDING PAYMENT

In the event a contract is cancelled under any provision herein, the City may withhold from the successful vendor any monies owed on that or any contract, an amount sufficient to compensate for damages suffered because of the violation resulting in cancellation.

16. INDEMNIFICATION

The successful vendor shall indemnify, defend and hold harmless the City and their agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of the work; and caused in whole or in part by any negligent act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

In any and all claims against the City, or any of their agents or employees by any employee of the successful vendor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the successful vendor or any subcontractor under Workmen's Compensation Acts, Disability Benefit Acts or other Employee Benefit Acts.

Proposal Evaluation

1. EVALUATIONS

The Request for Proposals shall be awarded to the most responsive, responsible offeror whose proposal is determined in writing to be the most advantageous to the governmental body, taking into consideration price and the other evaluation factors set forth in the RFP.

In determining whether an offeror is responsive, the following factors will be considered:

1. Whether the offeror has submitted an offer that conforms in all material respects to the specifications
2. Whether the offeror has submitted an offer that complies specifically with the solicitation and the instructions to offeror
3. Whether the offeror has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract

In determining whether an offeror is responsible, the following factors will be considered:

1. The ability and capacity of the offeror to provide the service
2. The integrity, character and reputation of the offeror
3. The competency and experience of the offeror

While proposed price of services requested will be relatively important; it is not to be considered the only evaluation factor in determining the winning proposal.

An evaluation team will evaluate proposals on a variety of qualitative criteria as specified below.

The criteria for vendor evaluation and consideration are, in order of importance:

1. Size, make-up, age and condition of towing recovery fleet - 30%
2. Past Experience providing towing services for a city of similar size to Evansville - 25%
3. Storage Facility capacity, adherence to zoning requirements and overall appearance - 25%
4. Cost of services - 10%
5. Recommendation of the Evansville Police Department based on law enforcement's past working relationship with vendor, if any - 10%

The Owner reserves the right to reject any or all proposals, or to make no award. The Owner reserves the right to conduct discussions with Contractors for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. The Owner further reserves the right to waive any and all formalities or irregularities in quoting.

The Owner may award based on initial proposals received, without discussion of such proposals. However, selected Contractors may be invited to make oral presentations to the evaluation team.

The Purchasing Department and/or members of the evaluation team for this RFP reserve the right to physically inspect the storage facility at any time prior to award and throughout the contract.

Proposal Evaluation

2. SUMMARY OF EVALUATION PROCESS

Step 1 - Once all proposals are opened they will be retained by the Purchasing Department to review for responsiveness. This includes, but may not be limited to, ensuring that proposals meet the requirements outlined in Paragraph 9 PROPOSAL FORMAT AND FORMS (page 2), paying particular attention to required forms listed in Section 7 (page 4) and ensuring they are present and properly signed.

Step 2 - Once proposals are deemed "Responsive," they will be sent to the individual members of the evaluation committee. The individuals will take each proposal into consideration. Each proposal will be treated in the same manner and given equal consideration.

Step 3 - The committee will meet and all individual scores will be weighted in accordance with the assigned criteria percentages on page 7 of this RFP and subsequently combined to obtain an overall average score. The committee may answer each other questions at this time and also request to visit site, ask for presentation, and/or ask for clarification questions be sent to vendors.

Once site visits are completed and all questions are answered, committee members will be allowed to revise their individual scores. They will be asked to provide reasoning for these changes in written form.

The weighted individual scores will then be combined again and the average score will determine the proposed successful Vendor.

Step 4 - This information will be taken to the Board of Public Safety as a recommendation of award and the Board will decide whether to accept.

3. PRESENTATIONS

Contractors may be required to make presentations and/or provide written clarifications of their responses at the request of the municipality.

4. RIGHT OF REFUSAL

The municipality reserves the right to reject all RFPs in their entirety. Furthermore, the Board/City reserves the right to hold the quote of the three (3) lowest Vendors for a period of sixty (60) calendar days from and after the time of the opening. The municipality reserves the right to award the contract in any manner deemed in the best interest of its citizens.

5. SUBCONTRACTORS

The Owners intend to contract with one prime Operator who will be solely responsible for contractual performance. In the event the prime Operator utilizes one or more subContractors, the prime Operator will assume any/all responsibility for performance of services by the subcontractor(s). Additionally, the City of Evansville must be named as a third party beneficiary in all subcontracts.

A list of all subContractors proposed to take part in the performance of the contract must be provided to the City of Evansville for approval prior to contract execution. This request may require that sufficient financial or background information pertaining to included subContractors be provided.

To the degree available, the subcontractor list and corresponding financial/background information should be included in an appendix with the proposal response.

The City of Evansville reserves the right to limit and/or reject any and all subContractors.

Proposal Evaluation

6. MINORITY AND WOMEN BUSINESS ENTERPRISE UTILIZATION

The City of Evansville formally adopted a Minority and Women Business Utilization Plan illustrating a commitment to achieving significant utilization of Minority and Women Business Enterprises (M/WBE) in the community's purchasing efforts. Goals have been established to provide an atmosphere of equal opportunity for all Contractors and to prohibit discrimination in all aspects of the public operations including the purchasing of products, services, and Public Safety contracts. (See Evansville Municipal Code 3.90.110-180)

7. E-VERIFY PROGRAM

Pursuant to Indiana Code 22-5-1.7-11 (b)(2) the Contractor shall provide documentation that it has enrolled and is participating in the E-Verify Program (see Indiana Legal Employment Declaration form). Contractor is required to submit proof from the E-Verify Program that it is currently enrolled in the Program. An example of confirmation is the confirmation e-mail received from E-Verify that the Contractor has successfully enrolled in E-Verify.

8. TAXES

The City of Evansville is exempt from Federal, State, and Local Taxes and will not be responsible for any such taxes in connection with the award or performance of this contract.

9. LICENSES AND PERMITS

The successful Contractor or Contractors shall furnish the City of Evansville upon request any and all documentation regarding licenses, permits, certifications and/or registrations required by the laws and regulations of the City of Evansville, Vanderburgh County, the State of Indiana and the United States of America.

The Contractor certifies that it is now and will remain in good standing with the aforementioned governmental agencies and that it will maintain its licenses, permits, certifications and/or registrations in force during the term of the contract/agreement with the City of Evansville, Vanderburgh County, Indiana.

All employees who operate recovery vehicles are required to possess a commercial driver's license. The facility where vehicles are to be stored must be properly zoned and meet all zoning requirements including, but not limited to, "Special Use #9."

City of Evansville Municipal Code (Title 18), referred to as the Zoning Ordinance, addresses fences. The Evansville Municipal Code states that all junkyards, salvage yards, storage yards, outside storage areas shall be completely enclosed with an opaque fence not less than eight feet high. This fencing requirement is mandatory for all storage areas for inoperable vehicles or inoperable equipment.

Vendors shall comply with all applicable Federal, State, and Local laws, ordinances and regulations applicable to the bidding and performance of the contract(s).

10. USE OF THE CITY OF EVANSVILLE'S NAME

Upon entering an agreement, the successful Contractor or Contractors agree not to use the name of the City of Evansville, or any Department, in relation to the agreement within any commercial advertising, trade literature and/or press releases without prior written consent from the City of Evansville.

11. INCORPORATED BY REFERENCE

Proposal Evaluation

This Request for Proposal (RFP) distributed by the City of Evansville, including any other required terms, will be incorporated by reference and made a part of any resulting contract, except that any material approved by the City as confidential will not be publicly disclosed.

12. CHOICE OF LAW AND VENUE

Any and all actions or proceedings arising out of, or related to, this RFP and any resulting contract shall be governed by and construed in accordance with the laws of the State of Indiana. Submission of this proposal by Contractor constitutes consent and stipulation to jurisdiction and venue in the courts of Vanderburgh County, Indiana, concerning all litigation and proceedings arising out of or related to this RFP and any resulting contract.

13. ADVERSARIAL PARTIES

Any party responding to a bid, Request for Proposal, or quote for any contract with the City of Evansville shall be required to disclose any current adversarial litigation, contract dispute, or other adversarial proceeding against the City of Evansville.

Any such disclosure of current adversarial litigation, contract dispute or other adversarial proceeding against the City of Evansville shall be considered a factor in determining the qualification, responsiveness and responsibility of such party in responding to a bid, quote, or Request for Proposal; and the matter shall be referred to the City Law Department for investigation and recommendation to the Board prior to the award of any contract.

The Board shall consider the report and recommendation of the City Law Department in determining the qualifications, responsiveness and responsibility of each such party in awarding any contract.

14. FINAL DETERMINATION

All final determinations with respect to whether a bidder is responsive and responsible shall be made by the Board of Public Safety. The final decision and selection of a vendor shall be made by the Board of Public Safety, in their sole discretion.

SCOPE OF SERVICES

1. TOWING OF NUISANCE, WRECKED, & IMPOUNDED VEHICLES REQUIREMENTS

A. Definitions:

1. "Nuisance" Vehicle shall mean any vehicle parked or left standing on any public street or highway within the City which constitutes a public nuisance or traffic hazard, a vehicle involved in an accident or is in violation of any City ordinance, including but not limited to, Evansville Municipal Code 8.10.3 or State Law.
2. "Dry Run" shall mean any situation wherein services are unneeded or refused.
3. "Emergency Conditions" shall mean a local disaster emergency described in Evansville Municipal Code 16.02.11.

B. Contractor shall provide towing services, as requested by authorized employees of City from locations within the City of Evansville to any locations within Vanderburgh County. Contractor shall maintain the capability of towing up to twenty-five (25) vehicles per any eight (8) hour period of time. City agrees it will call only the Contractor for towing of wrecked, nuisance, and impounded vehicles, within the City of Evansville, except as provided herein.

C. It is agreed that in the event of an accident, the owner or operator of a vehicle involved may select a wrecker service of their choice to remove their vehicle, provided said wrecker can arrive on the scene within 20 minutes when in the opinion of the investigating officer or deputy a traffic hazard exists at the scene. If the investigating officer determines no hazard exists, the response time does not apply.

D. When the Contractor's service is requested, the wrecker must arrive within twenty (20) minutes of notification. If the wrecker fails to arrive within twenty (20) minutes, the investing officer may request service from another wrecker service to remove the vehicle.

E. The services to be provided by Contractor may include lifting, pushing, pulling or removing a vehicle from a public street, highway, right-of-way or other public property to another location or authorized facility.

F. The Contractor shall sweep, collect and dispose of all debris including, but not limited to, broken glass, pieces or parts of vehicles, and dumped loads from an accident scene to which it is summoned, excluding "Dry Runs". Failure to provide clean up at an accident site shall result in the Contractor being responsible for injuries and property damage resulting from Contractor's failure to provide clean up. Repeated violations are a major breach of contract which may result in cancellation of contract. Contractor shall be responsible to reimburse the City for the costs of clean up incurred by use of our own workers or an outside Contractor. Contractor is NOT responsible for cleaning hazardous or special waste.

G. The City of Evansville shall not be charged fees for "DRY RUNS".

H. Nuisance vehicles shall be released to its owner, unless ordered otherwise by the City, if the vehicle has not yet been attached to or hoisted by the towing truck.

I. A list of fees and charges of City towed vehicles shall be posted conspicuously at the Contractor's place of business.

J. Service outlined above shall be available seven (7) days a week, twenty four (24) hours a day, three hundred sixty-five (365) days a year.

K. Contractor shall maintain a fleet of at least twelve (12) one-ton wreckers capable of providing services regarding automobiles. Contractor shall maintain or have under contract at all times, at least three (3) tandem axle wreckers capable of removing a tractor trailer sized truck. All tow trucks must be equipped with the necessary auxiliary equipment, including, but not limited to, a power

SCOPE OF SERVICES

operated winch, fire extinguisher, ground-end-tow sling which is capable of hoisting and pulling a vehicle and sufficient equipment to remove debris from the accident scene.

- L. All personnel shall be adequately bonded and trained in the performance of acts required under this contract. A sufficient number of experienced wrecker drivers and other personnel shall be either on duty or on call, so as to sufficiently respond to any Police Department or other authorized employees of the City/EVSC request for services within the required response time.
- M. Contractor's personnel shall take all diligence and due care in preparing a vehicle for towing, and in towing, so as to prevent and/or minimize property damage. They shall abide and obey all traffic laws while going to, while at, and upon leaving the scene of requested service, and in returning to an authorized storage facility. In the event it appears to the investigating officer that any employee of the Contractor has been drinking or is under the influence of any alcoholic beverage, any drug or narcotic, said officer may refuse to allow the employee to tow a vehicle.

Contractor's personnel shall be courteous to and cooperate with members of the public. All employees shall fully cooperate with the Board of Public Safety, the Police Department and any other authorized City/EVSC employee.

- N. The successful vendor shall be required to collect any service charges or other fees imposed by City. Said fees shall be remitted no less than weekly to the City Controller.

2. STORAGE OF NUISANCE, WRECKED, & IMPOUNDED VEHICLES REQUIREMENTS

- A. Definitions: "Nuisance" Vehicle shall mean any vehicle parked or left standing on any public street or highway within the City which constitutes a public nuisance or traffic hazard, a vehicle involved in an accident or is in violation of any City ordinance, including but not limited to Evansville Municipal Code 8.10.3 or State Law. (THIS DOES NOT INCLUDE VEHICLES TAGGED AS ABANDONED.)
- B. Contractor shall impound vehicles as requested by authorized officers of the City.
- C. Contractor shall have at least one (1) employee at his storage site during business hours 7:00 AM to 6:00 PM Monday through Friday, 8:00 AM to 3:00 PM on Saturdays and 8:00 AM to 12 PM on Sundays, excluding City holidays. Such employee shall assist in locating and releasing the vehicle to its owner.
- D. A list of fees and charges of City shall be posted conspicuously at the Contractor's place of business.
- E. Contractor shall notify in writing the Police Department by email on a daily basis of any vehicle held more than (30) days.
- F. Contractor shall send a complete and detailed list of all new vehicles towed by each authorized towing entity weekly to that entity to a designation/person specified by the towing entity.
- G. Contractor shall email weekly a complete and detailed list of all vehicles towed by each authorized towing entity that remain in storage, including new tows for the week, to that entity to a designation/person specified by the towing entity.
- H. The thirty (30) day holding requirement does not apply to impounded vehicles as they may be kept for an indefinite period of time. (refer to paragraph E)
- I. Towing service shall be available seven (7) days a week, twenty four (24) hours a day, and three hundred sixty five days a year (365 days a year).
- J. An adequate storage facility must be maintained to be used for the storage and safe keeping of vehicles towed at the request of the Police Department. Said storage facility must be located within the City or no more than one (1) mile from the City limits.

SCOPE OF SERVICES

- K. Storage facility must have a minimum of four (4) acres in order to adequately store the number of vehicles towed at the request of the Evansville Police Department, i.e., must be of adequate size to store a minimum of 700 to 900 vehicles in an orderly and secure fashion. The successful vendor shall notify the City if a request is received to provide covered, locked storage and the storage facility is full.
- L. The storage facility shall be enclosed with a secure 8' high opaque fence and shall be in compliance with all zoning requirements. Contractor shall provide proof of certification of proper zoning and any permits/licenses required for the operation of its business.
- M. Said storage facility shall be adequately drained and level and shall at all times be free from excessive mud and standing water, regardless of weather conditions.
- N. The failure of the Contractor to keep proper storage facilities will result in the immediate termination of this contract.
- O. The storage facility shall be manned twenty-four (24) hours a day, seven (7) days per week and shall ensure that adequate security is available so as to prevent theft or destruction from or to vehicles towed and stored at the request of the Evansville Police Department or other authorized City officials.
- P. Contractor shall provide a safe place within the confines of the storage facility for securing items of personal property that are found inside an impounded vehicle and shall maintain a procedure for properly identifying said property as belonging to any certain vehicle being stored. Additionally, Contractor shall provide a method of noting all visible physical damage to said vehicle.
- Q. The storage facility shall include, within its confines, a separate storage area, under roof, which is capable of being locked, so that vehicles impounded by the Police Department are protected to the extent deemed necessary by the Police Department. This storage facility shall contain an area capable of holding a minimum of EIGHT (8) large automobiles AND 2 Semi-trucks and trailers. This area will be completely sealed from any other work or storage area. This storage area will be locked and the only key will be in the possession of the Evansville Police Department Crime Scene Unit. The failure of the Contractor to keep and maintain proper storage facilities will result in the immediate termination of this contract. The thirty (30) days holding clause does not apply to impounded vehicles.
- R. All personnel shall be adequately bonded and trained in the performance of acts required under this contract. An adequate number of personnel shall be at the storage facility, with authorization to be able to release vehicles to their owners during normal business hours.
- S. Contractor's personnel shall take all diligence and due care in handling any vehicle so as to prevent and/or minimize property damage. In the event it appears to the investigating police officer that any employee of the Contractor has been drinking or is under the influence of any alcoholic beverage, any drug or narcotic, said officer may refuse to allow the employee to handle a vehicle.
- T. Contractor shall allow another properly licensed and insured tow service onto their lot in order to retrieve any vehicle on behalf of the vehicle owner that was towed to the lot under any provision of this agreement. If a fee will be charged to permit this, it shall be indicated in the bid proposal.
- U. Contractor shall place as an addendum to the bid proposal any additional charges, fees or hourly rates that may be charged as a result of any provision of this agreement.
- V. Contractor's personnel shall be courteous to and cooperate with members of the public. All employees shall cooperate with the Board of Public Safety, the Police Department, and any other authorized City/EVSC Employee.
- W. Contractor's hours of operation for pick-up shall be a minimum of:
 - 7:00 AM - 6:00 PM Monday thru Friday
 - 8:00 AM - 3:00 PM Saturday
 - 8:00 AM - 12:00 PM Sunday

SCOPE OF SERVICES

3. EMERGENCY CONDITIONS

During any emergency condition or situation (as defined in State law) declared by the Mayor (see Evansville Municipal Code 16.02.11) whereby the successful vendor is unable to expeditiously remove or tow vehicles as a result of said emergency causing serious traffic hazards or jeopardizing public health and safety, the City may at their discretion temporarily authorize any auxiliary wrecker or other towing service to remove said vehicles until said emergency has been declared ended without the City or the parties hereto violating the provisions of this proposal or its intent. During any such declared emergency, special towing arrangements may be made by the Mayor or the Chief of Police including the alteration of towing fees and contracting for the use of auxiliary wrecker or towing services.

During a declared emergency condition or situation the successful vendor shall place priority on towing of City emergency response vehicles and City vehicles responding to the emergency such as snow removal equipment over all other towing requests.

4. CITY RESPONSIBILITIES

- A. The City shall provide a list of authorized personnel to the successful vendor of those persons authorized to release vehicles on "hold".
- B. The City shall provide the successful vendor with a written release for "hold" vehicles. Until said written release is received, the successful vendor shall maintain vehicle(s) in a condition satisfactory to the City.
- C. The Officer calling in the tow service shall write on the tow ticket "Inside Storage" if inside storage is required for the towed vehicle. The Successful Vendor shall notify the City if a request is made to provide covered, locked storage and his storage facility is full. The City shall determine which vehicle(s) should be kept in the covered, locked storage facility and which vehicle(s) are able to be relocated to the outside storage area.
- D. Charges shall apply to any tow wherein a dispatcher, Police officer or other authorized official calls in the request for a tow even for a private individual. Also the charge applies to a tow from anywhere in the City to any other place designated by the owner of the vehicle within the City.

5. FUEL ESCALATION / DE-ESCALATION

Due to the fluctuating costs of petroleum products, the successful vendor's contract will provide for an escalation or de-escalation of vendor's quoted prices for towing services to the general public. The base price on diesel fuel shall be set as determined by the OPIS Index for the Evansville area for the Rack Average Price on Ultra Low Sulfur (ULS) Diesel fuel on the date of award. Should the price per gallon of ULS fluctuate (increase OR decrease) \$1.00 per gallon from the base price during the life of the contract, the successful vendor shall be allowed to increase, and **required** to decrease, the quoted price for towing \$5.00 (+/-) per run. Any changes to the price of City ordered towing must be emailed immediately to the Police Department, and the Purchasing Department and posted immediately and conspicuously at the Contractor's place of business before the Contractor passes on the increase/decrease to the general public.

SCOPE OF WORK

6. TOWING OF ABANDONED VEHICLES REQUIREMENTS – SCOPE OF SERVICES

The City of Evansville has adopted an ordinance to provide for the removal and disposal of abandoned vehicles in accordance with, and in addition to, Indiana Code 9-22-1, and as those provisions may from time to time be amended by the State legislature. The City has exercised its authority under Home Rule to supplement or clarify IC 9-11-2 to effectuate the purposes of that chapter. A copy of IC 9-22-1 and Evansville Municipal Code 8.10 are attached as part of these proposal documents (Exhibits A & B).

Vendors shall comply with all applicable Federal, State, and Local laws, ordinances and regulations applicable to the bidding and performance of the contract(s).

A. Definitions:

“Abandoned” Vehicle shall include the following meanings:

1. A vehicle located on public property illegally.
2. A vehicle left on public property without being moved for twenty-four (24) hours.
3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.
4. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
5. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or a City ordinance **IF** the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
7. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. A vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.

- B. Contractor shall provide towing services as requested by designated employees of the City from any location within the City of Evansville. Towing services shall be provided between the hours of 8:00 A.M. and 4:00 P.M. Monday through Friday, except holidays observed by the City. Contractor may tow at other times if he chooses.
- C. Contractor shall tow abandoned vehicles on public premises within nine (9) working hours from receipt of a proper request to tow. CONTRACTOR shall tow abandoned vehicles on private premises upon proper request by designated City employees. CONTRACTOR shall not be required to tow more than 5 abandoned vehicles per day.
- D. Contractor shall maintain the capacity of towing not less than five (5) abandoned vehicles per day and tow up to five (5) abandoned vehicles per day if so requested by the City.
- E. The services to be provided by Contractor may include lifting, pushing, pulling or removing a vehicle from public or private property to Contractor's storage facility.
- F. Contractor shall not be responsible for the disposal of clean-up of hazardous or special waste contained on or in the abandoned vehicle. Such hazardous or special waste shall be disposed of as directed by the City in accordance with Federal, State and local laws at the cost of the owner of the abandoned vehicle or by the City, if the owner cannot be found, but in no event at the cost of Contractor.
- G. Personal property inside the vehicle and not attached to the vehicle or becoming a part of the vehicle, and not seized by the Police Department, shall be returned to the owner upon identification and proof of ownership at no charge. Any dispute shall be decided by the Controller.
- H. Contractor shall furnish the City, on forms provided by the City, a complete description of each vehicle towed within eight (8) working hours of the vehicle's arrival at the temporary storage site.

SCOPE OF WORK

The description furnished shall include the manufacturer's vehicle identification number, color of vehicle, license number, make and model of the vehicle and the address of the location from which the vehicle was towed.

- I. A list of fees and charges of City shall be posted conspicuously at the Contractors place of business.
- J. All personnel shall be adequately bonded and trained in the performance of acts required under this contract. A sufficient number of experienced wrecker drivers and other personnel shall be either on duty or on call, so as to sufficiently respond to City authorized employees request for services within the required response time.
- K. Contractor's personnel shall take all diligence and due care in preparing a vehicle for towing and in towing so as to prevent and/or minimize property damage. They shall abide and obey all traffic laws while going to, while at, and upon leaving the scene of requested service, and in returning to an authorized storage facility.
- L. In the event it appears to the designated City employee that any employee of the Contractor has been drinking or is under the influence of any alcoholic beverage, any drug or narcotic, said employee may refuse to allow the employee to tow a vehicle. Contractor's personnel shall be courteous to and cooperate with members of the public. All employees shall fully cooperate with the Board of Public Safety, the Police Department, and any other authorized City employee.
- M. Contractor shall allow another properly licensed and insured tow service onto their lot in order to retrieve any vehicle on behalf of the vehicle owner that was towed to the lot under any provision of this agreement. If a fee will be charged to permit this, it shall be indicated in the bid proposal.
- N. Contractor shall place as an addendum to the bid proposal any proposed additional charges, fees or hourly rates that may be charged as a result of any provision of this agreement, for the City's consideration.

7. NUISANCE VEHICLES - ADMINISTRATIVE FEE FOR THE UNLAWFUL USE OF VEHICLES TO COMMIT NUISANCES – SCOPE OF SERVICES

The Common Council of the City of Evansville adopted an ordinance, effective January 1, 2018, to provide for an administrative fee to mitigate the unlawful use of vehicles to commit nuisances upon its citizens. This ordinance adopted protocol to ensure vehicles utilized to commit nuisances are temporarily removed from operation. A copy of Evansville Municipal Code 8.10 is attached as part of these proposal documents (Exhibit C).

Vendors shall comply with all applicable Federal, State, and Local laws, ordinances and regulations applicable to the bidding and performance of the contract(s).

A motor vehicle, operated with the permission, expressed or implied, of the Owner, which is used in the commission of an act where the Operator is charged with any misdemeanor or felony may be subject to seizure and impoundment. The Owner is considered to have committed a nuisance in violation of the City ordinance regardless of whether the misdemeanor or felony arrest of the Operator is custodial.

- A. Definitions:
 - 1. "Operator" means a person in possession of the vehicle at the time a nuisance occurs.
 - 2. "Owner" means any person who, alone, jointly or severally with others, shall have title to the vehicle with or without having actual possession.
- B. When the Police Department orders a vehicle be towed under this section, the designated towing service authorized to tow the vehicle shall assess against the owner of the towed vehicle a City Administration Fee of \$100 which shall be collected in addition to any and all other applicable towing charges.

SCOPE OF WORK

- C. In addition, the designated towing service shall be authorized to assess against the Owner of the towed vehicle a Towing Administrative Fee of \$25 which shall be collected in addition to any and all other applicable towing charges.
- D. The Owner shall be liable for payment of the towing bill before such vehicle shall be released by the designated towing company.
- E. The City Administrative Fee, authorized by subsection (B) above, shall be forwarded by the designated towing service to the Police Department within thirty (30) days of collection. The towing company will send a monthly check to EFD for all fees collected. The Police Department will then remit the City Administrative fee to the City Controller's Office.
- F. The Towing Administrative Fee, authorized by subsection (C) above, shall be retained by the towing company.
- G. The designated towing company will be required to produce a monthly report that lists the fees collected along with the Tow Ticket #s, Owner Names, VINs, Vehicle Makes Models & Years, as well as the dates of the tow and when the tow was paid.
- H. The tow company will also provide a monthly list of vehicles that went unclaimed where the fee was not collected. A representative of the EPD will be allowed to inspect the "abandoned vehicles" prior to the tow company disposing of vehicles.
- I. If the designated towing service is unable to collect the City Administrative Fee due to a vehicle being unclaimed by the owner of record, it is not liable for providing the uncollected fee to the Police Department.
- J. Any vehicle Owner receiving a notice of a nuisance determination from the Police Department may appeal in writing within ten (10) days from the date of the notice of violation by filing an appeal with the Police Chief or their designee. Appeals will be heard by the Board of Public Safety within thirty (30) days from the date of receipt of the notice of appeal and the decision of the Board of Public Safety shall be final.
- K. If the Owner prevails on its appeal to the Board of Public Safety, the City Administrative Fee shall be refunded to the Owner via the Controller's Office within sixty (60) days thereafter, and the designating towing service shall refund the Towing Administrative Fee directly to the Owner within the same sixty (60) day period.

PROPOSED COSTS

RFP-01-003-2018-20

TOWING AND STORAGE OF NUISANCE, WRECKED AND IMPOUNDED CITY VEHICLES

NON CITY OWNED VEHICLES

This is for vehicles that have had accidents and/or are broke down in the right of way. These are vehicles NOT owned by the City/EVSC. Only flat fees will be considered.

(Lines 1-14 & line 16 will be combined to determine pricing for this proposal.)

1. Towing of Automobiles, pickup trucks
And Passenger Vans _____
2. Towing of Motorcycles _____
3. Towing of Truck (over 1 ton) _____
4. Towing of Semi-truck (without Trailer) _____
5. Towing of Semi-Truck (with Trailer) _____
6. Towing of Bus and Large RV _____
7. Towing of ATV _____
8. Towing of Tractors, Backhoes & trailers _____
9. Per Hour Charge for Recovery _____
10. Per Mile Charge for Towing Outside Vanderburgh County _____
11. Jump Starts at scene _____
12. Jump Starts at storage _____
13. Clean up and disposal of fluids leaking from vehicle at scene _____
14. Clean up of leaky fluid at storage _____
15. Other Fees (describe) _____

STORAGE FOR NON-CITY OWNED VEHICLES

16. Storage for all vehicles (per day) _____

Vehicles shall be held for ten days, and then moved to the abandoned vehicles list for an additional 30 days. At the end of the 30 days the vehicles will be sold at auction.

PROPOSED COSTS
RFP-01-003-2018-20

CITY OWNED VEHICLES

These are vehicles owned by the City of Evansville but not limited to: Evansville Police, Fire Department, METS Buses, Street Maintenance, utility vehicles, and various departments' passenger vehicles etc.

(Lines 1-9 will be combined to determine pricing for this proposal.)

1. Towing and Storage of Automobiles, pickups trucks
and Passenger Vans. _____
2. Towing of motorcycles. _____
3. Towing of Truck (over 1 ton) _____
4. Towing of Semi-Truck (without trailer) _____
5. Towing of Semi-Truck (with Trailer) _____
6. Towing of Bus and Large RV _____
7. Towing of ATV _____
8. Towing of Tractors, Backhoes and Trailers _____
9. Charge for storage of City owned vehicles, if any _____

Service run charges for City owned vehicles, if any:

10. Jump Starts _____
11. Changing flat tires _____
12. Delivery of gas _____
(over average market price per gallon of gas)

AUTHORIZED SIGNATURE

DATE

NAME (TYPED OR PRINTED)

TITLE

COMPANY NAME

TELEPHONE (Include Area Code)

ADDRESS (STREET)

CITY, STATE, ZIP CODE

FAX NUMBER (Include Area Code)

EMAIL

PROPOSED ADDITIONAL COSTS
RFP-01-003-2018-20

EVSC OWNED/OPERATED VEHICLES

These are vehicles owned or operated by the EVSC but not limited to: School Buses, Maintenance, Administrative, and various departments' passenger vehicles etc.

(Lines 1-9 will be combined to determine pricing for this proposal.)

- | | |
|--|-------|
| 1. Towing and Storage of Automobiles, pickups trucks and Passenger Vans. | _____ |
| 2. Towing of motorcycles. | _____ |
| 3. Towing of Truck (over 1 ton) | _____ |
| 4. Towing of Semi-Truck (without trailer) | _____ |
| 5. Towing of Semi-Truck (with Trailer) | _____ |
| 6. Towing of Bus and Large RV | _____ |
| 7. Towing of ATV | _____ |
| 8. Towing of Tractors, Backhoes and Trailers | _____ |
| 9. Charge for storage of EVSC owned/operated vehicles, if any | _____ |

Service run charges for EVSC owned /operated vehicles, if any:

- | | |
|--|-------|
| 10. Jump Starts | _____ |
| 11. Changing flat tires | _____ |
| 12. Delivery of gas
(over average market price per gallon of gas) | _____ |

AUTHORIZED SIGNATURE

DATE

NAME (TYPED OR PRINTED)

TITLE

COMPANY NAME

TELEPHONE (Include Area Code)

ADDRESS (STREET)

CITY, STATE, ZIP CODE

FAX NUMBER (Include Area Code)

EMAIL

PROPOSED ADDITIONAL COSTS
RFP-01-003-2018-20

TOWING OF ABANDONED VEHICLES

This is for the towing and storage of abandoned vehicles as defined under Indiana statutory provisions, found in Indiana Code 9-22-1, and Evansville Municipal Code 8.10.100 through 8.10.340 (attached as Exhibits), and as those provisions may from time to time be amended.

The costs for removal and storage of an abandoned vehicle or parts NOT claimed by the person who owns or holds a lien on a vehicle shall be paid from the abandoned vehicle account established by City Municipal Code.

Other Fees (describe) _____

AUTHORIZED SIGNATURE

DATE

NAME (TYPED OR PRINTED)

TITLE

COMPANY NAME

TELEPHONE (Include Area Code)

ADDRESS (STREET)

CITY, STATE, ZIP CODE

FAX NUMBER (Include Area Code)

EMAIL

EQUAL EMPLOYMENT OPPORTUNITY

(Signed form must be submitted with Bid)

During the performance of the contract, the contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age or disability. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or disability. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of the nondiscrimination clause.

2. The Contractor agrees that all services, facilities, activities and programs provided as part of this contract will meet the requirements of the American's with Disabilities Act and the rules and regulations promulgated there under.

3. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age or disability.

4. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided, advertising, the labor union or workers' representative of the Contractor's commitments under the Equal Employment Opportunity Section of this contract, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further City contracts.

Vendor Representative (please print)

Signed

Vendor Name

Telephone

Vendor Address

Date

INDIANA LEGAL EMPLOYMENT DECLARATION

(Signed form must be submitted with Bid)

The State of Indiana has enacted a law (I.C. 22-5-1.7) requiring all state agencies and political subdivisions request verification from their Contractors that their employees are legally eligible to work in the United States. This Declaration serves as notice that all Contractors doing business with the City of Evansville must, as a term of their contract:

1. Enroll in and verify the work eligibility status of newly hired employees of the Contractor through the E-Verify programs (but is not required to do this if the E-Verify program no longer exists); and
2. Verify, by signature below, that the Contractor does not knowingly employ unauthorized aliens.

I, _____, a duly authorized agent of _____ (name of Company), declare under penalties of perjury that _____ (name of Company) does not employ unauthorized aliens to the best of its knowledge and belief.

(Name of Company)

By: _____
(Authorized Representative of Company)

Subscribed and sworn to before me on this _____ day of _____, 20____.

My Commission Expires: _____

County of Residence: _____

Notary Public – Signature

Notary Public – Printed Name

PLEASE SEE <https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES> FOR INSTRUCTIONS AND ELECTRONIC REGISTRATION FOR E-VERIFY.

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) ss:
_____ COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by bidder, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

Bidder further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Bidder (Firm)

Signature of Bidder or Agent

Subscribed and sworn to before me this _____ day of _____, 20____

My Commission Expires: _____

County of Residence: _____

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials/equipment stipulated in said bid.

Contracting Authority Members:

Date: _____

CONFLICT OF INTEREST / FAMILIAL DISCLOSURE FORM

Project: _____

ALL Vendors must complete this Conflict of Interest Familial Disclosure Form and must attach the completed form to the bid.

I affirm that no principal, representative, agent, employee, Contractor or potential subContractors, or other acting on behalf of or legally capable of acting on the behalf of the vendor (a "Vendor Party"), is currently an employee of the City of Evansville ("City"), any City department or a member of any City Board or Council; nor will any such person connected to the vendor be privy to any City information which may constitute a conflict of interest; or, if such a conflict or relationship does exist, I have disclosed the nature of the relationship or conflict below.

By the attached sworn and notarized statement we are disclosing the following familial relationship(s) that exists between a Vendor Party and any employee or member of any City Department or board.

As the vendor, I understand that completing this form and self-disclosing potential conflicts of interest does not necessarily disqualify a vendor, but aids in identifying conflicts of interests which must be addressed pursuant to I.C. 35-44.1-1 et al. Further, the City will insure that any individuals identified with a potential conflict will not be allowed to participate in the scoring or evaluation of the proposal packages, to insure the integrity of the process.

The following is a list of individuals who may pose a potential conflict of interest as described above. Please provide the name, relationship with the City and the nature of the potential conflict, or if applicable: "NONE" :

Signature(s): _____

Title: _____

Vendor/Bidder: _____

STATE OF _____)
) SS:
COUNTY OF _____)

BEFORE ME, a Notary Public in and for said County and State, personally appeared _____ of _____, who having been duly sworn, acknowledged and affirmed that they did sign said instrument as such officer or authorized agent for and on behalf of _____, and by authority granted by such entity, that the same is their free act and deed and the free act and deed of said entity.

WITNESS my hand and notarial seal this _____ day of _____, 20____.

My commission expires:

Notary Public

My County of residence is:

_____ County, State of _____

Name of Notary Public

EXHIBIT A

- INDIANA CODE -

IC 9-22

ARTICLE 22. ABANDONED, SALVAGED, AND SCRAP VEHICLES

IC 9-22-1

Chapter 1. Abandoned Vehicles

IC 9-22-1-0.3

Placement of notice tags for abandoned vehicles; required information on notice tag; towing service recovery of costs

Sec. 0.3. (a) This section applies to an abandoned vehicle:

- (1) that was towed by a towing service from private property before May 2, 2001;
- (2) that is in possession of a towing service company on May 2, 2001;
- (3) that could have been removed from private property under sections 15 and 16 of this chapter, both as amended by P.L.108-2001, if P.L.108-2001 were in effect at the time that the towing service removed the abandoned vehicle from the private property; and
- (4) for which the towing service has not received payment for the towing charges accruing from removal of the vehicle from private property.

(b) The towing service may post the notice tag required by section 15 of this chapter, as amended by P.L.108-2001, on a picture of the abandoned vehicle and place the notice tag and picture in a prominent place on the private property from which the abandoned vehicle was towed for the time required by section 15 of this chapter, as amended by P.L.108-2001. The name and address on the notice tag may be the name and address of the owner of the private property or the name and address of the towing service. The notice tag must state the address where the vehicle is located. Compliance with this subsection shall be treated as compliance with section 15 of this chapter, as amended by P.L.108-2001.

(c) A towing service may recover costs incidental to the removal and storage of an abandoned vehicle that accrued before May 2, 2001, to the same extent as if the costs were accrued after May 2, 2001.

As added by P.L.220-2011, SEC.218.

IC 9-22-1-1

Application of chapter

Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard.
- (5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.
- (6) A golf cart.

As added by P.L.2-1991, SEC.10. Amended by P.L.108-2001, SEC.2; P.L.150-2009, SEC.15.

IC 9-22-1-2

Officer defined

Sec. 2. As used in this chapter, "officer" means the following:

- (1) A regular member of the state police department.

EXHIBIT A

- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of the county police force.
- (5) An individual of an agency designated by ordinance of the fiscal body.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-3

Public agency defined

Sec. 3. As used in this chapter, "public agency" means a local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.6.

IC 9-22-1-3.5

Storage yard defined

Sec. 3.5. As used in this chapter, "storage yard" means a storage facility or a towing service used for the removal and storage of abandoned vehicles or parts.

As added by P.L.104-2005, SEC.2.

IC 9-22-1-4

Responsibility and liability of owner of abandoned vehicle or parts; limitation of costs for storage

Sec. 4. (a) Except as provided in subsection (c), the person who owns an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

As added by P.L.2-1991, SEC.10. Amended by P.L.104-2005, SEC.3; P.L.191-2007, SEC.7.

IC 9-22-1-5

Discovery of possession by person other than vehicle owner

Sec. 5. When an officer discovers a vehicle in the possession of a person other than the person who owns the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-6

Notice to bureau of vehicle discovered in possession of person other than owner

Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.8.

IC 9-22-1-7

Inability to determine ownership; declaring vehicle abandoned

EXHIBIT A

Sec. 7. If:

(1) the person who owns or holds a lien under section 8 of this chapter does not appear and pay all costs; or

(2) the person who owns a vehicle cannot be determined by a search conducted under section 19 of this chapter;

the vehicle is considered abandoned and must be disposed of under this chapter.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.9.

IC 9-22-1-8

Release to owner or lienholder of stored vehicle

Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-9

Release; contents; notice by towing service

Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing service shall notify the appropriate public agency of all releases under section 8 of this chapter.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.4; P.L.191-2007, SEC.10.

IC 9-22-1-10

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-11

Tagging abandoned vehicle or parts

Sec. 11. An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, officer's name, public agency, and address and telephone number to contact for information.

(2) That the vehicle or parts are considered abandoned.

(3) That the vehicle or parts will be removed after:

(A) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or

(B) seventy-two (72) hours, for any other vehicle.

(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

(A) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or

(B) seventy-two (72) hours, for any other vehicle.

EXHIBIT A

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.5; P.L.131-2008, SEC.47; P.L.54-2009, SEC.6.

IC 9-22-1-12

Officer's abandoned vehicle report; photographs

Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

As added by P.L.2-1991, SEC.10. Amended by P.L.131-2008, SEC.48.

IC 9-22-1-13

Disposal of vehicle or parts; retention of records and photographs by bureau

Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with section 12 of this chapter is less than:

(1) five hundred dollars (\$500); or

(2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the officer shall immediately dispose of the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. A towing service may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A city, county, or town that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars (\$750).

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.2; P.L.104-2005, SEC.4; P.L.191-2007, SEC.11.

IC 9-22-1-14

Duties of tagging officer; towing and storage of vehicle or parts

Sec. 14. (a) If in the opinion of the officer the market value of the abandoned vehicle or parts determined in accordance with section 12 of this chapter is at least:

(1) five hundred dollars (\$500); or

(2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(b) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.3; P.L.104-2005, SEC.5.

EXHIBIT A

IC 9-22-1-15

Discovery of vehicle abandoned on private property

Sec. 15. (a) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

(1) obtain the assistance of an officer under section 18 of this chapter to have the vehicle removed; or

(2) personally arrange for the removal of the vehicle by complying with subsection (b) and section 16 of this chapter.

(b) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, name, and address of the person who owns or controls the private property and a telephone number to contact for information.

(2) That the vehicle is considered abandoned.

(3) That the vehicle will be removed after twenty-four (24) hours.

(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within twenty-four (24) hours.

As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.1; P.L.108-2001, SEC.3; P.L.54-2009, SEC.7.

IC 9-22-1-16

Towing vehicle from private property

Sec. 16. (a) If after twenty-four (24) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.2; P.L.108-2001, SEC.4; P.L.104-2005, SEC.6; P.L.191-2007, SEC.12; P.L.54-2009, SEC.8.

IC 9-22-1-17

Notice to bureau given by service towing vehicle from rental property

Sec. 17. A towing service that tows a vehicle under section 5 or 16 of this chapter shall give notice to the public agency that the abandoned vehicle is in the possession of the towing service.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.13.

IC 9-22-1-18

Complaint by person owning or controlling private property

Sec. 18. Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least forty-eight (48) hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in sections 11 through 14 of this chapter.

As added by P.L.2-1991, SEC.10.

EXHIBIT A

IC 9-22-1-19

Abandoned vehicle report; national data base search; notice to owner or lienholder; reimbursement

Sec. 19. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under section 5, 13, 14, or 16 of this chapter, the public agency or towing service shall do the following:

(1) Prepare and forward to the bureau a report containing a description of the vehicle, including the following information concerning the vehicle:

- (A) The make.
- (B) The model.
- (C) The identification number.
- (D) The number of the license plate.

(2) Conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.

(b) Notwithstanding section 4 of this chapter, if the public agency or towing service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing service:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) subject to subsection (c), may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

(c) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on a vehicle under subsection (a)(2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

- (1) name;
- (2) address; and
- (3) telephone number;

of the public agency or towing service. Notwithstanding section 4 of this chapter and subsection (b)(2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a)(2).

(d) A towing service may not collect reimbursement under both subsections (b) and (c) for storage costs incurred during a particular period for one (1) vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.6; P.L.78-2003, SEC.1; P.L.104-2005, SEC.7; P.L.191-2007, SEC.14.

IC 9-22-1-20

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-21

Means of vehicle identification not available; disposal without notice

Sec. 21. If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien

EXHIBIT A

on the vehicle, the vehicle may be disposed of without notice.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-22

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-23

Public sale by city, town, or county; notice

Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.6; P.L.191-2007, SEC.15.

IC 9-22-1-24

Purchasers at public sales; bill of sale; fees; roadworthiness of vehicle

Sec. 24. A person who purchases a vehicle under section 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the public agency upon paying the fee for a bill of sale under IC 9-29-7. A person who purchases a vehicle under section 23 of this chapter must:

(1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

(2) pay the appropriate title fee under IC 9-29-4;
to obtain a certificate of title under IC 9-17 for the vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.7; P.L.191-2007, SEC.16.

IC 9-22-1-25

Payment of removal, storage, and disposition costs; cost limits

Sec. 25. The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the abandoned vehicle account established under section 30 of this chapter. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing, or removing an abandoned vehicle or parts may

EXHIBIT A

not exceed the limits established by ordinance adopted under section 30 of this chapter.
As added by P.L.2-1991, SEC.10.

IC 9-22-1-26

Sale proceeds credited against removal, storage, and disposition costs

Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section 23 of this chapter shall be credited against the costs of the removal, storage, and disposal of the vehicle.
As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.17.

IC 9-22-1-27

Sales by city, county, or town; deposit of proceeds; payment of public agency costs; appropriations

Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by a city, county, or town.

(b) The proceeds from the sale of abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;
shall be deposited in the city's, county's, or town's abandoned vehicle fund by the fiscal officer of the city, county, or town.

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

As added by P.L.2-1991, SEC.10. Amended by P.L.85-1995, SEC.39; P.L.191-2007, SEC.18.

IC 9-22-1-28

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-29

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-30

Fiscal body procedures established by ordinance; abandoned vehicle fund

Sec. 30. (a) The fiscal body shall, by ordinance, establish procedures to carry out this chapter, including the following:

(1) The charges allowed for towing and storage of abandoned vehicles, which shall be filed with the bureau.

(2) The means of disposition of vehicles.

(b) The fiscal body shall establish an abandoned vehicle fund for the purposes of this chapter.
As added by P.L.2-1991, SEC.10.

IC 9-22-1-31

Public agencies; personnel, property, and towing contracts; fiscal body ordinances

EXHIBIT A

Sec. 31. To facilitate the removal of abandoned vehicles or parts, a public agency may:

- (1) employ personnel;
- (2) acquire equipment, property, and facilities; and
- (3) enter into towing contracts;

for the removal, storage, and disposition of abandoned vehicles and parts. The fiscal body may, by ordinance, establish procedures to carry out this section.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-32

Liability for loss or damage to vehicle or vehicle parts

Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of a vehicle or parts under this chapter:

(1) A person who owns, leases, or occupies property from which an abandoned vehicle or its contents or parts are removed.

(2) A public agency.

(3) A towing service.

(4) An automobile scrapyard.

(5) A storage yard.

(6) An agent of a person or entity listed in subdivisions (1) through (5).

As added by P.L.2-1991, SEC.10. Amended by P.L.104-2005, SEC.8; P.L.54-2009, SEC.9.

EXHIBIT B

Evansville Municipal Code - Nuisance - Article II. Abandoned Vehicles

8.10.100 Definitions.

The following words shall have the following meanings unless the context clearly indicates otherwise:

“Abandoned vehicle” means the following:

(1) A vehicle located on public property illegally including, but not limited to, a vehicle on a public street or right-of-way without proper registration or State license plate, or a vehicle illegally parked.

(2) A vehicle left on public property without being moved for three days.

(3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

(4) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than 48 hours.

(5) A vehicle from which the engine, transmission or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.

(6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than IC 9-13-2, if the impounded vehicle is not claimed or redeemed by the owner or the owner’s agent within 20 days after the vehicle’s removal.

(7) A vehicle that is at least three model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than 20 days.

“Officer” means a member of the Evansville Police Department, or a City Park Ranger.

“Public property” means property owned, leased, or otherwise under the control of a governmental entity including, but not limited to, public rights-of-way.

All other terms shall have the meaning provided in IC 9-22-1-1 et seq. [Ord. G-98-28, passed 9-21-98; Ord. G-83-27, passed 7-25-83. 1982 Code § 94.10; 1983 Code § 9.94.10.]

8.10.110 Adoption of State law.

It is the purpose of this chapter to provide for the removal and disposal of abandoned vehicles. The City hereby in all respects adopts the powers and procedures for the removal, storage, disposal and impoundment of abandoned vehicles and parts as set forth in IC 9-22-1 and as those provisions may from time to time be amended by the legislature.

In addition, the City exercises its authority under Home Rule to supplement or clarify State law and procedure to effectuate the purposes of this chapter. [Ord. G-98-28, passed 9-21-98; Ord. G-83-27, passed 7-25-83. 1982 Code § 94.11; 1983 Code § 9.94.11.]

8.10.120 Responsibility of owner.

The owner of an abandoned vehicle or parts is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all costs incidental to the removal, storage, and disposal of the vehicle or parts. [Ord. G-83-27, passed 7-25-83. 1982 Code § 94.12; 1983 Code § 9.94.12.]

EXHIBIT B

8.10.130 Powers of the Board of Public Safety.

The Board of Public Safety is hereby authorized to enter into towing contracts, employ personnel, and acquire equipment, property, and facilities, subject to appropriation, for the purpose of removal, storage, and disposition of abandoned vehicles and parts. [Ord. G-83-27, passed 7-25-83. 1982 Code § 94.13; 1983 Code § 9.94.13.]

8.10.140 Costs and charges.

The following fees and charges are hereby imposed upon the owner of an abandoned vehicle or parts, or upon a lien holder seeking to obtain possession of the vehicle or parts, when any vehicle or parts are towed, removed, stored, or impounded pursuant to this chapter, and said fee shall be paid before the owner or lien holder is entitled to reclaim the vehicle:

(A) A processing charge of \$10.00.

(B) A towing charge of \$50.00.

(C) A storage charge of \$12.00 per day or any part thereof. [Ord. G-2008-38 § 1, passed 1-8-09; Ord. G-83-27, passed 7-25-83. 1982 Code § 94.14; 1983 Code § 9.94.14.]

8.10.150 Bill of sale.

A purchaser shall be furnished a bill of sale for each abandoned vehicle sold by the Board of Public Safety. The fee for the bill of sale is \$6.00. [Ord. G-83-27, passed 7-25-83. 1982 Code § 94.15; 1983 Code § 9.94.15.]

8.10.160 Disposition of vehicle and parts.

(A) If the properly identified owner or lien holder appears at the site of storage before disposal of the vehicle or parts and pays all proper costs incurred against it at that time, then the vehicle shall be released. The release must contain the owner's or lien holder's signature, name, address, vehicle or parts description, costs, and date of release.

(B) If the vehicle or parts are in such condition that vehicle identification number or other means of identification are not available to determine the owner or lien holder, the vehicle may be disposed without notice.

(C) If the owner or lien holder does not appear within 15 days after the mailing of notice as provided by IC 9-9-1.1-6, the Board of Public Safety shall cause the vehicle or parts to be sold to the highest bidder at a public sale conducted after notice under IC 5-3-1, except only one newspaper insertion one week before the public sale is required. However, if the board determines that it is in the City's best interest, the board may elect to sell the vehicle or parts as unclaimed property in accordance with IC 36-1-11, except that the 15-day period for the property to remain unclaimed is sufficient. [Ord. G-83-27, passed 7-25-83. 1982 Code § 94.16; 1983 Code § 9.94.16.]

8.10.170 Inapplicability of article.

This article does not apply to the following:

(A) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.

(B) A vehicle stored as the property of a member of the Armed Forces of the United States who is on active duty assignment.

(C) A vehicle located on a vehicle sale lot or at a commercial vehicle servicing facility.

(D) A vehicle located upon property licensed or zoned as an automobile scrap yard.

(E) A vehicle registered and licensed under IC 9-7-6 as an antique vehicle. [Ord. G-83-27, passed 7-25-83. 1982 Code § 94.17; 1983 Code § 9.94.17.]

CITY OF EVANSVILLE ORDINANCE

EXHIBIT B

8.10.180 Abandoned vehicle account.

(A) There is hereby created a new account to be known as the “Abandoned Vehicle Account.”

(B) The cost for removing and storing an abandoned vehicle or parts not claimed by the owner or lien holder shall be paid from the Abandoned Vehicle Account.

(C) The proceeds from any sale of an abandoned vehicle or parts shall be credited against all costs incidental to the removal, storage, and disposal of the vehicle or parts. All proceeds from the sale of an abandoned vehicle or parts that are sold, including charges for bills of sale, and all monies received from an owner or lien holder for the cost of removal, storage of the vehicle or parts shall be deposited with the City Controller and placed in the Abandoned Vehicle Account.

(D) All funds now in Fund 20, known as “Junk Vehicle Revolving,” are hereby transferred to the Abandoned Vehicle Account. [Ord. G-83-27, passed 7-25-83. 1982 Code § 94.18; 1983 Code § 9.94.18.]

8.10.190 Removed abandoned vehicles.

As long as a vehicle is considered abandoned because it is located on a public right-of-way and is not properly registered, does not have the proper license plate or has the engine, transmission or differential removed or is otherwise inoperable and on a public right-of-way, said vehicle shall continue to be considered abandoned unless it is removed from all public rights-of-way and public property. Such removed abandoned vehicle may be considered to remain an abandoned vehicle if it meets a definition found in EMC [8.10.100](#). [Ord. G-98-28, passed 9-21-98. 1983 Code § 9.94.19.]

8.10.200 Reclaiming vehicle.

Before an owner or lien holder may move an operable vehicle from the storage lot by driving or operating such vehicle, such person must have a valid driver’s license and show proof of financial responsibility or insurance in accordance with State law. A vehicle shall continue to be abandoned until the owner or lien holder has it moved from the storage lot. The payment of storage and towing fees shall not affect the status of the vehicle as an abandoned vehicle. A vehicle may be disposed of without retagging or providing additional notice to the owner or lien holder if the owner or lien holder does not remove such vehicle from the storage lot; however, such vehicle shall not be disposed of within 72 hours of the payment of towing and storage fees; weekends and holidays observed by the City shall be excluded from the calculation of the 72-hour holding period. [Ord. G-2008-38 § 2, passed 1-8-09; Ord. G-98-28, passed 9-21-98. 1983 Code § 9.94.20.]

8.10.210 Abandoned vehicles.

(A) Towing and Hearing Process. Before a vehicle may be towed from private property for a violation of this chapter without the consent of the owner of the property, the following procedure shall be followed:

(1) An administrative search warrant shall be obtained from the Superior Court to permit the enforcement official to enter onto the property to make an inspection and tag the vehicle with the appropriate notice sticker as heretofore provided unless the vehicle is in the driveway which is open to the general public for access to the front door or other reasonable entrance. An administrative search warrant shall be necessary to enter into any vehicle to obtain the vehicle identification number prior to towing.

(2) The notice sticker (order of the Police Department) shall inform the owner that the vehicle has been preliminarily determined to be an abandoned vehicle and that a hearing on that

EXHIBIT B

determination will be held before the hearing authority as defined in IC 36-7-9-2. The notice shall state the date, time and place of the hearing and that the owner may present evidence and represent himself or be represented by counsel. A copy of the notice shall be served upon the owner of the real estate pursuant to IC 36-7-9-25.

(3) Hearing authority shall have the authority to order abatement of the violation or authorize the department to cause the vehicle to be towed to a storage facility. If the vehicle is not claimed within the time provided in this chapter, the vehicle shall be ordered sold or disposed of as provided in EMC [8.10.160](#).

(4) The decision of the hearing authority may be appealed by the owner to the Circuit or Superior Court of Vanderburgh County within 10 days of the decision as provided in IC 36-7-9-8. No action shall be taken by the department while the decision is under appeal.

(5) For purposes of this chapter and IC 36-7-9-4, the City now finds that possessing an abandoned vehicle in violation of this chapter constitutes a public nuisance by being detrimental to the aesthetics of the neighborhood, diminishing the enjoyment of property by neighbors, and lowering property values. The condition may also be an attractive nuisance to children in the neighborhood and a danger to others.

(B) Pursuant to IC 9-22-1-13(b), the City establishes the amount of \$750.00 as the market value below which an officer may dispose of a vehicle or parts pursuant to IC 9-22-1-13(a). If it is the opinion of the officer that the market value of the abandoned vehicle or parts determined in accordance with IC 9-22-1-12 is at least \$750.00, then the officer must follow the procedures set forth in IC 9-22-1-14. [Ord. G-2008-38 § 3, passed 1-8-09; Ord. G-2008-25 § 1, passed 10-29-09. 1983 Code § 9.94.21.]

8.10.220 Violation and penalty.

(A) Violations. It shall be a violation of this article for any person to possess an abandoned vehicle or to permit an abandoned vehicle to be located on the property of another person without the owner's permission. Such person shall be subject to the procedures and penalties provided herein. If appropriate, the City may obtain an injunction or other appropriate order to correct or prevent another violation.

(B) Penalty.

(1) Any person who violates any provision of this article shall be subject to a civil penalty of \$25.00 for the first violation in any calendar year, with the second violation during any calendar year carrying a civil penalty of \$50.00, and the third and subsequent violations during any calendar year carrying a civil penalty of \$100.00.

(2) Each day a violation exists shall be considered a separate violation and a court may assess a monetary civil penalty for each day a violation exists. The court may also assess court costs and the costs of towing and storing the vehicle as well as the processing charge provided herein. If the car is not claimed and is sold hereunder, the revenue obtained shall be deducted from the amount owed to the City or its towing agent and disposition agent.

(C) If a judgment is entered against a defendant in an action to enforce this chapter, the defendant may perform community restitution or service (as defined in IC 35-41-1-4.6) instead of paying the monetary judgment for the ordinance violation if:

(1) The defendant and the attorney for the City agree to the defendant's performance of community restitution or service instead of the payment of a monetary judgment;

EXHIBIT B

(2) The terms of the agreement described in subsection (C)(1) of this section:

(a) Include the amount of the judgment the City requests that the defendant pay under IC 34-28-5-4(e) for the ordinance violation if the defendant fails to perform the community restitution or service provided for in the agreement as approved by the court; and

(b) Are recorded in a written instrument signed by the defendant and the attorney for the City;

(c) The agreement is filed in the court where the judgment was entered; and

(3) The court approves the agreement.

If a defendant fails to comply with an agreement approved by a court hereunder, the court shall require the defendant to pay up the amount of the judgment requested in the action under IC 34-28-5-4(e) as if the defendant had not entered into an agreement hereunder. This provision is adopted under and shall be construed consistent with IC 34-28-5-1(g). [Ord. G-2006-8, passed 4-12-06. 1983 Code § 9.94.22.]

EXHIBIT C

Evansville Municipal Code - Nuisance - Article IV. Nuisance Vehicles

8.10.310 Definitions

“The following definitions apply to this Article:

“City” means the City of Evansville, Indiana, or, as appropriate, its employees, officers, agents, consultants, or Contractors acting under and within the scope of authority of the City to carry out and enforce the provisions of this code.

“Municipal Code” means the code of ordinances of the City of Evansville, Indiana.

“Notice” means either a written document provided to the operator of the vehicle by personal service or a written document served upon the owner of a vehicle by mail. An operator or owner may not waive their right to notice as defined in this paragraph.

“Nuisance” means any violation of this article.

“Operator” means a person in possession of the vehicle at the time a nuisance occurs.

“Owner” means any person who, alone, jointly or severally with others, shall have title to the vehicle with or without having actual possession.

“Police Department” means the Evansville Police Department.

8.10.320 Policy

A motor vehicle, operated with the permission, expressed or implied, of the Owner, which is used in the commission of an act where the Operator is charged with any misdemeanor or felony may be subject to seizure and impoundment under this article. The Owner is considered to have committed a nuisance in violation of this article regardless of whether the misdemeanor or felony arrest of the Operator is custodial.

8.10.330 Notice of Violation and Administrative Fee

(A) The Police Department shall present a copy of the nuisance determination to the Operator of such vehicle if the Operator is the Owner. If the vehicle owner is not present, notice shall be mailed to the Owner.

(B) When the Police Department orders that a vehicle be towed within the corporate limits of the City, the designated towing service authorized to tow the vehicle shall assess against the owner of the towed vehicle a City Administrative Fee of \$100 which shall be collected in addition to any and all other applicable towing charges.

EXHIBIT C

- (C) In addition, the designated towing service shall be authorized to assess against the Owner of the towed vehicle a Towing Administrative Fee of \$25 which shall be collected in addition to any and all other applicable towing charges.
- (D) The administrative fees authorized by this section shall be itemized within the towing bill assessed by the designated towing service and collected by the designated towing service as part of the towing bill.
- (E) The Owner shall be liable for payment for the towing bill before such vehicle shall be released by the designated towing service.
- (F) The City Administrative Fee authorized by subsection (B) above shall be forwarded by the designated towing service to the Police Department within thirty (30) days of collection. The Police Department will then remit the City Administrative Fee to the City Controller's Office, who shall deposit the City Administrative Fee into the General Fund for appropriation. The Towing Administrative Fee authorized by subsection (C) above shall be retained by the designated towing service. If the designated towing service is unable to collect the City Administrative Fee due to a vehicle being unclaimed by the owner of record, it is not liable for providing the uncollected fee to the Police Department.

8.10.340 Appeal of Notice of Violation

- (A) Any vehicle Owner receiving a notice of a nuisance determination from the Police Department may appeal in writing within ten (10) days from the date of the notice of violation by filing an appeal with the Police Chief or his designee. Appeals will be heard by the Board of Public Safety within thirty (30) days from the date of receipt of the notice of appeal and the decision of the Board of Public Safety shall be final.
- (B) Upon appeal, the Board of Public Safety may reverse, affirm, or modify the nuisance determination. For this purpose, the Board of Public Safety has all the powers of the official, officer, or body that issued the nuisance determination.
- (C) At said appeal hearing, the Board of Public Safety shall determine whether probable cause exists to believe that a violation of this article occurred. Evidence of a determination in the related criminal matter may be considered by the Board of Public Safety, but is not necessary for it to reach a decision regarding the Operator's violation of this article.
- (D) If the Owner prevails on its appeal to the Board of Public Safety, the City Administrative Fee shall be refunded to the Owner via the Controller's Office within sixty (60) days thereafter, and the designating towing service shall refund the Towing Administrative Fee directly to the Owner within the same sixty (60) day period.