



Legislation Text

File #: 54551, **Version:** 2

..Fiscal Note

The proposed resolution authorizes a non-competitive purchase from Frank Beer Distributors LLC for approximately \$70,000. The 2019 Golf Operating Budget includes funding for this purchase (Munis accounts 53450). No additional appropriation is required.

..Title

SUBSTITUTE - Authorizing the noncompetitive purchase of more than ~~\$25,000~~ \$50,000 in goods from Frank Beer Distributors LLC as a sole source provider of certain brands of fermented malt beverages to be sold at the City of Madison Golf Courses in 2019.

Body

WHEREAS, Frank Beer Distributors LLC ("Frank Beer" hereafter) owns the distribution rights and is therefore the sole distributor of the MillerCoors, New Glarus Brewing Co., Boston Beer Company, Guinness, Craig Stein Beverage and Dogfish Head, among others; and

WHEREAS, Frank Beer has been the sole provider of these fermented malt beverages at the golf courses since 2015; and

WHEREAS, any entity that sells these products directly to consumers must have a License to do so and those entities are required by law to purchase the products from a licensed wholesaler with the rights to distribute these products within Dane County; and

WHEREAS, the City of Madison Parks Division has Council authorization to sell these products and wishes to continue to sell brands of fermented malt beverages distributed by Frank Beer at its Golf courses; and

WHEREAS, any entity including the City wishing to purchase these goods for sale to consumers are required by law to purchase from a licensed wholesaler; and

WHEREAS, the City wishes to provide brands of fermented malt beverages controlled by Frank Beer at its Golf courses; and

WHEREAS, Frank Beer has been deemed a sole source provider in the past by City Purchasing for these brands of fermented malt beverages; and

~~WHEREAS, City Purchasing will not approve a Purchase Order for a non-competitive purchase of goods that exceeds \$25,000 without Common Council approval; and~~

WHEREAS, MGO 4.26(2) requires goods to be purchased using competitive procedures approved by the Finance Director and under the Finance Director's Purchasing Guidelines, Common Council approval is required to purchase goods over \$50,000 without a competitive bidding process; and

WHEREAS, the Parks Division is now seeking such approval from the Council so that we may purchase fermented malt beverages for the 2019 season in a timely manner.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk or the Designee of the Finance Director, as appropriate, are hereby authorized to execute document(s) as necessary in a form approved by

the City Attorney, with Frank Beer for the purchase of fermented malt beverages.