

## RESOLUTION NO. 23-10

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA MEMORIALIZING A DECLARATION OF EMERGENCY AS TO THE REPAIR AND REHABILITATION OF THE WASTEWATER TREATMENT PLANT TREATMENT TRAIN NO. 1; MAKING A FINDING OF EMERGENCY UNDER STATE LAW AND SECTION 2-159(c)(2) OF THE CODE OF ORDINANCES OF THE TOWN OF DUNDEE; AND AUTHORIZING THE TOWN MANAGER TO TAKE ANY AND ALL NECESSARY FURTHER ACTIONS INCLUDING, BUT NOT LIMITED TO, NEGOTIATING AND APPROVING AN AGREEMENT WITH HZ CONSTRUCTION, INC. FOR THE EMERGENCY REPAIR AND REHABILITATION OF THE WASTEWATER TREATMENT PLANT TREATMENT TRAIN NO. 1.**

**WHEREAS**, circumstances have arisen requiring emergency action on the part of Town of Dundee management to ensure the health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida; and

**WHEREAS**, the Town Commission of the Town of Dundee (the "Commission") acknowledges the health, safety, and general welfare concerns created by the need to have a fully operational regional wastewater treatment plant (WWTP) in order to effectively maintain and operate the plumbing and sewage disposal systems connected to the Town of Dundee wastewater utility system; and

**WHEREAS**, the Commission acknowledges that the WWTP uses two (2) treatment trains in order to handle the total treatment capacity which is permitted for 700,000 gallons per day; and

**WHEREAS**, the Commission acknowledges that WWTP Treatment Train No. 1 is currently offline which limits the total treatment capacity to approximately 350,000 gallons per day; and

**WHEREAS**, the Commission also acknowledges that, under normal conditions and while the WWTP Treatment Train No. 1 is offline, the WWTP is operating at approximately 62% of its total treatment capacity; and

**WHEREAS**, on June 13, 2023, the Commission authorized and approved, at a duly noticed public meeting, the Town Manager to take any and all necessary further action(s) in order to negotiate, approve and enter into an agreement with HZ Construction,

Inc. for the emergency repair and rehabilitation of the WWTP Treatment Train No. 1; and

**WHEREAS**, a copy of the HZ Construction, Inc. Proposal (the “Proposal”) is attached hereto as **Exhibit “A”** and made a part hereof by reference; and

**WHEREAS**, Town has an immediate need for the emergency repair and rehabilitation of the WWTP Treatment Train No. 1; and

**WHEREAS**, the Town Commission of the Town of Dundee acknowledges and agrees that circumstances and conditions continue to exist requiring the Town to approve the Proposal and enter into an Agreement with HZ Construction, Inc. for the emergency repair and rehabilitation of the WWTP Treatment Train No. 1; and

**WHEREAS**, pursuant to Section 2-159(3)b of the Town of Dundee Code of Ordinances, the Commission acknowledges and agrees that the Proposal constitutes an emergency purchase made in response to a requirement when the delay incident to complying with all governing rules, regulations, and procedures would be detrimental to the health, safety and welfare of the town and/or its citizens; and

**WHEREAS**, the delay incident in strictly complying with all governing rules, regulations, and public bidding procedures and/or Town procurement requirements in this instance would be detrimental to the health, safety and welfare of the Town Employee’s and the Town citizens and residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:**

**SECTION 1:** The Town Commission declares that the foregoing recitals are true and hereby factually finds as such.

**SECTION 2:** The Town Commission finds that an “emergency” as defined in Section 2-159(c)(2), Code of Ordinances of the Town of Dundee, exists, namely that the Town is under a significant requirement such that the delay incident in strictly complying with all of the current governing procurement rules, regulations, and procedures would be detrimental to the health, safety and welfare of the Town’s employees and the Town’s citizens and residents.

**SECTION 3:** Accordingly, the Town Commission authorizes, approves, confirms, and ratifies: (1) the Town Manager’s actions in negotiating and approving the HZ Construction, Inc. Proposal (the “Proposal”) for the emergency repair and rehabilitation

of the WWTP Treatment Train No. 1; and (2) the Town Manager’s actions in negotiating and entering into an agreement with HZ Construction, Inc. for the emergency repair and rehabilitation of the WWTP Treatment Train No. 1, as further described in the attached **Exhibit “A”** and incorporated herein by reference, on an emergency basis and waives the requirements of strict compliance with the Town’s procurement code in this instance.

**SECTION 4:** This Resolution shall be effective immediately upon adoption by the Town Commission.

**READ, PASSED AND ADOPTED** at a duly called meeting of the Town Commission of the Town of Dundee, Florida assembled on the 13th day of June, 2023.

**TOWN OF DUNDEE**

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Samuel Pennant, Mayor

ATTEST WITH SEAL:

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Trevor Douthat, Town Clerk

Approved as to form:

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Frederick J. Murphy, Jr., Town Attorney

EXHIBIT "A"