

RESOLUTION NO. 23-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA MEMORIALIZING A DECLARATION OF EMERGENCY AS TO THE PURCHASE AND INSTALLATION OF A REPLACEMENT 15 HP ZOELLER SEWAGE PUMP FOR LIFT STATION 8; 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 C & W EQUIPMENT REPAIR AND MAINTENANCE, INC. FOR THE EMERGENCY PURCHASE AND INSTALLATION PUMPING SERVICES FOR OF A REPLACEMENT 15 HP ZOELLER SEWAGE PUMP FOR LIFT STATION 8.

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 lift station 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 each lift station which includes, but is not to be limited to, Lift Station No. 8 uses two (2) pumps in order to move raw sewage and/or wastewater from residential, commercial and industrial users to a designated wastewater treatment facility; and

WHEREAS, the Commission acknowledges that, in the event of a pump failure at Lift Station No. 8, Lift Station No. 8 would be non-functioning causing backups and overflows; 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 purchase and install a replacement 15 HP Zoeller Sewage Pump for

Lift Station No. 8 which includes, but is not limited to, negotiating and entering into an agreement with C & W Equipment Repair and Maintenance, Inc. for the emergency purchase and installation of a 15 HP Zoeller Sewage Pump for Lift Station No. 8; and

WHEREAS, a copy of the C & W Equipment Repair and Maintenance, 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 purchase and installation of a 15 HP Zoeller Sewage Pump for Lift Station No. 8; 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 C & W Equipment Repair and Maintenance, Inc. for the emergency purchase and installation of a 15 HP Zoeller Sewage Pump for Lift Station No. 8; 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 C & W Equipment Repair and Maintenance, Inc. Proposal (the “Proposal”) for the emergency purchase and installation of a 15 HP Zoeller Sewage Pump for Lift Station No. 8; and (2) the Town Manager’s actions in negotiating and entering into an agreement with C & W Equipment Repair and Maintenance, Inc. for the emergency purchase and installation of a 15 HP Zoeller Sewage Pump for Lift Station No. 8, 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

Samuel Pennant, Mayor

ATTEST WITH SEAL:

Trevor Douthat, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney

EXHIBIT "A"