

RESOLUTION NO. 23-04

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA MEMORIALIZING A DECLARATION OF EMERGENCY AS TO THE LEASE AGREEMENT(S) BETWEEN THE TOWN OF DUNDEE AND RDK ASSETS, INC. D/B/A RDK TRUCK SALES FOR THE THIRTEEN (13) MONTH LEASE OF A 2021 FREIGHTLINER M2 REARLOADER AND 2022 FREIGHTLINER M2 SIDE LOADER 31 YARD; 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 CONFIRMING AND APPROVING THE TOWN MANAGER'S ACTIONS IN ENTERING INTO SAID LEASE AGREEMENTS WITH RDK ASSETS, INC. D/B/A RDK TRUCK SALES.

WHEREAS, on June 25, 2019, the Town and I-Deal Refuse Savings, Inc., entered into that certain Solid Waste Collection and Disposal Contract for Residential Curbside Solid Waste Service and Recycling Service (the "Agreement"); and

WHEREAS, the Town terminated the Agreement, which was effective on February 28, 2022; and

WHEREAS, on February 8, 2022, as a result of the Town's termination of the Agreement, the Town adopted Resolution No. 22-08 authorizing emergency action on the part of the Town of Dundee to enter into two (2) separate lease agreements with RDK Assets, Inc. d/b/a RDK Truck Sales for the thirteen (13) month rental of a 2021 Freightliner 20 Yard Rearloader and 2022 Freightliner ASL Side Loader; and

WHEREAS, on October 11, 2022, as a result of the increasing demand for solid waste collection services, as well as the additional services necessitated by Hurricane Ian, the Town adopted Resolution No. 22-45 authorizing emergency action on the part of the Town of Dundee to enter into a separate lease agreement with RDK Assets, Inc. d/b/a RDK Truck Sales for the thirteen (13) month rental of a 2022 Freightliner ASL; and

WHEREAS, on November 22, 2022, the Polk County Board of County Commissioners by unanimous vote declared a State of Local Emergency due to residential waste not being collected by a collector; and

WHEREAS, on November 22, 2022, in accordance with the unanimous vote of the Polk County Board of County Commissioners, Polk County issued State of Local

Emergency 22-03 due to residential waste not being collected; and

WHEREAS, Town has an immediate need for solid waste collection services; and

WHEREAS, the Town Commission of the Town of Dundee acknowledges and agrees that circumstances and conditions continue to exist requiring the Town to enter into two (2) lease agreement(s) and/or renewal lease agreement(s) with RDK Assets, Inc. d/b/a RDK Truck Sales for the thirteen (13) month rental of a 2021 Freightliner M2 Rear Loader and 2022 Freightliner M2 Side Loader 31 Yard; and

WHEREAS, pursuant to Section 2-159(3)b of the Town of Dundee Code of Ordinances, the Town acknowledges and agrees that this Agreement 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; and

WHEREAS, the Town Commission of the Town of Dundee acknowledges and agrees that, in order to ensure and guarantee that the necessary public services needed to support the residents and citizens of the Town of Dundee, the two (2) rental and/or renewal agreements entered into between the Town and RDK Assets, Inc. d/b/a RDK Truck Sales are found to be in the best interests of the public health, safety, and general welfare of the citizens and residents of the Town of Dundee.

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, confirms and ratifies: The Town Manager's actions in approving the rental and/or rental renewal agreements between the Town and RDK Assets, Inc. d/b/a RDK Truck Sales for the thirteen (13) month rental of a 2021 Freightliner M2 Rear Loader and 2022 Freightliner M2 Side Loader 31 Yard, as further described in the agreements attached hereto as composite 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 14th day of March, 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"

