RESOLUTION NO. 25-42

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO THE SOLE SOURCE PROCUREMENT OF A NEW FIRE PUMPER; AUTHORIZING THE TOWN MANAGER TO TAKE ANY NECESSARY AND FURTHER ACTION(S) TO EFFECTUATE THE INTENT OF THIS RESOLUTION WHICH INCLUDFES, BUT IS NOT TO BE LIMITED TO, NEGOTIATING AND EXECUTING ANY AGREEMENT(S) AS THE TOWN MANAGER DEEMS NECESSARY AND APPROPRIATE TO FINANCE, LEASE AND PURCHASE A NEW FIRE PUMPER; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Dundee (hereafter the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the Town is vested with governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, the Town Commission of the Town of Dundee (the "Town Commission") has determined that an immediate need exists for the acquisition of a new fire pumper and associated equipment (collectively referred to as the "Fire Apparatus") which is described in the *Fire-Apparatus RFP 1905, Notice of Solicitation*, and *Lease-Purchase Agreement* (collectively referred to as the "Procurement"); and

WHEREAS, copies of the Procurement are attached hereto as **Exhibit "A"** and made a part hereof by reference; and

WHEREAS, pursuant to *Section 2-159(3) of the Code of Ordinances of the Town of Dundee, Florida* (hereafter the "Code"), which is entitled *alternative source selection*, nothing prohibits the Town from authorizing the purchase of goods, services, supplies, equipment and material without competitive bids when the manager of the using department has documented in writing that such goods, supplies, equipment, materials or service, is the only item that will meet the need and is available through only one source of supply; and

WHEREAS, on October 28, 2025, the Town Commission determined that the Fire Apparatus will be used solely for essential governmental functions and fulfills an immediate and essential need; and

WHEREAS, pursuant to *Section 2-159(3) of the Code*, the Town Commission has taken the necessary steps to arrange for the procurement and acquisition of the Fire Apparatus; and

WHEREAS, it is the intent of the Town Commission that this **Resolution No. 25-42** should be construed deferentially in favor of the Town's home rule powers and that the Town Commission's decision to approve, authorize, and/or ratify the *sole source* process and purchase, as more specifically set forth in this **Resolution No. 25-42**, is legislative in nature; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Resolution No. 25-42** is intended to enhance the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest; and this **Resolution No. 25-42** is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the Town of Dundee, Florida.

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

Section 1: Incorporation of Factual Recitals.

The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the adoption of this **Resolution No. 25-42**, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this **Resolution No. 25-42**.

Section 2: Authority and Adoption.

Pursuant to its home rule authority as secured by *Article VII, §2(b) of the Florida Constitution, Section 166.021 of the Florida Statutes* and *Section 2-159(3) of the Code of Ordinances of the Town of Dundee, Florida*, the Town Commission of the Town of Dundee, Florida, hereby approves, authorizes, and ratifies the *sole source* process and purchase of the Fire Apparatus which is specifically identified and described in the Procurement (see **Exhibit "A"**).

Section 3: Town Manager Authorization.

The Town Manager, or his designee, is hereby authorized to take any and all necessary further action(s) to effectuate the intent of this **Resolution No. 25-42** which includes, but shall not be limited to, the negotiation, execution, and implementation of the agreement(s) approved herein. Further, the Town Manager or his designee, and all appropriate Town Officials are authorized to take all other necessary actions related to the finance, lease, and purchase of the Fire Apparatus.

Section 4: Conflicts.

All resolutions in conflict with this **Resolution No. 25-42** are repealed to the extent necessary to give this **Resolution No. 25-42** full force and effect.

Section 5: Severability.

The provisions of this **Resolution No. 25-42** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-42**, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission of the Town of Dundee hereby declares that it would have passed this **Resolution No. 25-42**, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this **Resolution No. 25-42** for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this **Resolution No. 25-42** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-42** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-42**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-42**, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6: Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Resolution No. 25-42** may be renumbered or re-lettered and the word "resolution" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and sections of this **Resolution No. 25-42** may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 7: Effective Date.

This **Resolution No. 25-42** will take effect immediately upon its passage by the Town Commission of the Town of Dundee, Florida.

READ, PASSED AND ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the 28th day of October, 2025.

TOWN OF DUNDEE

_____
Samuel Pennant, Mayor

ATTEST WITH SEAL:

_____
Erica Anderson, Town Clerk

Approved as to form:

_____
Frederick J. Murphy, Jr., Town Attorney