

RESOLUTION NO. 25-37

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA MEMORIALIZING A SOLE SOURCE PURCHASE IN ACCORDANCE WITH SECTION 2-159(3) OF THE CODE OF ORDINANCES OF THE TOWN OF DUNDEE, FLORIDA; MAKING FINDINGS; AUTHORIZING THE TOWN MANAGER TO TAKE ANY AND ALL NECESSARY FURTHER ACTIONS INCLUDING, BUT NOT LIMITED TO, NEGOTIATING AND EXECUTING THAT CERTAIN PROPOSAL/SCOPE WITH RESPEC COMPANY, LLC, TO PROVIDE CERTAIN HYDROLOGIC MONITORING SERVICES TO THE TOWN OF DUNDEE, FLORIDA; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee (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, 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, employees, and residents of the Town of Dundee, Florida; and

WHEREAS, on May 20, 2025, the Southwest Florida Water Management District (SWFWMD) held a Governing Board Meeting (hereafter the "SWFWMD Meeting") and, at that time, SWFWMD *conditionally approved* Consent Agenda Item No. 2.5 (the "Approval") which consisted of the Town's application for the renewal of the Town of Dundee Water Use Permit No. 20005893.014 (the "Town WUP"); and

WHEREAS, on May 20, 2025, the conditions of the Approval of and/or for the Town WUP require, amongst others, the Town perform certain hydrologic monitoring; and

WHEREAS, the Town Commission of the Town of Dundee, Florida (the "Town Commission"), acknowledges that the Town has currently engaged RESPEC Company, LLC, to prepare certain annual reports in accordance with the Town WUP; and

WHEREAS, RESPEC Company, LLC, is uniquely qualified as a *sole source provider* for land use transition wells and related projects; and

WHEREAS, RESPEC Company, LLC (formerly known as Progressive Water) is the only consultant in the applicable region performing specialized services related to land use transition wells and related projects; and

WHEREAS, on October 14, 2025, in an effort to satisfy the conditions of the Approval of and/or for the Town WUP, respect Company, LLC, prepared the *Proposal/Scope of Work* (the "Agreement") for the Town; and

WHEREAS, a copy of the Agreement is attached hereto as **Exhibit "A"** and made a part hereof by reference; and

WHEREAS, the Town Commission acknowledges that the Town has an immediate need for services which are the subject of the Agreement (see **Exhibit "A"**); and

WHEREAS, on October 14, 2025, at a duly noticed public meeting, the Town Commission acknowledges and agrees that circumstances and conditions continue to exist requiring the Town to direct and authorize the Town Manager to take any and all necessary further action(s) in order to negotiate, approve, and enter into the Agreement (see **Exhibit "A"**) with RESPEC Company, LLC, in order to ensure the Town of Dundee satisfies all applicable monitoring and reporting requirements; and

WHEREAS, pursuant to *Section 2-159(3)b of the Code*, the Town Commission acknowledges, agrees, and finds that any delay incident to complying with all governing rules, regulations, and procedures would be detrimental to the health, safety and general welfare of the Town, its residents, and/or the general public; and

WHEREAS, on October 14, 2025, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Resolution No. 25-37** 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. 25-37** 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 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. 25-37**, 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. 25-37**. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this **Resolution No. 25-37**.

Section 2. Findings.

The Town Commission of the Town of Dundee, Florida (the "Town Commission"), finds that a "*sole source purchase*" as defined in *Section 2-159(3), Code of Ordinances of the Town of Dundee, Florida*, exists as related to the imminent need for hydrologic monitoring and compliance services in support of certain *special conditions* of the Town of Dundee Water Use Permit No. 20005893.014 (the "Town WUP").

The Town Commission finds that, pursuant to *Section 2-159(3), Code of Ordinances of the Town of Dundee, Florida*, the *Proposal/Scope of Work* (the "Agreement") (see **Exhibit "A"**) qualifies as an *alternative source selection* and *sole source purchase* in accordance with *Section 2-159(3), Code of Ordinances of the Town of Dundee, Florida*; and 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 general welfare of the Town of Dundee, its employees, its residents, and/or the general public.

Section 3. Authorization.

Accordingly, the Town Commission directs, authorizes, approves, confirms, and ratifies: (1) the Town Manager's actions in negotiating, approving, and executing on behalf of the Town of Dundee, Florida, the Agreement (see **Exhibit "A"**) for *Monthly Hydrologic Monitoring and Compliance Services* and/or other related services related to the Town WUP; and (2) the Town Commission further waives the requirement(s) of strict compliance with the Town's procurement code for the *sole source purchase* of *Monthly Hydrologic Monitoring and Compliance Services* and/or other related services related to the Town WUP.

The Town Manager is further authorized to take any and all necessary further action(s) to effectuate the intent of this **Resolution No. 25-37** which includes, but shall not be limited to, negotiating and executing any documentation and/or instrument necessary and incidental to the Agreement (see **Exhibit "A"**).

Section 4. Conflicts.

All resolutions in conflict with this **Resolution No. 25-37** are repealed to the extent necessary to give this **Resolution No. 25-37** full force and effect.

Section 5. Severability.

The provisions of this **Resolution No. 25-37** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-37**, 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. 25-37**, 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. 25-37** 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. 25-37** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-37** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-37**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-37**, 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. 25-37** 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. 25-37** 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. 25-37** shall take effect immediately upon passage by the Town Commission of the Town of Dundee, Florida.

Remainder of page intentionally left blank.

Town of Dundee, Florida
Resolution No. 25-37
Sole Source Purchase

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 October, 2025.

TOWN OF DUNDEE

ATTEST WITH SEAL:

Samuel Pennant, Mayor

Erica Anderson, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney



PROPOSAL SUBMITTED TO:
Town of Dundee Utilities
202 Main Street
Dundee, FL 33838-1000

DATE:
October 2, 2025

CLIENT CONTACT:
Tracy Mercer
Utilities/Special Projects Director

CLIENT CONTACT EMAIL:
t Mercer@townofdundee.com

RESPEC CONTACT:
David Brown, P.G.

RESPEC CONTACT EMAIL:
david.brown@RESPEC.com

RESPEC CONTACT PHONE:
(941) 667-5408

SCOPE OF WORK: Town of Dundee Water Use Permit 20005893.014 Monthly Hydrologic Monitoring and Compliance

RESPEC Company, LLC (RESPEC) is proposing the following Scope of Work for The Town of Dundee Utilities (Client) in support of Special Condition Nos. 13, 15, and 16 of Water Use Permit (WUP) No. 20005893.014.

Special Condition Nos. 15 and 16 require the monitoring and reporting of water levels in two (2) piezometers (PZ-1 and PZ-2) and two (2) staff gauges (SG-1 and SG-2) relative to the North American Vertical Datum 1988 (NAVD 88) on a monthly basis. The piezometers and staff gauges are located within the Highway 542 Zone of Influence Wetland (ZIWL) identified in the approved April 2025 Environmental Monitoring Plan (EMP).

Special Condition No. 13 requires an EMP hydrologic monitoring annual report, compiling the results, analyses, and conclusions of hydrologic monitoring from the preceding October 1 to September 30 be submitted by July 1 of the following year. Per Special Condition No. 13 and the approved April 2025 EMP, the water level monitoring results will be compared with the Southwest Florida Water Management District's (SWFWMD's) Regional Observation and Monitor Well (ROMP) Site 57X water levels as well as the Town's monthly pumpage and rainfall data in both tabular and graphical formats.

This Scope of Work proposes that RESPEC staff conduct monthly hydrologic monitoring and reporting for a 12-month period beginning October 1, 2025 and ending September 30, 2026. Water level data will be collected daily via two (2) remote water level monitoring stations (PZ-1 and PZ-2), and average daily water level elevations will be reported to the SWFWMD on a monthly basis in accordance with WUP No. 20005893.014 Special Condition Nos. 15 and 16. Daily water level readings will significantly improve data accuracy, allowing for more thorough analyses of long-term trends.

Additionally, RESPEC will develop an EMP hydrologic monitoring annual report for the period of October 1, 2024 through September 30, 2025. The annual report is to be delivered to the SWFWMD by July 1, 2026, in accordance with Special Condition No. 13 of WUP No. 20005893.014.

280 GREEN FOREST LANE
SUITE 101
LUTZ, FL 33568
814.887.5412

respec.com



7. Any other services not specifically identified within this Scope are not part of this Agreement and will be considered Additional Services. However, Additional Services can be provided if deemed necessary and approved in advance by the Client.

A cost breakdown of the proposed work is provided in **Table 1** below.

Table 1 - Town of Dundee WY 2026 Hydrologic Monitoring Cost Breakdown

Equipment	
Devices (2) and sensors (2)	\$1,400
Annual Subscription Fee (2)	\$120
Total	\$1,520
Professional Services	
Travel to site, manual data collection, data download and review, and data submittal	\$15,080
Annual Report	\$1,500
Total	\$16,580

RESPEC PROPOSES TO FURNISH THE ABOVE SCOPE OF WORK FOR A LUMP SUM OF:
\$18,100.00

ACCEPTANCE OF SCOPE AND FEE/CONTRACT

The above specifications, conditions and price are satisfactory and hereby accepted. RESPEC is authorized to do the work as specified. Payment will be made within 30 days of invoice receipt.

CLIENT SIGNATURE:

DATE:

10/3/2025

CLIENT PRINTED NAME:

Kenneth C Casper

RESPEC PROJECT MANAGER SIGNATURE:

DATE:

10/2/2025

RESPEC PM PRINTED NAME:

DAVID S. BROWN

This Scope of Work has been confidentially prepared for the Client identified and is not intended for distribution and includes intellectual capital and specific knowledge of RESPEC Company, LLC (RESPEC) without compensation. Reproduction in any manner requires the consent of RESPEC.