

RESOLUTION NO. 26-32

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, RELATING TO THE PROCUREMENT OF 12.5 TRADE PERCENT SODIUM HYPOCHLORITE; ADOPTING FACTUAL FINDINGS REGARDING THE CITY OF LAKE WALES, FLORIDA, INVITATION TO BID NO. 26-17 AND COMPETITIVE SEALED BID PROCESS; APPROVING THE SELECTION OF ODYSSEY MANUFACTURING COMPANY AND THE PIGGYBACKING OF THE CITY OF LAKE WALES AGREEMENT FOR PURCHASE OF SODIUM HYPOCHLORITE; APPROVING A TOWN OF DUNDEE PIGGYBACK PURCHASING AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND TAKE NECESSARY IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Dundee, Florida (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to Article VIII, section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town requires Ultrachlor 12.5 Trade Percent Sodium Hypochlorite for its water and wastewater treatment operations in order to maintain continuity of essential utility services; and

WHEREAS, Section 2-159 of the Code of Ordinances of the Town of Dundee establishes source-selection requirements for Town procurements, including competitive sealed bidding for procurements exceeding the applicable threshold; and

WHEREAS, the City of Lake Wales, Florida ("Lake Wales"), a Florida municipal corporation, issued Invitation to Bid No. 26-17 for the procurement and delivery of sodium hypochlorite ("ITB No. 26-17"); and

WHEREAS, ITB No. 26-17 was conducted as a competitive sealed bid procurement and required bids for sodium hypochlorite meeting stated chemical, testing, delivery, insurance, safety, and performance requirements; and

WHEREAS, Odyssey Manufacturing Company ("Odyssey") submitted a bid of \$1.76 per gallon and indicated in its bid that another governmental agency may use its proposal; and

WHEREAS, Lake Wales selected Odyssey and entered into an Agreement for Purchase of Sodium Hypochlorite providing for an initial term commencing October 1, 2026 and ending September 30, 2027, with two optional one-year renewal terms upon mutual agreement, and providing that rates remain fixed during the agreement term; and

WHEREAS, by letter dated September 15, 2026, Odyssey offered to continue supplying the Town under a piggyback arrangement based on the Lake Wales procurement at a fixed price of \$1.76 per gallon, with no fuel surcharges, delivery fees, or hidden charges, effective October 1, 2026 through September 30, 2027, subject to tanker accessibility; and

WHEREAS, the Town previously utilized a Lake Wales sodium-hypochlorite procurement with Odyssey through Resolution No. 24-33, and the Town Commission desires to establish a new piggyback procurement based on the newly competed Lake Wales ITB No. 26-17 rather than merely extend the prior procurement beyond its underlying term; and

WHEREAS, the Town Commission finds that the competitive procurement process used by Lake Wales for ITB No. 26-17 is substantially similar to the process the Town would utilize for the same commodity under Section 2-159 of the Town Code and may be adopted by the Town for purposes of this procurement; and

WHEREAS, the Town Commission further finds that piggybacking ITB No. 26-17 and the resulting Lake Wales agreement is authorized by the Town's home rule authority, Section 166.021, Florida Statutes, and applicable Florida law governing cooperative and piggyback procurements, including the principles recognized in *Accela, Inc. v. Sarasota County*, 993 So. 2d 1035 (Fla. 2d DCA 2008); and

WHEREAS, the Town and Odyssey desire to enter into a Dundee-specific Piggyback Purchasing Agreement that incorporates the Lake Wales contract documents while addressing Town-specific legal and operational requirements, including nonexclusivity, no minimum purchase commitment, public records, E-Verify, human trafficking affidavit, sovereign immunity, indemnification, insurance, and venue; and

WHEREAS, the Town Commission finds that approval of this procurement and the Piggyback Purchasing Agreement is in the public interest and will promote the continued safe and efficient operation of the Town's water and wastewater utilities.

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

Section 1. Incorporation of Recitals. The foregoing recitals are incorporated into this Resolution as true and correct findings of the Town Commission and form the factual and legal basis for the actions taken herein.

Section 2. Adoption of Lake Wales Competitive Procurement. The Town Commission adopts, for purposes of this procurement, the competitive sealed bid process conducted by the City of Lake Wales through ITB No. 26-17, together with Odyssey's accepted bid, applicable award materials, and the resulting Agreement for Purchase of Sodium Hypochlorite (collectively, the "Lake Wales Contract Documents"). The Town Commission finds that the Lake Wales process is substantially similar to the process required by Section 2-159 of the Town Code for procurement of the same commodity.

Section 3. Approval of Piggyback Procurement and Vendor. The Town Commission approves the piggyback procurement of Ultrachlor 12.5 Trade Percent Sodium Hypochlorite from Odyssey Manufacturing Company at a fixed unit price of \$1.76 per gallon during the initial term, subject to the terms of the Town's Piggyback Purchasing Agreement. The procurement is nonexclusive and creates no minimum purchase obligation.

Section 4. Approval of Piggyback Purchasing Agreement. The Town Commission approves the Piggyback Purchasing Agreement for Purchase and Delivery of Sodium Hypochlorite between the Town and Odyssey, substantially in the form presented with this Resolution, and authorizes nonmaterial revisions approved by the Town Attorney that do not increase the unit price, create an exclusivity obligation, create a minimum purchase commitment, or materially expand the scope or term beyond the authorized piggyback procurement.

Section 5. Town Manager Authorization. The Town Manager, or designee, is authorized to execute the Piggyback Purchasing Agreement and to take all administrative and implementing actions reasonably necessary to effectuate this Resolution, including issuance of purchase orders, verification of insurance and vendor compliance documents, confirmation of Town delivery locations and tanker accessibility, and execution of permitted renewal documents consistent with the underlying Lake Wales contract term and the Town's procurement requirements.

Section 6. Procurement Record. The Town Clerk and appropriate Town staff shall maintain with the official procurement record the Lake Wales Contract Documents, Odyssey's September 15, 2026

piggyback offer letter, the executed Dundee Piggyback Purchasing Agreement, insurance documentation, required statutory affidavits or certifications, purchase orders, and other implementing records.

Section 7. Conflicts. All resolutions or portions of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 8. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Resolution is held invalid or unenforceable by a court of competent jurisdiction, the remainder shall not be affected and shall remain in full force and effect.

Section 9. Administrative Correction of Scrivener's Errors. The Town Manager, Town Clerk, and Town Attorney are authorized to correct typographical, numbering, cross-reference, and scrivener's errors that do not alter the substantive intent approved by the Town Commission.

Section 10. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

READ, PASSED AND ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the ____ day of _____, 2026.

TOWN OF DUNDEE, FLORIDA

By: _____
Joe Garrison, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Markeishia L. Smith, Town Attorney