

RESOLUTION NO. 25-16

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA MEMORIALIZING A DECLARATION OF EMERGENCY AS TO THE PURCHASE AND REPLACEMENT OF THE TOWN OF DUNDEE TOWN THREE PHASE UTILITY PUMP FROM C & W EQUIPMENT REPAIR AND MAINTENANCE, INC.; MAKING FINDINGS; 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 PURCHASE AND REPLACEMENT OF THE TOWN OF DUNDEE TOWN THREE PHASE UTILITY PUMP; PROVIDING FOR THE INCORPORATION OF FACTUAL 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 (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, pursuant to *Section 2-159(3) of the Code of Ordinances of the Town of Dundee, Florida* (hereafter the "Code"), which is entitled *source selection*, an "*emergency purchase*" means a procurement made in response to a requirement when the delay incident for complying with all governing rules, regulations, and procedures would be detrimental to the health, safety and welfare of the town and/or its citizen.

WHEREAS, the Town Commission of the Town of Dundee (the "Town

Commission”) acknowledges the health, safety, and general welfare concerns in maintaining the integrity of the Town’s utility services; and

WHEREAS, on April 23, 2025, the Town received a proposal from C & W Equipment Repair and Maintenance, Inc., (the “Proposal”) for the purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump*; and

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

WHEREAS, the Town Commission acknowledges that the Town has a necessary and immediate need for the emergency purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump*; and

WHEREAS, on May 13, 2025, at a duly noticed public meeting, the Town Commission acknowledges and agrees that circumstances and conditions existed requiring the Town to direct, authorize, and/or ratify the action(s) of the Town Manager in order to take any and all necessary further action(s) in negotiating, approving, and entering into any necessary agreement(s) arising out of the emergency purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump* in order to ensure safe and adequate utility service(s) for the residents and citizens of the Town; and

WHEREAS, pursuant to *Section 2-159(3)b of the Code*, the Town Commission acknowledges and agrees that the emergency purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump* constitutes an emergency purchase made in order to resolve a situation which is germane to the health, safety, and general welfare of the citizens, employees, and residents of the Town of Dundee; and

WHEREAS, pursuant to *Section 2-159(3)b of the Code*, the 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 of Dundee, its residents, and/or the general public; and

WHEREAS, the Town Commission of the Town of Dundee, Florida, finds that the approval and adoption of this **Resolution No. 25-16** 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. 25-16** 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. 25-16**, 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. 25-16**. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this **Resolution No. 25-16**.

Section 2. Emergency Finding.

The Town Commission of the Town of Dundee, Florida (the "Town Commission"), finds that an "*emergency*" as defined in *Section 2-159(c)(2), Code of Ordinances of the Town of Dundee, Florida*, exists as related to the emergency purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump* constitutes an emergency purchase made in order to ensure safe and adequate utility service(s) and resolve a situation which is germane to the health, safety, and general welfare of the citizens, employees, and residents of the Town of Dundee, Florida.

The Town Commission finds that, pursuant to *Section 2-159(c)(2), Code of Ordinances of the Town of Dundee, Florida*, 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, an agreement for the emergency purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump* in order to ensure safe and adequate utility service(s) to and/or for the residents and citizens of the Town of Dundee, Florida; (2) the Town Manager's actions in selecting **C & W Equipment Repair and Maintenance, Inc.**, for the emergency purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump* in accordance with the Proposal (see **Exhibit "A"**) totaling \$44,800.00; (3) the Town Manager's action(s) in negotiating and entering into an agreement with **C & W Equipment Repair and Maintenance, Inc.**, for the purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump* on an emergency basis; and (4) the Town Commission of the Town of Dundee, Florida, further waives the requirement of strict compliance with the Town's procurement code for the emergency purchase and replacement of the *Town of Dundee 75 HP – 3 Phase Utility Pump*.

Section 4. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this **Resolution No. 25-16** 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. 25-16** 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 5. Conflicts.

All resolutions in conflict with this **Resolution No. 25-16** are repealed to the extent necessary to give this **Resolution No. 25-16** full force and effect.

Section 6. Severability.

The provisions of this **Resolution No. 25-16** are severable. If any section, subsection, sentence, clause, phrase of this **Resolution No. 25-16**, 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. 25-16**, 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. 25-16** 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. 25-16** shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this **Resolution No. 25-16** is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this **Resolution No. 25-16**. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this **Resolution No. 25-16**, 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 7. Effective Date.

This **Resolution No. 25-16** shall take effect immediately upon passage by the Town Commission of the Town of Dundee, Florida.

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READ, PASSED AND ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida, assembled on the 27th day of May, 2025.

TOWN OF DUNDEE

Samuel Pennant, Mayor

ATTEST WITH SEAL:

Erica Anderson, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney