

RESOLUTION NO. 24-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, MEMORIALIZING A DECLARATION OF EMERGENCY AS TO THE REPAIRS TO FIRE ENGINE 2002 E-ONE; 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 WHEELS TO TRAXS EQUIPMENT REPAIR & SERVICES, LLC, FOR THE EMERGENCY REPAIR TO FIRE ENGINE 2002 E-ONE; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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 and residents of the Town of Dundee, Florida; and

WHEREAS, the Town Commission of the Town of Dundee (the "Commission") acknowledges the health, safety, and general welfare concerns created by the need to have a fully operational Fire Engine 2002 E-ONE in order to effectively provide emergency response services to the citizens and residents of the Town of Dundee; and

WHEREAS, Town has an immediate need for emergency repairs to Fire Engine 2002 E-ONE; and

WHEREAS, copies of the Town of Dundee Price Quote Sheet and Wheels to Traxs

Equipment Repair & Services, LLC, Estimate E-1003 (the "Proposal") are attached hereto as **Composite Exhibit "A"** and made a part hereof by reference; and

WHEREAS, the Commission acknowledges that on May 22, 2024, the Polk County Fire Chief declared the Fire Department Burn Ban No. 24-01 which recognized an increased risk of atmospheric conditions and fire hazard conditions throughout Polk County, Florida; and

WHEREAS, the Town Commission of the Town of Dundee acknowledges and agrees that circumstances and conditions continue to exist requiring the Commission to approve the emergency purchase and enter into an agreement with Wheels to Traxx Equipment Repair & Services, LLC, an active Florida limited liability company, for the emergency repairs to Fire Engine 2002 E-ONE; and

WHEREAS, pursuant to Section 2-159(3)b of the Town of Dundee Code of Ordinances, the Commission acknowledges and agrees that the repair(s) to and/or for Fire Engine 2002 E-ONE constitutes an emergency purchase made in order to resolve a situation which is germane to the health, safety, and general welfare of the citizens and residents of the Town of Dundee; and

WHEREAS, pursuant to Section 2-159(3)b of the Town of Dundee Code of Ordinances, the Commission acknowledges and agrees that the Proposal 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, on July 9, 2024, the Commission authorized and approved, at a duly noticed public meeting, the Town Manager to take any and all necessary further action(s) in order to negotiate, approve and enter into an agreement for the emergency repairs to Fire Engine 2002 E-ONE; 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, Florida, finds that the approval and adoption of this Resolution is intended and necessary to enhance, protect,

and preserve the present advantages that exist within the corporate limits of the Town of Dundee, Florida; is consistent with the public interest; and this Resolution 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 passage of this Resolution, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the passage of this Resolution. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this Resolution.

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, exists. The Town Commission finds that, pursuant to Section 2-159(c)(2), Code of Ordinances of the Town of Dundee, 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 repair(s) to and/or for the Fire Engine 2002 E-ONE; (2) the Town Manager's actions in negotiating and entering into an agreement with Wheels to Traxs Equipment Repair & Services, LLC, an active Florida limited liability company, in accordance with the Proposal (see **Exhibit "A"**) received for the emergency repair(s) to and/or for the Fire Engine 2002 E-ONE on an emergency basis; and (3) the Town Commission of the Town of Dundee, Florida, further waives the requirement(s) of strict

compliance with the Town's procurement code for the emergency repair(s) to and/or for the Fire Engine 2002 E-ONE.

Section 4. Administrative Correction of Scrivener's Errors. Any provision in this Resolution may be renumbered 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 his/her designee, without the need of consideration by the Town Commission, by filing a corrected or recodified copy of same with the Town Clerk.

Section 5. Conflicts. All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

Section 6. Severability. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, phrase of this Resolution, 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, 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 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 shall remain in full force and effect.

Section 7. Effective Date. This Resolution shall take effect immediately upon passage.

READ, PASSED AND ADOPTED at a duly called meeting of the Town Commission of the Town of Dundee, Florida assembled on the 9th day of July, 2024.

TOWN OF DUNDEE

Samuel Pennant, Mayor


ATTEST WITH SEAL:

Trevor Douthat, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr., Town Attorney

COMPOSITE EXHIBIT "A"

TOWN OF DUNDEE PRICE QUOTE SHEET		
DATE: <u>6/25/2024</u>		
DEPARTMENT: <u>Fire Department</u>		
NAME OF PERSON SECURING THE QUOTE: <u>John Vice</u>		
GENERAL DESCRIPTION OF ITEM: <u>repairs to fire engine 2002 E-ONE replacing the following items</u> <u>fuel pressure sensor, fuel shut off solenoid and clear fuel lines</u>		
VENDOR #1		
Vendor Selected: <input checked="" type="checkbox"/>	COMPANY NAME: <u>Wheels To Traxs</u>	
	CONTACT NUMBER: <u>863-581-2829</u>	NAME OF REPRESENTATIVE: <u>Ryan (emailed)</u>
	PRICE: <u>\$7542.70</u>	SHIPPING: <u>included in price</u>
	COMMENTS: <u>fuel pressure sensor, fuel shut off solenoid and clear fuel lines</u>	
VENDOR #2		
Vendor Selected: <input type="checkbox"/>	COMPANY NAME: <u>Rush Truck Centers Haines city</u>	
	CONTACT NUMBER: <u>863-547-2000</u>	NAME OF REPRESENTATIVE: <u>Jerry</u>
	PRICE: <u>No Quote</u>	SHIPPING: <u>included in price</u>
	COMMENTS: <u>fuel pressure sensor, fuel shut off solenoid and clear fuel lines</u>	
VENDOR #3		
Vendor Selected: <input type="checkbox"/>	COMPANY NAME: <u>REM EQUIPMENT REPAIRS</u>	
	CONTACT NUMBER: <u>863-224-0346</u>	NAME OF REPRESENTATIVE: <u>Raymond (verbal)</u>
	PRICE: <u>\$8000.00</u>	SHIPPING: <u>included in price</u>
	COMMENTS: <u>fuel pressure sensor, fuel shut off solenoid and clear fuel lines</u>	
DEPARTMENT DIRECTOR/SUPERVISOR: <u>[Signature]</u> DATE: <u>6/28/24</u>		
FINANCE DIRECTOR APPROVAL: <u>[Signature]</u> DATE: <u>7/01/24</u>		
TOWN MANAGER APPROVAL: <u>[Signature]</u> DATE: <u>7/01/24</u>		
ADDITIONAL COMMENTS: <u>the fuel shut off solenoid is on back order and cummins has limited supply available i have confirmed we are able to get one. cummins</u>		
SOLE SOURCE JUSTIFICATION: <u>is charging an emergency fee in order to release the part.</u>		



PO Box 202
Auburndale, FL 33823
info@wheelstotraxs.com

Estimate E-1003

ADDRESS
John Vice
Town of Dundee
202 MAIN STREET
DUNDEE, FL 33838-1000

SHIP TO
John Vice
Town of Dundee
PO BOX 1000
DUNDEE, FL 33838-1000

DATE
06/20/2024

TOTAL
\$7,542.70

EQUIPMENT DISCRIPTION
2002 E-ONE (FIRE TRUCK)

ID #
4ENRBCA8221004958

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
06/18/2024	Labor	2002 E-ONE (FIRE TRUCK) 4ENRBCA8221004958 TAG# XH0537 MILES: 63,432 DRIVE TO SITE, DIAG ISSUE W/ NO START. INSPECTED FUEL SYSTEM, FOUND POSSIBLE ALGAE IN FILTERS/ TANK. WILL NEED UNIT @ OUR SHOP. CUSTOMER BROUGHT UNIT TO SHOP, CONTINUED FURTHER DIAG- FOUND FUEL SHUT OFF SOLENOID TO MALFUNCTION. TESTED CURCUIT- FOUND FUEL PRESSURE SENSOR TO BE FAULTY. RECOMMEND REPLACING.	1	2,030.00	2,030.00T
	Labor	REPLACE FUEL SHUT OFF SOLENOID AND FUEL PRESSURE SENSOR.	1	1,160.00	1,160.00T
	Mileage	MILEAGE DRIVEN	28	2.00	56.00T
	Parts	FUEL SHUTOFF SOLENOID	1	3,513.87	3,513.87T
	Parts	FUEL PRESSURE SENSOR	1	562.52	562.52T
	Parts	CLEAR DIESEL (26 OZ)	1	20.31	20.31T
	Misc	ESTIMATED FREIGHT	1	200.00	200.00T

*ANY ADDITIONAL PARTS/LABOR NEEDED TO COMPLETE
REPAIR WILL BE ADDED TO FINAL INVOICE.

SUBTOTAL
TAX

7,542.70 ✓
0.00

TOTAL

\$7,542.70

THANK YOU,

To whom it may concern

The reasoning why we were able to get only one quote for the repairs to the Fire Engine E-one was this truck had to be towed to Wheels to Trax's for Diagnostic to be performed due to the size of the unit staff would have to spend more funds to have it towed to 2 different shops and the availability of the parts would not be the same as we could have a chance of not getting them at all by the time we obtain all 3 prices. With this being a Fire/ First responder truck we want to make sure we are getting the repairs completed in a timely manner to place this truck back in service.

Johnathan Uice
6/25/24