

**CITY COUNCIL RESOLUTION NO. 2021-162**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH XYLEM WATER SOLUTIONS U.S.A., INC.; PROVIDING FOR UPDATES AND THE REFURBISHMENT OF AN EXISTING OZONE GENERATOR AT THE PRICE CREEK WATER TREATMENT FACILITIES; PROVIDING FOR A PRICE NOT-TO-EXCEED \$124,770.00; PROVIDING FOR AN EXCEPTION TO THE COMPETITIVE PROCUREMENT OF THE COMMODITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake City, Florida, (hereinafter the "City") has identified a need to refurbish and upgrade an ozone generator at the Price Creek Water Treatment Plant (hereinafter the "Facilities"); and

**WHEREAS**, the city administration requires appropriate equipment to undertake and complete the various needs placed upon the City and Facilities; and

**WHEREAS**, Section 2-178, Code of the City of Lake City, Florida requires a competitive bidding process and a formal contract to be entered when procuring services valued in excess of \$20,000.00, unless an exemption applies; and

**WHEREAS**, the city administration has identified Xylem Water Solutions U.S.A., Inc. (hereinafter "Xylem") as the exclusive provider for the Facilities needed which meets the sole source exemption to the competitive procurement required by section 2-178, Code of the City of Lake City, Florida; and

**WHEREAS**, the city administration recommends that the procurement award be awarded to Xylem at a price of one hundred twenty-four thousand, seven hundred seventy dollars and zero cents (\$124,770.00) (hereinafter the "Contract Price"); and

**WHEREAS**, the City Council finds that it is in the City's best interest to award the procurement contract to Xylem pursuant to the terms, provisions, conditions, and requirements of the City's standard purchasing order (hereinafter the "Contract").

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are all true and accurate and are hereby made a part of this resolution.

**Section 2.** Xylem is awarded the procurement contract as the sole source provider and in accordance with the referenced Contract.

**Section 3.** The City Manager and City Attorney are authorized to make such reasonable changes and modifications to the Contract as may be deemed necessary to be in the best interest of the City and its citizens. Provided however, that any such changes or modifications shall not cause the payment to Xylem, to exceed the Contract Price. The Mayor is authorized and directed to execute and deliver the Contract in the name of, and on behalf of, the City with such changes, amendments, modifications, omissions, and additions made by the City Manager and City Attorney. Execution by the Mayor and Xylem, shall be deemed to be conclusive evidence of approval of such changes, amendments, modifications, omissions, and additions.

*[Remainder of this page intentionally left blank.]*

FLK/aj  
10/25/2021

**Section 4.** This resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** at a meeting of the City Council this \_\_\_\_ day of November 2021.

**CITY OF LAKE CITY, FLORIDA**

By: \_\_\_\_\_  
Stephen M. Witt, Mayor

ATTEST

APPROVED AS TO FORM AND  
LEGALITY:

By: \_\_\_\_\_  
Audrey E. Sikes, City Clerk

By: \_\_\_\_\_  
Frederick L. Koberlein, Jr.,  
City Attorney