

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2022-46

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA RATIFYING THE EMERGENCY DECLARATION OF THE TOWN MANAGER PURSUANT TO SECTION 287.057 OF THE FLORIDA STATUTES IN REGARDS TO THE IMMEDIATE DANGER SURROUNDING THE COLLAPSED CANAL BRIDGE CULVERT LOCATED AT D ROAD AND GRUBER STREET, AND AUTHORIZING THE EMERGENCY PROCUREMENT AND EXECUTION OF AN AGREEMENT WITH JOHNSON-DAVIS, INCORPORATED TO REMOVE, PROVIDE AND INSTALL A REPLACEMENT CANAL BRIDGE CULVERT PURSUANT TO THE COMPETITIVE BID WAIVER REQUIREMENTS SET FORTH IN SECTION 2-134(b)(1) OF THE TOWN CODE OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Manager has determined that there exists a compelling emergency pursuant to Section 287.057 of the Florida Statutes and Section 2-134(b)(1) of the Town Code of Ordinances, which constitutes an immediate threat to the public health, safety or welfare pertaining to the collapsed canal bridge culvert located at D Road and Gruber Street; and

WHEREAS, the Town Manager has determined that the delay incident to the competitive bidding process would be detrimental to the interests of the Town Council of the Town of Loxahatchee Groves (the “Town”), and that the existing immediate danger requires emergency action in order to procure a contractor for the immediate removal and installation of a new canal bridge culvert pursuant to Section 287.057 of the Florida Statutes and Section 2-134(b)(1) of the Town Code of Ordinances; and

WHEREAS, the Town acknowledges the existence of the immediate compelling emergency that has been declared by the Town Manager, and that emergency action is necessary for the immediate procurement of a contractor to remove, provide and install a canal bridge culvert at D Road and Gruber Street within the Town; and

WHEREAS, the Town has previously entered into various contracts that include culvert repair and replacement, including bridge culverts, based on competitive solicitations performed by other governmental agencies; and

WHEREAS, the Town Manager is authorized pursuant to Section 2-134(b)(1) of the Town Code to waive competitive bidding or competitive proposals in order to secure the emergency procurement, and that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the

Town; and

WHEREAS, Johnson-Davies, Incorporated has agreed to conduct the emergency removal and installation of the new canal bridge culvert located at D Road and Gruber Street; and

WHEREAS, pursuant to Section 287.057 of the Florida Statutes and Section 2-134(b)(1) of the Town of Loxahatchee Groves Code of Ordinances, the Town Council acknowledges the existing compelling emergency declared by the Town Manager, and does authorize the emergency procurement and execution of an agreement with Johnson-Davis, Incorporated for the provision and installation of a new bridge culvert based on current Town contract(s) and that time is of the essence to complete this emergency work; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted as if fully set forth herein.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby approves the emergency procurement and authorizes the execution of the Agreement with Johnson-Davies, Incorporated.

Section 3. This Resolution shall take effect immediately upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Danowski, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marge Herzog, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF _____ 2022.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Lakisha Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Robert Shorr

Vice Mayor Laura Danowski

Council Member Margaret Herzog

Council Member Marianne Miles

Council Member Phillis Maniglia