RESOLUTION NO. 12-07-58

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA WAIVING COMPETITIVE BIDDING FOR THE CONSTRUCTION OF THE MIDDLE PLANTATION KEY WASTEWATER COLLECTION SYSTEM PROJECT; AUTHORIZING THE VILLAGE MANAGER TO PROQUIRE A CONTRACTOR; AUTHORIZING THE VILLAGE MANAGER AND APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS RESOLUTION; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 29, 2011, Islamorada, Village of islands (the “Village”) issued a Request for Proposals (RFP) for Design-Build-Operate-Finance (DBOF) of the Village’s wastewater collection and treatment system, which RFP included the construction of the previously designed Middle Plantation Key Wastewater Collection System Project (the “MPK Project”); and

WHEREAS, the State of Florida has approved grant funding to the Village in the amount of $20 million for the wastewater system, provided a contract is in place by September 1, 2012 providing for the completion of the wastewater system by the State mandated date of December, 2015; and

WHEREAS, in order to meet the State’s mandate and funding requirements, the Village Council has elected to immediately move forward with the construction of the MPK Project; and

WHEREAS, Section 255.20(1)(c)(7), Florida Statutes, provides for the waiver of competitive award or bidding for public construction works in the event that the funding source for the MPK Project will be diminished or lost because the time required to competitively award the MPK Project after the funds become available exceeds the time within which the funding source must be spent; and
WHEREAS, Section 2-328, of the Village’s Code of Ordinances, provides for waiver of competitive bidding by the Village Council for purchases or contracts for materials, supplies, equipment, improvements or services; and

WHEREAS, pursuant to F.A.C Rule 62-503.700(6)(e), procurement by noncompetitive methods may be used when the award of the contract is infeasible under sealed bids or competitive proposals and a public exigency does not permit a delay resulting from competitive solicitation; and

WHEREAS, the Village Council finds that procurement by competitive bidding or proposals is infeasible and that a public exigency exists that does not permit a delay resulting from a competitive solicitation process that would result in the loss of significant State funding for the MPK Project; and

WHEREAS, the Village Council waives competitive bidding for the construction of the MPK Project pursuant to Section 255.20(1)(c)(7), Florida Statutes, Section 2-328 of the Village’s Code of Ordinances, and F.A.C. Rule 62-503.700(6)(e) in order to preserve State funding for the wastewater system and ensure timely completion of the MPK Project and the wastewater system in accordance with the State’s mandate, and is in the best interests of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Waiver of Competitive Bidding for Construction of the MPK Project. Pursuant to Section 255.20(1)(c)(7), Florida Statutes, Section 2-328 of the Village’s Code of
Ordinances, and F.A.C. Rule 62-503.700(6)(e), the Village Council waives competitive bidding for the construction of the MPK Project.

Section 3. Authorization to Procure Contractor. The Village Manager and/or his designee is authorized to procure a contractor to construct the MPK Project, provided that the contract for construction shall be approved by the Village Council.

Section 4. Authorization of Village Officials. The Village Manager and/or his designee, and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of this Resolution.

Section 5. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village’s Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 26th day of July, 2012.

Motion to adopt by Councilman Achenberg, second by Councilman Purdo.

FINAL VOTE AT ADOPTION

Mayor Michael Reckwerdt Yes
Vice Mayor Ken Philipson Yes
Councilman Don Achenberg Yes
Councilman Ted Blackburn Yes
Councilman Dave Purdo Yes
KEN PHILIPSON, VICE MAYOR

ATTEST:

DEBRA E. EASTMAN, MMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF ISLAMORADA, VILLAGE OF ISLANDS:

VILLAGE ATTORNEY