

RESOLUTION NO. 10-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH NFA SOLUTIONS GROUP, INC., FOR SITE ASSESSMENT TESTING AND RELATED SERVICES, PURSUANT TO A BID WAIVER; AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (City) is authorized to enter into agreements to provide services, programming, and products in accordance with its Charter; and

WHEREAS, on November 10, 2021, the City was alerted to a petroleum product contamination from the fuel dispensers at the Public Works Compound; and

WHEREAS, pursuant to Florida Administrative Code Rule 62-780 and Palm Beach County Ordinance 2009-018, the City was required to conduct a formal site assessment and submit the site assessment report to the Palm Beach County Department of Environmental Recourses Management (ERM); and

WHEREAS, in response to the site assessment report, ERM required additional testing and the installation of monitoring wells; and

WHEREAS, ERM and the Florida Department of Environmental Protection (FDEP) require the City to continue quarterly testing to monitor the petroleum product discharge; and

WHEREAS, NFA Solutions Group, Inc. (Contractor), has provided the City with site assessment testing and installation of monitoring wells since initially required by ERM; and

WHEREAS, it is in the best interest of the City to waive the full open and competitive acquisition process to receive uninterrupted quarterly groundwater sampling as required by FDEP and ERM; and

WHEREAS, on November 8, 2024, in accordance with Section 38 of the City's Purchasing Policies and Procedures Manual, the City approved a bid waiver to enter an agreement with Contractor for site assessment testing and related services pursuant to the Memorandum attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the City desires to enter into an agreement with Contractor to provide quarterly groundwater sampling as required by FDEP and ERM and as required by ERM and the FDEP; and

WHEREAS, the City Commission deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission of the City of Delray Beach has reviewed and hereby approves the Agreement between the City and the Contractor, attached hereto and incorporated herein as Exhibit "B".

Section 3. The City Commission authorizes the City Manager to take any and all actions necessary to effectuate the intent of this Resolution.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

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Alexis Givings, City Clerk

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Thomas F. Carney, Jr., Mayor

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney