

RESOLUTION NO. 09-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, TO PROVIDE AN EXPEDITIOUS "TURN KEY" COST EFFECTIVE SERVICE DELIVERY METHOD FOR THE REPLACEMENT OF THE HVAC SYSTEM AT FIRE STATION 114 BY APPROVING UTILIZATION OF THE U.S. COMMUNITIES NATIONAL GOVERNMENTAL PURCHASING COOPERATIVE CONTRACT BETWEEN TRANE U.S. INC. AND HARFORD COUNTY PUBLIC SCHOOLS, HUNT VALLEY, MARYLAND (CONTRACT NUMBER 15-JLP-023) FOR COMPREHENSIVE HVAC PRODUCTS, INSTALLATION, SERVICES, AND RELATED PRODUCTS AND SERVICES ON A NATIONAL SCALE IN INDEFINITE QUANTITIES ON AN AS-NEEDED BASIS; AND DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE CITY'S REQUIREMENTS THAT USE OF THE SEALED COMPETITIVE BID METHOD OR WRITTEN QUOTATIONS METHOD BY ANY GOVERNMENTAL ENTITY WITHIN THE STATE OF FLORIDA OR THE UNITED STATES GOVERNMENT FOR THE PURCHASE IS NOT IN THE BEST INTEREST OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Delray Beach is a member of the U.S. Communities National Governmental Purchasing Cooperative; and

WHEREAS, membership in the U.S. Communities Purchasing Cooperative provides for the use of local government contracts to procure many goods and services that have been through a competitive process on a nationwide scale; and

WHEREAS, the City of Delray Beach Environmental Services Department has identified needed HVAC System work at Fire Station 114; and

WHEREAS, the City of Delray Beach Environmental Services Department has received a proposal from Trane U.S. Inc., using the Harford County Public Schools Hunt Valley, Maryland Contract No. 15-JLP-023 to complete the needed unit replacements and repairs; and

WHEREAS, the national companies comprising the US Communities National Governmental Purchasing Cooperative are committed to supporting local communities by training and utilizing local contractors to perform required construction and other activities; and

WHEREAS, utilization of the US Communities National Governmental Purchasing Cooperative for the provision of HVAC repair and replacement work at Fire Station 114 will allow the City to save valuable time in the provision of a safe and healthy working environment for employees at Fire Station 114 by avoiding lengthy delays caused by competitive bidding processes for multiple contracts to perform these services; and

WHEREAS, participating companies in the US Communities National Governmental Purchasing Cooperative provide engineering study and design at no cost; and

WHEREAS, it is not practical or cost effective due to the cost of an engineering study needed for the City to produce its own request for proposal; and

WHEREAS, Section 36.02(c)(7) of the City's Code of Ordinances provides that the City may acquire or contract for non-real property, goods or services without utilizing a Sealed Competitive Method or the Written Quotation Method through utilization of contracts of other State entities or the US Government and Section 36.02(c)(11) where the City Commission declares by at least a four-fifth (4/5) affirmative vote that the Sealed Competitive or the Written Quotation Method is not in the best interest of the City.

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

**Section 1.** That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct factual findings and are made a specific part of this Resolution.

**Section 2.** The City Commission of the City of Delray Beach hereby declares, by a minimum four-fifths affirmative vote, that the City's Sealed Competitive Method or Written Quotations Procurement Method is not in the best interest of the City. Additionally, the City Commission waives the requirement that utilization of another governmental contract for the procurement of goods and services be subject to a competitive bidding process conducted either within the State of Florida or by the United States Government. The City Commission declares that the acquisition of Fire Station 114 HVAC repair and replacements from Trane U.S. Inc. attached as Exhibit "A", is in the best interest of the City.

**Section 3.** The City Manager is authorized to do all things necessary and expedient to carry out the aims of this Resolution.

**Section 4:** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Delray Beach this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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MAYOR

ATTEST:

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City Clerk