

RESOLUTION NO. 26-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ACQUISITION OF PLAYGROUND EQUIPMENT FROM PLAYCORE WISCONSIN, INC., DBA GAMETIME IN AN AMOUNT NOT TO EXCEED \$90,000; DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT PROCURING THE ITEM USING THE CITY'S SEALED COMPETITIVE METHOD IS NOT IN THE BEST INTEREST OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City desires to purchase products and services required for fitness equipment for Barwick Park located in Delray Beach, Florida, and

WHEREAS, Section 36.02(C)(7) of the City's Code of Ordinances allows for the City to acquire goods and services without using a sealed competitive method or written quotations method where the desired goods or services are subject to a contract with the State or with other governmental entities in the state of Florida; and

WHEREAS, the City has not been able to identify an appropriate Florida governmental contract to use to obtain for the required goods and services. As an alternative, it has researched suitable contracts with governmental entities that participate in the U.S. Communities Government Purchasing Alliance ("U.S. Communities cooperative"); and

WHEREAS, the City desires to procure these products and services from Contractor, utilizing existing contract prices provided to the City of Charlotte on behalf of the U.S. Communities Purchasing Cooperative Alliance pursuant to its solicitation number 269-2010-183, "Agreement to Provide Playground Equipment, Surfacing, Site Furnishings and Related Products and Services" conducted in Charlotte, North Carolina; and

WHEREAS, the City of Delray Beach Section 36.02(C)(11) 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 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 the playground equipment for Gametime/Dominica Recreation Products, Inc. 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.

CARY D. GLICKSTEIN, M A Y O R

ATTEST:

City Clerk