

**RESOLUTION NO. 17-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, WAIVING THE PROCUREMENT COMPETITIVE BIDDING PROCESS; AUTHORIZING THE TOWN MANAGER TO EXTEND THE CURRENT RENTAL AGREEMENT WITH PANTROPIC POWER, INC. TO COVER THE REMAINDER OF THE HURRICANE SEASON; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; MODIFYING BUDGETED LINE ITEMS; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, throughout history, as part of the Town of Miami Lakes' (the "Town's") hurricane preparedness plan, the Town reserves an emergency generator for use in the event of a catastrophic power loss as the result of a major storm; and

**WHEREAS**, the Town contracted with Basulto and Associates, Inc. to provide design and consulting services for the purchase and installation of a permanent generator for the Government Center, and received authorization from the Town Council to piggyback a National Joint Purchasing Alliance contract with Pantropic Power for the purchase and installation of a permanent generator; and

**WHEREAS**, through due diligence, the Town discovered that the purchase cost of a generator and associated construction to house the generator would increase the projected total cost of the project to \$270,000; and

**WHEREAS**, the Town has decided that a purchase of a mobile generator, housed off site, is a better alternative; and

**WHEREAS**, since the Town is in the midst of hurricane season, time is of the essence to secure a generator, and insufficient time exist for the purchase of a mobile generator; and

**WHEREAS**, the Town Manager believes it is in the best interest of the Town to extend our existing generator lease to guarantee power to Government Center in the event of a major storm during hurricane season; and

**WHEREAS**, Section 5(d) of Town of Miami Lakes Ordinance 12-142 (the “Town’s Procurement Ordinance”) authorizes the Town Manager to request authorization from the Town Council to waive the requirements of Section 5 of the Town’s Procurement Ordinance where the Town Manager has made a written recommendation where, based on specific circumstances, it is not practical to comply with the requirements of Section 5 of the Town’s Procurement Ordinance for a specific solicitation; and

**WHEREAS**, the Town Manager has made a written recommendation that based on specific circumstances, it is not practical to comply with the requirements of Section 5 of the Town’s Procurement Ordinance for the extension of a rental agreement with Pantropic Power, Inc. (the “Rental Agreement”); and

**WHEREAS**, the total cost to extend the lease agreement for a generator, for the period June 1, 2017 through October 30, 2017 is \$23,795.00; and

**WHEREAS**, the rental period extends to the next fiscal year, where \$4,800 will be proposed for the 2017 -18 Town budget, accordingly, a transfer of \$19,175.00 is required for the period of June 1, 2017 through September 30, 2017; and

**WHEREAS**, a budget transfer of \$19,175.00 from the Administrative Health and Life Insurance line item, where there is a surplus, is required to cover the \$23,795.00 needed to rent a generator; and

**WHEREAS**, Section 4 of Ordinance No. 16-197 authorizes the Town Council to modify any department, category total or line item of the Budget by resolutions so long as the modification does not exceed the Town's total budgeted funds for the Fiscal Year 2016-2017; and

**WHEREAS**, the Town Council, in accordance with Section 4 of Ordinance No. 16-197, has determined that it is necessary to modify the Budget as set forth in Exhibit "A" attached hereto; and

**WHEREAS**, the Town Council approves of the Town Manager's recommendations, authorizes a waiver of the requirements of Section 5 of the Town's Procurement Ordinance as it pertains to the Rental Agreement, authorizes a modification to the Budget, and authorizes the Town Manager to extend the term of the Rental Agreement until October 31, 2017.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals.**     The foregoing Recitals are true and correct and incorporated herein by this reference.

**Section 2.**     **Approval of the Contract.**     The Town Council hereby approves the Rental Extension Agreement through October 31, 2017, attached hereto as Exhibit "A."

**Section 3.**     **Authorization of Town Officials.**     The Town Manager and/or his designee and the Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Rental Agreement.

**Section 4. Authorization of Fund Expenditure.** The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of this Resolution and the Rental Agreement with Pantropic Power, Inc.

**Section 5. Line Item Modification.** The Budget for Fiscal Year 2016-2017 adopted in Section 2 of Ordinance 16-197, and subsequently modified by Ordinance 17-199, is hereby modified, as reflected in Exhibit A attached hereto. The revisions for each line item are within the approved expenditure authority for Fiscal Year 2016-2017. The Town Council hereby modifies the budget as set forth therein and authorizes the Town Manager to administratively adjust line items to reflect audit adjustments or line item revisions necessary to close out the Fiscal Year within each department's expenditure authority.

**Section 6. Execution of the Agreement.** The Town Manager is authorized to execute and extend the Rental Agreement with Pantropic Power, Inc. until October 31, 2017 for the rental of a back-up generator for the Government Center.

**Section 7. Effective Date.** This Resolution shall take effect immediately upon adoption.

**THIS SPACE INTENTIONALLY LEFT BLANK**

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The foregoing resolution was offered by \_\_\_\_\_ who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Timothy Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

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Manny Cid  
MAYOR

Attest:

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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

# **EXHIBIT A**

Rental Agreement with Pantropic Power, Inc.