

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 04-23**

Approved as an amendment on the 11th, where not to exceed 64,208.00 (plus 10% contingency sum not to exceed a total project value of \$70,628.80) was withdrawn and not to exceed \$81,04.00 was added.

A RESOLUTION TO APPROVE THE PURCHASE OF A VEHICLE AND ASSOCIATED SNOW REMOVAL EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS

Introduced by: Councilman Jonathon Kennedy II

Co-Sponsor: Mayor Calvin Washington

WHEREAS, the Town Charter, § 33-63(f) authorizes the Town to forego the normal procurement process through cooperative purchasing in certain cases where another government entity has already made a competitive purchase of said item and therefore the Mayor and Council may, without soliciting bids, purchase the item in question at the bid price from the successful bidder, if the Mayor and Council determines that the bid price is competitive, and

WHEREAS, the Town Charter, § 33-63(g) further authorizes the Mayor and Council by a two-thirds vote to waive the competitive bidding requirements of said Charter section for good cause shown for sole source procurements of unique products and services, and that written findings as to the basis of such waiver shall be placed in the journal of the Council's proceedings, and

WHEREAS, the Town Ordinance Code, § 20-4(a)(6) states that upon written findings entered into the journal, the Mayor and Council may exempt the purchase of a good or service from competitive selection processes when the purchase qualifies as a sole source procurement as a result of several circumstances including: One vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the good or service or the procurement is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity, or ownership of intellectual property rights, and could most satisfactorily provide the good or service, and

WHEREAS, the Council finds that it is prudent, necessary, and a public safety necessity to purchase one pick-up truck, Salt Spreader, and snowplow, and

WHEREAS, the Mayor and Council desire to purchase one (1) 2023 Chevrolet 2500 HD pickup truck, 1GC4YMEY6PF175764, from Jack Winegardner Chevrolet, 11001 Indian Head Hwy, Fort Washington, Maryland, for \$63,920.00, with a 10% Project Contingency of \$6,392.00 for a total do not exceed price of \$70,312.00 and as such, is hereby considered to be quite obviously the most qualified or eligible vendor to provide the good or service and/or the procurement is of such a specialized nature or related to a specific geographic location that only a single source is reasonably available, by virtue of experience, expertise, and proximity, and

WHEREAS, the Mayor and Council desire to purchase one (1) Salt Spreader for \$5,145.00 from Dejana Truck & Utility Equipment, 7655 Pulaski Hwy, Rosedale, MD 21237 with a 10% Project Contingency of \$514.50 for a total do not exceed price of \$5,659.50 and as such, is hereby considered to be quite obviously the most qualified or eligible vendor to provide

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the good or service and/or the procurement is of such a specialized nature or related to a specific geographic location that only a single source is reasonably available, by virtue of experience, expertise, and proximity, and

WHEREAS, the Mayor and Council desire to purchase one (1) Snow Plow Package for \$4,575.00, Dejana Truck & Utility Equipment, 7655 Pulaski Hwy, Rosedale, MD 21237 with a 10% Project Contingency of \$457.50 for a total do not exceed price of \$5,032.50 and as such, is hereby considered to be quite obviously the most qualified or eligible vendor to provide the good or service and/or the procurement is of such a specialized nature or related to a specific geographic location that only a single source is reasonably available, by virtue of experience, expertise, and proximity, and

WHEREAS, the Charter, Section 33-66(g) (Purchases and contracts) states that the Mayor and Council by a two-thirds vote may waive the competitive bidding requirements of said section for good cause shown for sole source procurements of unique products and services provided written findings are made as to the basis of such waiver shall be placed in the journal of the Council's proceedings; and

WHEREAS, the Council finds that some of the rationale for waiving Town competitive procurement requirements are as follows: (i) the bidding process would add at least 30 days to the procurement process (ii) This project is a public safety issue or, at the least a potential "infrastructure hazard" that could expose the Town to legal liability since street maintenance is considered under Maryland law to be a proprietary interest without the typical governmental immunities; and

WHEREAS, the Council further finds that time is of the essence and only one named supplier(s) can meet needs within the expedited timeframe; and

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby accepts the quotes and further approves and authorizes the Town to proceed with the said purchases with a total not to exceed \$81,004.00 with certain terms and conditions enumerated therein contained in Exhibit A.

AND, BE IT FURTHER RESOLVED, that should the exact vehicle listed in EXHIBIT A no longer be available for purchase that staff is authorized to purchase a similar vehicle from the listed or other qualified vendor not to exceed the already approved funding for a vehicle purchase in this resolution.

AND, BE IT FURTHER RESOLVED, that the Town Council hereby authorizes the to be paid pursuant to FY23 Budget Line Item(s): 8200 (*American Rescue Plan Act Expenditures*) with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

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AND, BE IT FURTHER RESOLVED that the Town Council by a two-thirds vote hereby waives the competitive bidding requirements of Section 33-66 of the Town Charter for good cause shown for sole source procurements of unique products and services.

AND, BE IT FURTHER RESOLVED that the Town Administrator and Town Treasurer shall ensure that the Annual Budget Ordinance, as amended, and any duly authorized amendatory budget resolutions, and the detailed line-item budget/quarterly financial reports are properly introduced, enumerated and amended to accommodate, validate and reflect the intent of this Resolution.

AND, BE IT FURTHER RESOLVED that the Mayor, on behalf of the Town, is hereby authorized to enter into the subject Proposal/Contract/Purchase and execute any other necessary documents needed to carry out the intent of this Resolution; and

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this 9th day of January 2023.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
LILLY	<u>Yea</u>
KENNEDY, II	<u>Yea</u>
NOBLE	<u>Yea</u>
BARNES	<u>N/P</u>
HINES	<u>Yea</u>
WASHINGTON	<u>Yea</u>
ATKINSON	<u>Absent</u>

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ATTEST:

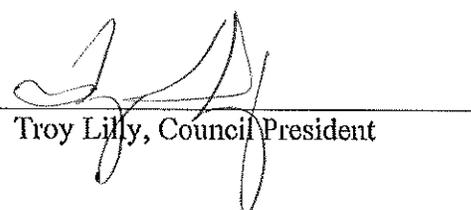


Sherletta Hawkins, Town Clerk

THE TOWN OF FOREST HEIGHTS,
MARYLAND

By: 

Calvin Washington, Mayor

By: 

Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 9th day of January 2023 with 5 Aye votes and 9 Nay (2/3rds supermajority) votes the aforesaid Resolution 04-23 passed.



Sherletta Hawkins, Town Clerk

[Exhibit A – Equipment Quotes]