

THE TOWN OF FOREST HEIGHTS
RESOLUTION 08-23

**A RESOLUTION TO ELECT NOT TO RENEW A CONTRACT WITH FAULKNER
LAWN CARE & CONSTRUCTION INC. FOR LANDSCAPING AND SNOW
REMOVAL SERVICES AND RATIFY A NOTICE LETTER REGARDING THE
DECISION**

Introduced By: Mayor Calvin Washington

WHEREAS, the Charter, Section 33-83 states that the Town shall have the power to do whatever may be necessary to protect town property and to keep all Town property in good condition; and

WHEREAS, the Charter, Section 33-63 states that all purchases and contracts for the Town government shall be made by the Mayor and Council and such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered and that all such written contracts shall be approved by the Council before becoming effective, and that the Mayor and Council shall have the right to reject all bids and readvertise, and that the Town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids; and

WHEREAS, the Town Ordinance Code, § 20.4(a)(4) mandates that a purchase of \$10,000 or more must be approved by the Council and shall be procured competitively by advertising a request for invitations to bid or a request for proposals, and that a minimum of three (3) bids or proposals are typically required to award a contract; and

WHEREAS, pursuant to Resolution 59-15 approved on October 21, 2015, the Town Council previously awarded a bid for snow removal services as described in Request for Bids (FHRTB 2-15) to a Contractor, Faulkner Lawn Care & Construction Inc., t/a Faulkner Lawn Care & Landscaping; and

WHEREAS, the staff later sought to combine the two service contracts for landscaping and snow removal and an RFP for the Project entitled "Forest Heights Landscaping and Snow Removal Services" was advertised with a due date of Friday, October 23, 2020, 4:00 P.M. and a pre-bid meeting held on October 14, 2020 at 11:00 A.M. at the Municipal Building; and

WHEREAS, as stated in the said RFP, the scope of work was: (i) snow must be removed and/or salt must be spread for approximately 9 miles of local (i.e., municipal) residential streets in accordance with specifications, and (ii) spring and fall cleanup for 21 enumerated Town-owned properties and regular lawn care and maintenance during the period of April 1st through October 30th, which is to include a Fertilizer program; and

WHEREAS, as further stated in the said RFP, (i) the initial contract term was to run from November 1, 2020 through November 1, 2021, (ii) with the possibility of extension for an

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additional five (5) years, and (iii) with the possibility of an annual price adjustment not to exceed the CPI; and

WHEREAS, RFP 03-FH for landscaping and snow removal services solicited by the Town received bid cost forms from six (6) vendors; and

WHEREAS, the Town Council passed Resolution 65-20 on November 18, 2020 awarding the contract for landscaping and snow removal services to Tri-State Solutions of Maryland, LLC, and on December 7, 2020 the Council passed Resolution 71-20 approving a contract with said vendor; and

WHEREAS, Tri-State's Vice President wrote a letter dated March 30, 2021, to the Public Works Director stating that due to the ongoing Covid-19 Pandemic and the enhanced safety requirements it demands, Tri-State would no longer be able to supply landscaping services to the Town of Forest Heights at the current contract rate, and Tri-State would need to increase its contract rate for service; and

WHEREAS, the Mayor and Council found that the Town had a duty to mitigate its damages and; therefore, it awarded a contract to another familiar firm which was Faulkner Lawn Care & Construction Inc. to replace Tri-State, with said contract stating in Article III thereof that the term is from "June 1, 2021 until November 2, 2021 and thereafter from November 2 until the following November 2, which may be automatically renewed by Forest Heights each year in writing for an additional year up to not more than five (5) years, based on performance of the Contractor..." and

WHEREAS, the staff recently provided Faulkner Lawn Care & Construction Inc. with a letter of non-renewal subject to its mutual consent which has since been rejected, and now the letter to end the contracting must be ratified by the Council or notice be given to renew the agreement.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby elects to approve and ratify the notice to not renew for another year the contract for landscaping and snow removal services with Faulkner Lawn Care & Construction Inc., at a budgeted total amount of \$38,500 annually for landscaping services for a 7-month period approximating \$ 5,500.00 billed monthly, and the Contractor shall be given notice that landscaping and snow removal services, according to the terms and conditions stated in said contract, as recently given notice by staff to not renew, attached hereto and incorporated by reference herein as Exhibit A, because said vendor's services are no longer needed and the contract has lapsed or otherwise terminated.

AND BE IT FURTHER RESOLVED, that the Chief of Police or his deputy shall be authorized to sign the final notice letter or any other correspondence on behalf of the Town consistent with this Resolution.

AND BE IT FURTHER RESOLVED, that the Mayor will deploy public works personnel to provide any required or necessary landscaping and snow removal services until such time as it is deemed efficient to engage the services of a new vendor.

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

PASSED this 9 day of January 2023.

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

<u>ROLL CALL VOTE</u>	<u>YE/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>

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins

Sherletta Hawkins, Town Clerk

By: [Signature]

Calvin Washington, Mayor

By: [Signature]

Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 9 day of January 2023 with 5 Aye votes and 0 Nay votes the aforesaid Resolution 08-23 passed.

Sherletta Hawkins

Sherletta Hawkins, Town Clerk

Exhibit – (Notice letter dated Dec. 23, 2022)