

RESOLUTION NO. 17-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RATIFYING THE TOWN MANAGER'S ISSUANCE OF A PURCHASE ORDER TO DRC EMERGENCY SERVICES, INC. FOR EMERGENCY DEBRIS CUT AND PUSH SERVICES ON TOWN OWNED AND MAINTAINED ROADS AS A RESULT OF HURRICANE IRMA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 4, 2017, Florida Governor Rick Scott issued Executive Order No. 17-235 declaring a State of Emergency due to Hurricane Irma, and on September 5, 2017, Miami-Dade County Mayor Carlos Gimenez issued a County-wide Declaration of a State of Emergency; and

WHEREAS, Chapter 12, Article II, Section 12-23 of the Town of Cutler Bay's (the "Town") Code of Ordinances states, "The Town Manager shall have the sole authority to declare a state of emergency hereunder [...] Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article and any emergency expenditures made hereunder pursuant to section 12-22(9) shall be confirmed by the town council by resolution no later than the next regular meeting, or as reasonably as possible, unless the nature of the emergency renders a meeting of the town council impossible;" and

WHEREAS, on September 6, 2017, the Town Manager issued a Declaration of State of Emergency due to Hurricane Irma, which was sent to the Town Clerk's Office for posting and local media outlets; and

WHEREAS, the Executive Order, in accordance with Chapter 252, Florida Statutes, authorizes political subdivisions to take whatever prudent actions is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, Chapter 252, Florida Statutes authorizes political subdivisions, such as the Town, to take all necessary action and issue any necessary orders to protect human life; and

WHEREAS, Hurricane Irma has created widespread disaster debris throughout the Town, which poses a significant and immediate threat to the health, safety and welfare of the residents of the Town; and

WHEREAS, on September 18, 2017, Governor Rick Scott directed that counties and cities aggressively prioritize debris clean-up caused by Hurricane Irma so that the debris does not hamper or interfere with recovery efforts; and

WHEREAS, pursuant to Executive Order 17-2345, and Section 252.38(3)(a), Florida Statutes, political subdivisions, such as the Town, have the authority to exercise certain powers and authority to safeguard the lives and property of its citizens and community; and

WHEREAS, to ensure the protection of the public health, safety, and welfare of the residents, the Town proceeded to timely and efficiently clear such vegetative and other tree debris from Town owned and maintained roads and sidewalks throughout the Town; and

WHEREAS, the Town Council via Resolution No. 15-03 authorized the issuance of Request for Proposal (“RFP”) No. 15-02 for Emergency Debris Removal Services; and

WHEREAS, the RFP resulted in eight (8) sealed bids/proposals being received prior to the March 11, 2015 deadline; and

WHEREAS, on May 20, 2015 via Resolution No. 15-38, pursuant to the competitive selection process utilized by the Town and the recommendation of the Town Manager, the Town Council selected to utilize the services of the two (2) highest ranked “lowest responsible and responsive” bidders, Phillips & Jordan, Inc. and DRC Emergency Services, Inc. to provide Emergency Debris Removal Services; and

WHEREAS, a purchase order was entered on October 10/19/2017 for DRC Emergency Services, Inc. for \$98,530 for Emergency Debris Cut and Push Services; and

WHEREAS, DRC Emergency Services, Inc. has provided two (2) invoices for \$97,772 and \$758 for Emergency Debris Cut and Push Services (Exhibit “A”); and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

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

Section 2. Ratification. The Town Council hereby ratifies the Town Manager’s approval of the issuance of a purchase order to DRC Emergency Services, Inc. for Emergency Debris Cut and Push Services due to Hurricane Irma.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of November, 2017.

Attest:

PEGGY R. BELL
Mayor

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____
Vice Mayor Sue Ellen Loyzelle _____
Councilmember Mary Ann Mixon _____
Councilmember Michael P. Callahan _____
Councilmember Roger Coriat _____