

RESOLUTION NO. 18 - ____

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF CUTLER BAY, FLORIDA, SELECTING
SUPERIOR PARK SYSTEMS, INC. FOR THE
INSTALLATION OF SHADE STRUCTURES AT FRANJO
PARK; PROVIDING FOR AUTHORIZATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Cutler Bay (the “Town”) owns and maintains Franjo Park (the “Park”), located north of Old Cutler Road on Franjo Road, which is approximately five (5) acres; and

WHEREAS, the Park is an integral part of the community and is used for active recreation, including baseball practice and competitions; and

WHEREAS, the amenities at the Park include an equipment storage building, baseball fields, protective field nets, concession capacity, bleachers, benches and picnic tables; and

WHEREAS, in September of 2017, Hurricane Irma made landfall in the Town, and the Town experienced wide-spread damage due to the effects of from Hurricane Irma, that caused the Park to remain closed to the public, due to lighting, fencing, and netting damage; and

WHEREAS, the Town staff has identified three (3) locations in need of one (1) single and two (2) double shade structures at the Park (“Project”); and

WHEREAS, the Project contemplated by the Town staff has already been competitively bid by the School District of Palm Beach County, Florida (“Palm Beach County School District”) pursuant to Invitation to Bid #15C-32B that resulted in an agreement awarded to Superior Park Systems, Inc. (the “Contractor”); and

WHEREAS, the Contractor has provided a proposal to the Town for the Project in the total amount of \$84,992.00 that extends the same terms, pricing, and conditions of the agreement procured by Palm Beach County School District, attached hereto as Exhibit “A” (the “Proposal”); and

WHEREAS, the Town’s Code Chapter 24, Article II, Section 24-67 provides that purchases made under state purchasing contracts or contracts of other municipal or government entities that were awarded pursuant to competitive bids based on clearly defined specifications shall not require separate competitive bidding by the Town; and

WHEREAS, the Town Manager has determined in accordance with Article III, Section 3-10 of the Town Charter and the Town’s Purchasing Ordinance that there is a sufficient unencumbered budget appropriation within the department to pay for this agreement and the Town Manager has made a written recommendation to the Council for its approval; and

WHEREAS, the Town Council wishes to accept the Proposal and authorize the Town Manager to negotiate and enter into an agreement with the Contractor consistent with the Proposal; and

WHEREAS, the Town Council finds that the adoption of this Resolution is in the best interest of the Town.

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

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

Section 2. **Selection Approved.** Pursuant to Chapter 24, Article II, Section 24-67 of the Town Code, the Town Council selects the Contractor which submitted a bid and was selected through the competitive bidding process as performed by the Palm Beach County School District pursuant to Invitation to Bid #15C-32B.

Section 3. **Town Manager Authorized.** The Town Manager is authorized, on behalf of the Town, to negotiate and execute an agreement with the Contractor for the purchase and installation of shade structures consistent with the Proposal in an amount not to exceed \$84,992.00 with the same terms, conditions and warranties as procured by Palm Beach County School District pursuant to the Invitation to Bid #15C-32B, attached hereto as Exhibit "A."

Section 4. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of December, 2018.

Attest:

TIM MEERBOTT
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 Tim Meerbott	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Robert “BJ” Duncan	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____