

RESOLUTION NO. 17- 1487

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 "B" 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 "B" 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.

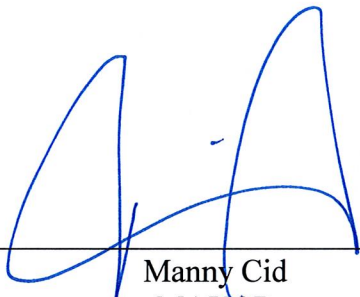
Section 7. Effective Date. This Resolution shall take effect immediately upon adoption.

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PASSED AND ADOPTED this 5th day of September, 2017.

The foregoing resolution was offered by Vice Mayor Rodriguez who moved its adoption. The motion was seconded by Council member Daubert and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	<u>yes</u>
Vice Mayor Nelson Rodriguez	<u>yes</u>
Councilmember Luis Collazo	<u>yes</u>
Councilmember Timothy Daubert	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Marilyn Ruano	<u>yes</u>


Manny Cid
MAYOR

Attest:


Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

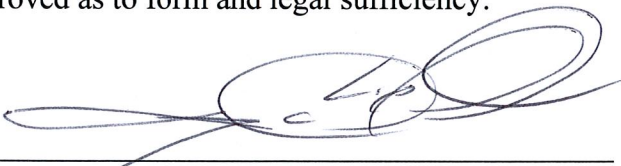

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

Rental Agreement with Pantropic Power, Inc.



Pantropic Power, Inc.
One Source, One Call, One Solution

2017 Hurricane Season Contingency Agreement

Date: 8/17/2017

3. Notwithstanding anything contained herein to the contrary, Pantropic Power will deliver to customer within seventy-two (72) hours of customer request, all rented equipment per this fully executed rental agreement for any natural disaster, hurricane, tornado, and or any other interruption in electrical service. Customer is responsible for calling Pantropic Power to request the delivery of the above mention equipment.

4. Pantropic Power will make every reasonable effort to contact customer in the event of an emergency, to inquire if the equipment will be needed. Upon contact made by Pantropic Power the customer will have four (4) hours to initiate a commitment for delivery or release Pantropic Power of the 72 hour delivery commitment. If after a release has been given the customer request delivery of the equipment, it will be delivered with the first available delivery vehicle after the delivery request is received.

VI. Delivery & Transportation:

1. Delivery and transport charges are based on one roundtrip movement of equipment to and from the same location. Delivery charges do not include driver waiting time while on site waiting to deliver or pick up equipment. Waiting time will be billed at \$42.00 per 1/2 hour or portion of.

2. Roundtrip transport charges within Broward County will be charged at **\$500.00** per delivery.

VII. Customer Responsibilities:

1. Customer shall provide a certificate of insurance naming Pantropic, Power as additionally insured and loss payee for equipment value as specified in Section VIII. Item 6. Certificate of insurance must be provided prior to delivery of equipment or customer will be charged for Loss Waiver.

2. Customer is responsible to acquire and display all necessary permits and inspections required by municipalities, county, and state governmental agencies.

3. Customer is responsible for connections and disconnections of above referenced equipment.

4. Servicing of unit will be required every 250 hours intervals and will be charged to Lessee on a time and materials basis. Neglect or abuse on customers' behalf is subject to additional charges.

5. Customer is responsible for the security of all rented equipment.

6. Customer's taking delivery of the equipment will be required to provide a **20amp 110volt** electrical outlet and a 12 AWG grounded extension cord of adequate length for connection of generator battery charging system.

7. Customer is required to provide a well ventilated, clean, level, and free from overhead obstruction location for delivery and placement of generator.

VIII. General Terms and Conditions:

1. Equipment is subject to prior sale or rental.

2. Payments are due the first of every month for each month of the hurricane contingency contract.

3. Customer may elect to provide insurance coverage certificate naming Pantropic Power Inc. as additionally insured and Loss Payee for replacement value of \$ 110,000 for rented equipment, or purchase loss wavier at the rate of \$ 69.13 week or \$ 276.50 a month while equipment is in possession of customer. Waiver is subject to a \$1,000.00 per incident deductible for theft or non-abuse damage.

4. Either party may cancel this agreement with **30** days notice.

5. Purchase loss waiver at **14%** of rental rate

6. No alteration or modification to rented equipment is permitted. Customers will be charged for the equipment replacement cost for any such alteration or modification made in an effort to customize equipment to the particular form, fit, or function of their application.

Pantropic Power Inc.

Roberto Garcia

Roberto Garcia

Rental Sales

Date:

Company: Town of Miami Lakes

Contact Name: Mr. Thomas Fossler

Signature: *[Signature]*

Date: 9/5/17

Miami
8205 NW 58 Street
Miami, Fl. 33166
305.592.4944 tel
305.477.1943 fax

Fort Lauderdale
2501 State Road 84
Ft. Lauderdale, FL 33312
954.797.7972 tel
954-791-7719 fax

West Palm Beach
5460 Okeechobee Boulevard
West Palm Beach, Fl. 33417
561.640.0818 tel
561.640.7894 fax

EXHIBIT B

Budget Revision

TOWN OF MIAMI LAKES
FY 2016-17 AMENDED BUDGET
GENERAL FUND - ADMINISTRATION DEPARTMENT
Expenditure Detail by Line Item

ACCOUNT NAME/DESCRIPTION	FY2016-17 AMENDED BUDGET	REVISION 09/05/17	FY2016-17 AMENDED BUDGET	AMENDED BUDGET COMMENTS
TOWN ADMINISTRATION				
REGULAR SALARIES	\$851,324		\$851,324	
ADM OVERTIME	\$2,000		\$2,000	
PAYROLL TAXES	\$70,796		\$70,796	
FRS CONTRIBUTIONS	\$90,728		\$90,728	
ICMA 457 PL	\$21,512		\$21,512	
ICMA 401 PL	\$0		\$0	
HEALTH & LIFE INSURANCE	\$149,783	-\$19,175	\$130,608	Transfer to Hurricane Expenses for generator rental.
WIRELESS STIPEND	\$960		\$960	
ADM UNEMPLOYMENT CLAIMS	\$2,000		\$2,000	
PROFESSIONAL SERVICES	\$40,400		\$40,400	
INTERGOVERNMENTAL (LOBBYIST)	\$48,000		\$48,000	
ACCOUNTING & PAYROLL	\$23,665		\$23,665	
INDEPENDENT AUDIT	\$42,175		\$42,175	
ADM HEALTH SPENDING ACCT/WELLN	\$15,500		\$15,500	
ADM BACKGROUND CHECKS	\$1,500		\$1,500	
ADM - TRAVEL & PER DIEM	\$10,000		\$10,000	
CAR ALLOWANCE	\$6,000		\$6,000	
TELEPHONE - CELLULAR	\$580		\$580	
ADM - POSTAGE & DELIVERY	\$19,000		\$19,000	
ADM - COPIER LEASE	\$16,500		\$16,500	
ADM - INSURANCE	\$215,326		\$215,326	
ADM - PRINTING & BINDING	\$1,500		\$1,500	
ADM TOWN BRANDING & STRATEGIC PLAN	\$67,105		\$67,105	
ADM ADVERTISEMENT RECRUITMENT	\$1,000		\$1,000	
CLERICAL/ADMINISTRATIVE SUPPORT	\$5,000		\$5,000	
INVESTMENT ADVISORY SERVICE	\$7,000		\$7,000	
FINANCIAL INSTITUTION FEES	\$9,000		\$9,000	
HURRICANE EXPENSES	\$9,160	\$19,175	\$28,335	Generator rental for the period June 1 - Sep 30
ADM - OFFICE SUPPLIES	\$29,600		\$29,600	
UNIFORMS	\$600		\$600	
ADM-BOOKS/PUBLIC/SUBSCRIP/MEM	\$5,500		\$5,500	
EDUCATION & TRAINING	\$50,000		\$50,000	
ADM-FURNITURE/EQUIP NON-CAP	\$1,000		\$1,000	
SUBTOTAL ADMINISTRATION EXPENDITURES	\$1,814,215	\$0	\$1,814,215	