

RESOLUTION NO. 11-904

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AUTHORIZING ACCESSING ANOTHER PUBLIC ENTITY'S CONTRACT UNDER SECTION 2(H)(2) OF THE PROCUREMENT CODE: AUTHORIZING THE USE OF ORANGE COUNTY CONTRACT Y10-114A; APPROVING AN AGREEMENT FOR DEBRIS MONITORING SERVICES WITH O'BRIEN'S RESPONSE MANAGEMENT, INC.; AUTHORIZING TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") is aware of the fact that FEMA requires that public entities seeking to recover costs for debris removal resulting from a hurricane or other disaster have in place a contract for debris monitoring; and

WHEREAS, the Town does not have a contract for debris monitoring services; and

WHEREAS, Section 2(H)(2) of the Town's Purchasing Procedures authorizes the Town Council, by majority vote, to waive procurement procedures in order to enter into contracts based on those awarded by other local, state or federal authorities; and

WHEREAS, the Town's Purchasing Procedures require that when accessing another local government contract that contracts be reviewed from at least three (3) separate providers; and

WHEREAS, the Town has completed said review; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. Waiver of Competitive Bidding. The Town Council hereby waives Competitive Bidding pursuant to Section 2(H)(2) of the Town's Purchasing Procedures to access another local government contract.

Section 3. Approval of the O'Brien's Response Management Agreement. The Agreement between the Town of Miami Lakes and O'Brien's Response Management, Inc. (O'Brien's), in accordance with Orange County Contract Y10-114A (the "O'Brien's Agreement"), a copy of which is attached as Exhibit "1," together with such changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

Section 4. Authorization of Town Officials. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the O'Brien's Agreement.

Section 5. Authorization of Fund Expenditure. The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the O'Brien's Agreement.

Section 6. Execution of the Agreements. The Town Manager is authorized to execute the O'Brien's Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the O'Brien's Agreement and to execute any extensions and/or amendments to the O'Brien's Agreement, subject to the approval as to form and legality by the Town Attorney.

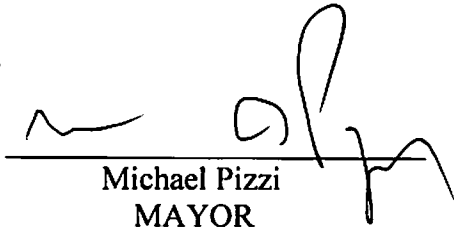
Section 7. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 14 day of June, 2011.

Motion to adopt by Councilmember Collins, second by Mayor Pizzi.


FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	<u>Yes</u>
Vice Mayor Nick Perdomo	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Richard Pulido	<u>Absent</u>



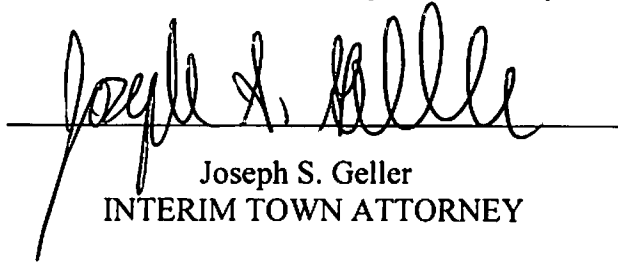
Michael Pizzi
MAYOR

Attest:



Marjorie Tejada
TOWN CLERK

Approve as to Form and Legal Sufficiency



Joseph S. Geller
INTERIM TOWN ATTORNEY



Town of Miami Lakes

Agreement

I. Parties

This Agreement, 2011-12 is made this 14th day of June, 2011, by and between O'Brien's Response Management Inc. ("O'Brien's"), located at 1882 Capital Circle NE, Suite 205, Tallahassee, FL 32308 and the Town of Miami Lakes ("Town"), located at 15150 NW 79th Terrace, Miami Lakes, FL 33016.

II. Recitals

Whereas the Town desires to enter into an agreement with O'Brien's for debris monitoring and ancillary related services, and;

Whereas O'Brien's has agreed to provide said services to the Town in accordance with their contract with Orange County, FL, contract no. Y10-114-A, dated June 8, 2010, except to the extent otherwise provided herein; and:

Whereas the Miami Lakes Town Council, on June 14, 2011, by Resolution 11-904, authorized the Town Manager to enter into an agreement with O'Brien's, in accordance with the terms of the Orange County, Florida contract.

Therefore both parties agree as follows.

III. Services

O'Brien's shall provide debris monitoring and ancillary related services to the Town in accordance with the terms of the above referenced Orange County, FL/O'Brien's contract. All other terms and conditions of said contract, a copy of which is attached hereto as Exhibit "A", are incorporated herein by reference, except to the extent otherwise provided herein.

IV. Contract Modifications

The following contract modifications shall be made to the Agreement between the Town and O'Brien's from the Orange County contract:

ARTICLE 2 – SCHEDULE

The Contract initial performance period shall be one (1) year from date of award. This contract may be renewed, by mutual agreement, for two (2) additional one (1) year periods up to a cumulative total of **three (3) years**, at the same prices, terms and conditions. Any change in price, terms or conditions shall be accomplished by written amendment to this contract.

ARTICLE 14 – REMEDIES

Venue for any litigation involving this contract shall be the Circuit Court in and for Miami-Dade County, Florida.

ARTICLE 16 – CONFLICT OF INTEREST

The parties further agree to abide by, and to be bound by, all applicable provisions of the Miami-Dade County Code, including those applicable to Ethics and Conflict of Interest.



Town of Miami Lakes

ARTICLE 23 – EQUAL OPPORTUNITY

The parties agree to abide by the Miami-Dade County Code, and all applicable administrative regulations pertinent thereto.

ARTICLE 29 – Deleted.

V. Points of Contact

The points of contact for the Town shall be:

For Issuing Work Orders: Gary Fabrikant, Procurement Manager
(305) 364-6100 ext. 1199 fabrikantg@miamilakes-fl.gov

Contract Management Tony Lopez, Director of Community & Leisure Services
(305) 364-6100 ext. 1130 lopezt@miamilakes-fl.gov

The points of contact for O'Brien's shall be:

Brad Basset Regional Manager, Brad.bassett@obriensrm.com
(850) 877-6700 (office) or (407) 325-5325 (cell)

Peter Lanneau: Consultant, peter.lanneau@obriensrm.com
(954) 627-5315 (office) or (786) 537-2862 (cell)

O'Brien's Response Management, Inc.

Steve Branham, VP Government Services

Town of Miami Lakes

Alex Rey, Town Manager

Approved as to Form:

Joseph S. Geller, Town Attorney

Attest:

Marjorie Tejada, Town Clerk



Town of Miami Lakes

CORPORATE RESOLUTION

WHEREAS, O'Brien's Response Management, Inc. desires to enter into a contract with the Town of Miami Lakes for the purpose of performing the work described in the Agreement to which this resolution is attached; and

WHEREAS, the Board of Directors at a duly held corporate meeting has considered the matter in accordance with the By-Laws of the corporation;

Now, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS that the Executive Vice President,
(type title of officer)

Steve Branham, is hereby authorized
(type name of officer)

and instructed to enter into a contract, in the name and on behalf of this corporation, with the Town of Miami Lakes upon the terms contained in the proposed Agreement to which this resolution is attached.

DATED this 21 day of July, 2011.

Maya Cabon
Corporate Secretary

(Corporate Seal)