

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, RATIFYING THE CITY MANAGER'S APPROVAL OF A PURCHASE ORDER WITH AIRGAS USA, LLC FOR THE EMERGENCY PROVISION AND DELIVERY OF LIQUID OXYGEN TO THE SOUTHERN REGIONAL WASTEWATER TREATMENT PLANT IN AN AMOUNT UP TO \$300,000.00, IN ACCORDANCE WITH SECTION 38.41(C)(1) OF THE CITY'S PROCUREMENT CODE. (EMERGENCY PURCHASES).

WHEREAS, the Department of Public Utilities ("Department") Southern Regional Wastewater Treatment Plant's ("SRWWTP") Cryogenic Plant, which produces Liquid Oxygen ("LOX"), was overwhelmed by unprecedented effluent flows and went into automatic shut-down mode during and after the extraordinary weather event of April 12 through 14, 2023, which event was subsequently designated a declared disaster; and

WHEREAS, LOX is critical to the wastewater treatment process and required by the SRWWTP's operating permit; and

WHEREAS, the Department urgently needed to procure LOX for use at the SRWWTP while the cryogenic plant was under repair; and

WHEREAS, Section 38.41(C)(1) of the Procurement Code exempts from competitive bid and competitive proposals emergency purchases that receive prior administrative approval except for the most urgent situations presenting a clear and present substantial threat to life or property where immediate action is required; and

WHEREAS, the City Manager, via memorandum PU-23-78a, authorized the repair of the cryogenic plant at the SRWWTP, during which repair process bulk LOX had to be procured from AIRGAS USA, LLC ("Airgas") several times daily at a cost of \$6,665 per tanker load; and

WHEREAS, at the time of the emergency, Airgas was the intended awardee for Solicitation IFB-050-23-JJ 2023, an open competitively bid contract that was subsequently awarded to Airgas on June 7, 2023 for non-emergency oxygen supply; and

WHEREAS, funding for purchase order PFY-2303103 was included in the amended FY 2023 Capital Improvement Plan and is available in account number 442.409903.53600.563020.000704.000.000; and

WHEREAS, the Department Director and the Chief Procurement Officer recommend that the City Commission ratify the City Manager's approval of the issuance of a purchase order to Airgas USA, LLC for the emergency provision and delivery of LOX to the SRWWTP in an amount up to \$300,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA.

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it ratifies the City Manager's approval of a purchase order with Airgas USA, LLC for the emergency provision and delivery of liquid oxygen to the SRWWTP in an amount up to \$300,000.00, pursuant to Section 38.41(C)(1) of the City's Procurement Code ("emergency purchases").

Section 3: That it approves and authorizes the issuance, by the appropriate City officials, of a Purchase Order to Airgas USA, LLC.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY