

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ISSUE A PURCHASE ORDER AND EXECUTE AN ADDENDUM WITH HEIL ENGINEERED PROCESS EQUIPMENT, INC. FOR THE PURCHASE OF FAN MODEL HCB-42 IN THE TOTAL AMOUNT OF \$102,875.00; APPROVING AN AMENDMENT TO THE FISCAL YEAR 2019 CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the Department of Public Utilities desires to purchase a Headworks Scrubber Blower Heil Fan Model HCB-42 (Heil SO#42089-BD) from Heil Engineered Process Equipment, Inc, ("Heil"); and

WHEREAS, the required Heil Fan is a direct equipment replacement sole sourced from Heil; and

WHEREAS, Heil is the sole sourced vendor for the Heil Fan Model HCB-42 as per the sole source letter dated December 11, 2018 and as stated in the Sole Source Justification Form; and

WHEREAS, on February 26, 2019, the Office of Procurement Services posted Notice to Sole Source Number NTSS-008-19 to purchase one Heil Fan Model HCB-42, issued an electronic notification to various vendors and identified March 5, 2019 as the posting expiration date; and

WHEREAS, the Office of Procurement Services received no inquiries or comments on the Notice to Sole Source Number NTSS-008-019, and Section 38.40(C)(3) of the City's Purchasing Ordinance exempts sole-source supplies and services, such as unique, patented or franchised supplies or services, from the competitive bid requirements; and

WHEREAS, Heil has agreed to the City's standard terms and conditions, with the exception of Payment Terms and Indemnification; and

WHEREAS, the City agrees to the following Payments terms:

Payment Terms:

25% Due with Order

25% Due with Drawing approval – Net 30 Days

40% Due Prior to Shipment – Net 30 Days

10% Due with Shipment - Net 30 Days; and

WHEREAS, the City agrees to indemnify, hold harmless and defend Heil, its officers, employees and agents from and against any and all claims, damages, liabilities, judgments or causes of action, including costs, expense and attorney fees, incurred as a result of any error, omission or negligent act caused solely by Heil, its officers, employees, agents, subcontractors or assignees arising out of the Purchase Order; and

WHEREAS, the Interim Director of Public Utilities and the Director of Procurement & Contract Compliance recommend that the City Commission approve the purchase of a Heil Fan to Heil Engineered Process Equipment, Inc. in the total amount of \$102,875.00; and

WHEREAS, award is subject to the City's receipt and approval of all insurance certificates and endorsements required by the City's Risk Manager; and

WHEREAS, it is necessary to amend the approved Fiscal Year 2019 Capital Improvement Program as set forth in Exhibit "A" attached as and incorporated herein.

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 approves and authorizes the issuance, by the appropriate City officials, of a purchase order to Heil Engineered Process Equipment, Inc., together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That it approves and authorizes the execution, by the appropriate City officials of an addendum embodying the terms and conditions approved by the City Commission this date with Heil Engineered Process Equipment, Inc. in a form acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4: That it approves and authorizes an amendment to the approved FY 2019 Capital Improvement Program, as more specifically set forth in the attached Exhibit "A".

Section 5: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

A RESOLUTION TO ISSUE A PURCHASE ORDER TO HEIL ENGINEERED PROCESS EQUIPMENT, INC. FOR THE PURCHASE OF FAN MODEL HCB-42 IN THE TOTAL AMOUNT OF \$102,875.00.

PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY