

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2095.10

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A CONTRACT FOR LANDSCAPE MAINTENANCE WITH THL LANDSCAPING, INC.; PROVIDING FOR EXEMPTION FROM COMPETITIVE NEGOTIATIONS AND WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council wishes to engage THL Landscaping, Inc. ("THL") to perform all landscaping maintenance for areas within the Town, including the gate house, the Strand, the guest/police parking lot, roadways and streets, the Beach Pavilion and the A1A median ("Landscape Maintenance"); and

WHEREAS, THL has agreed to perform the Landscape Maintenance; and

WHEREAS, the Town and THL wish to enter into a contract for the Landscape Maintenance, substantially pursuant to the terms of the Contract attached hereto as Exhibit "A" to this Resolution (the "Contract"); and

WHEREAS, the Landscape Maintenance is exempt from competitive negotiations under Florida law, and it is otherwise impractical to competitively bid the Landscape Maintenance; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town to engage THL to perform the Landscape Maintenance and to approve the Contract with THL;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Authorization and Approval. The Town Council hereby authorizes and approves the Contract with THL substantially in the form attached hereto as Exhibit "A," authorizes the Mayor to execute the Contract on behalf of the Town once approved as to form and legal sufficiency by the Town Attorney, and authorizes the expenditure of funds as detailed in the Contract.

Section 3. Waiver of Competitive Bidding. Pursuant to the Town's Ordinance No. 540.09, the Town Council hereby finds that it is impractical to competitively bid the Landscape Maintenance.

Section 4. Implementation. The Town Mayor and Town Manager are hereby authorized to take any and all action necessary to implement the Contract and this Resolution in accordance with its terms and conditions.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by Councilmember Rojas, seconded by Vice Mayor Einstein and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Ben Einstein	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 26th day of May, 2010.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY