

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2020 - 25

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, RATIFYING THE CONTRACTS TO PROCURE PERSONAL PROTECTIVE GEAR AND COMMUNITY TESTING FOR VILLAGE RESIDENTS; AUTHORIZING AN AMENDMENT TO EXHIBIT B OF THE CONTRACT BETWEEN THE VILLAGE AND LAB 24 TO INCREASE THE MAXIMUM SPEND TO \$185,400; AUTHORIZING AN AMENDMENT TO EXHIBIT B OF THE CONTRACT BETWEEN THE VILLAGE AND FULL THROTTLE MARKETING POWERED BY PROFORMA TO INCREASE THE MAXIMUM SPEND TO \$226,200; APPROVING A BUDGET AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero places the highest premium on safety of life; and

WHEREAS, both the World Health Organization and federal Centers for Disease Control and Prevention (CDC) recognize the novel and virulent danger of COVID-19, having declared it a worldwide pandemic; and

WHEREAS, Governor Ron DeSantis signed Executive Orders 20-52 in response to the novel and virulent nature of the and has declared a public health emergency, pursuant to Chapter 252, Florida Statutes; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national state of emergency concerning COVID-19; and

WHEREAS, the Village Council adopted Resolution 2020-03 declaring a local state of emergency due to the outbreak of COVID-19; and

WHEREAS, Chapter 252, Florida Statutes, authorizes municipalities to declare a state of local emergency and to waive procedures and formalities otherwise required of municipalities to take whatever prudent action is necessary to ensure the health, safety, and welfare of the Village in the event of a state of local emergency; and

WHEREAS, it is the duty of the Village to take such protective measures and to coordinate its efforts in support of the public health and safety of the community; and

WHEREAS, the Village Council has determined that time is of the essence and that the procurement of personal protective equipment (PPE) and community testing are of critical importance to the Village and its residents; and

48 **WHEREAS**, the Village Council finds it in the public interest to be proactive in
49 emergency operations and to coordinate its efforts with national, state, and local health
50 officials; and
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52 **WHEREAS**, there are pending deadlines upon which to seek federal assistance for
53 PPE and Community Testing under the CARES Act and also a limited supply of PPE and
54 Community Testing vendors; and
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56 **WHEREAS**, the Village Council desires to designate and delegate to the Village
57 Manager the authority provided under Chapter 252 to respond to the emergency and procure
58 emergency supplies of PPE and services of Community Testing for the Village, its residents
59 and visitors; and
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61 **WHEREAS**, the contracts between Lab24 and the Village and Full Throttle Marketing
62 powered by Proforma and the Village were approved by Village Council on November 18th
63 prior to fund expenditure.
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65 **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero:
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67 **Section 1.** The above-stated recitals are adopted as legislative findings.
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69 **Section 2.** As provided in 252.38(3)(a), Florida Statutes, the Village hereby waives
70 the procedures and formalities otherwise required by law of a municipality, including, but not
71 limited to: (1) taking whatever action is necessary to ensure the health, safety, and welfare of
72 the community, (2) entering into contracts, (3) acquisition and distribution, with or without
73 compensation, of supplies, materials and facilities, and (4) appropriation and expenditure of
74 public funds.
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76 **Section 3.** The Village Manager is authorized to make emergency procurements as
77 provided under Chapter 252, Florida Statutes, and Ordinance 2015-06. This authorization
78 includes a specific waiver of the Village's competitive bidding requirements under Section 5
79 of said ordinance.
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81 **Section 4.** The Village of Estero expects to be reimbursed under the Interlocal
82 Agreement by and between Lee County, Florida and the Village of Estero EC 2020-69; A2
83 09/01/20R for PPE and Community Testing expenditures. 2020-2021 Village of Estero Budget
84 is amended as follows to provide for Covid Cares grant revenue and expenditures:

001-897-5695200 Covid Supplies/PPE	\$226,200
001-897-5693400 Covid Contract Services/Community testing	\$185,400
Total additional 20-21 expenditures	<u>\$411,600</u>

001-897-3312000 Covid Card Grant Revenue	<u>\$411,600</u>
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91 **Section 5.** This Resolution ratifies the following PPE and Community Testing
92 contracts: the contract between the Village and Lab24, with an amendment to Exhibit B to
93 provide a maximum expenditure of \$185,400; and the contract between the Village and Full
94 Throttle Marketing powered by Proforma, with an amendment to Exhibit B to provide a

95 maximum expenditure of \$226,200. This resolution shall take effect immediately upon
96 adoption.
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98 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 9th
99 day of December, 2020.

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101 Attest:

VILLAGE OF ESTERO, FLORIDA

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104 By:


105 Steve Sarkozy, Acting Village Clerk

By:


106 Bill Ribble, Mayor

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108 Reviewed for legal sufficiency:

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111 By:


112 Burt Saunders, Esq., Village Attorney