

RESOLUTION 2010-01

**A RESOLUTION DECLARING AN EMERGENCY AND
ESTABLISHING A PROCEDURE FOR LETTING CONTRACTS AND
CONTRACTING
FOR DEBRIS REMOVAL AND MONITORING OF DEBRIS REMOVAL**

BE IT RESOLVED BY THE CITY OF BELLE MEADE, as follows:

On the resolution of the Board of Commissioners of the City of Belle Meade

1. The Commissioners of the City of Belle Meade proclaim that the rains and flooding that occurred on May 1 and May 2, 2010, and the subsequent demand and competition for essential services required to remediate the damage resulting from such flooding, have created an emergency condition in the City of Belle Meade (the "Emergency Condition").

a. An emergency condition is a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, natural disasters, epidemics, threat of spread of disease, riots, acts of terrorism, equipment failures, or such other reason as may be proclaimed by the Commissioners of the City of Belle Meade.

b. The existence of such condition creates an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- 1) the functioning of government of the City of Belle Meade;
- 2) the preservation or protection of property; or
- 3) the health or safety of any person.

c. The Commissioners of the City of Belle Meade declare the need to address the Emergency Condition through the contracting for debris removal and debris removal monitoring services in order to assure the effective functioning of the City of Belle Meade, the protection of property within the City of Belle Meade and the health and safety of the residents of the City of Belle Meade.

2. The Commissioners further declare and resolve that it is impractical to utilize the procedures set forth in Section 5-109 of the Code of the City of Belle Meade.

a) The Board of Commissioners has determined that there is a public emergency and an Emergency Condition that will not permit the delay of competitive solicitation, and that the Emergency Condition makes solicitation from a number of sources non-feasible and inadequate.

b) Prior to acting in accordance with this Resolution, the City Manager shall first determine that the procurement of the work was not feasible under small purchase procedures, sealed bids or competitive proposals.

3. Accordingly, the Commissioners of the City of Belle Meade resolve to adopt the following procedures pursuant to the authority of T.C.A. § 6-22-129 as adopted by the Charter of the City of Belle Meade, and Section 5-109 of the Belle Meade Code. The Commissioners of the City of Belle Meade adopt the following procedures for the letting of the contracts for debris disposal and monitoring of debris disposal required to address the Emergency Condition.

a. Emergency procurement shall be limited to those supplies, services, or construction items necessary to meet the Emergency Condition. Given this constraint, such competition as is practicable shall be obtained.

b. With respect to purchases required to meet the Emergency Condition, the City Manager or Mayor may make emergency procurements to address the Emergency Condition after determining that the need cannot be met through normal procurement methods. Where possible, supplies and/or services required shall be secured from sources with which the City has purchase contracts. In other cases, when practicable, at least two, and preferably three, competitive telephone quotations shall be obtained, and the required supplies and/or services shall be procured from the lowest responsive and responsible bidder.

c. As soon as is reasonably practicable after identifying a provider, the City Manager or Mayor shall deliver to the Commissioners a written determination stating the basis for an emergency procurement and for the selection of the particular contractor.

d. A record of each emergency procurement shall be made as soon as practicable and shall set forth:

- 1) the contractor's name;
- 2) the amount and type of the contract; and,
- 3) a listing of the supplies, services, or construction procured under the contract.

e. Having complied with the steps above and in accordance with the declaration of the Emergency Condition, the Commissioners then expressly authorize the City Manager or Mayor to enter into contracts for debris removal and monitoring of debris removal.

4. In all cases, the City Manager shall present for ratification at the next Commissioner's meeting any expenditure made in accordance with this resolution. The emergency purchase requisition shall document the conditions prompting the emergency procurement, the authorizations received, and the status of the action.

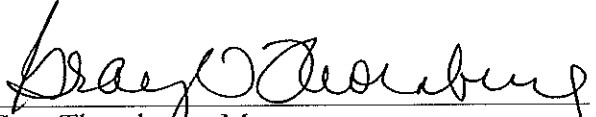
5. The Commissioners of the City of Belle Meade ratify, authorize and approve the following expenditures are required by the Emergency Condition:

6. The Commissioners of the City of Belle Meade recognize and celebrate the incredible response of all of the personnel of the City of Belle Meade for their response to the Emergency Condition.

Section 2. This Resolution shall become effective immediately.

Passed on first reading:

May 17, 2010



Gray Thornburg, Mayor



Linda Berner, City Recorder