

**CITY OF MARATHON, FLORIDA
RESOLUTION 2007-47**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE PURCHASE OF A CUMMINS/ONAN 250.0 DQDAA, DIESEL DRIVEN GENERATOR INTENDED FOR FIRE STATION NO. 14; WAIVING THE CITY'S PURCHASING POLICIES; ACCEPTING BILTMORE CONSTRUCTION INC.'S PROCUREMENT PROCEDURES FOR THIS PURCHASE IN AN AMOUNT NOT TO EXCEED \$123,380; AND SETTING AN EFFECTIVE DATE

WHEREAS, on October 3, 2006, the City Council of the City of Marathon (the "City") adopted Resolution 2006-159, accepting a Guaranteed Maximum Price of \$6,190,924 for construction of Fire Station No. 14 from Biltmore Construction, Inc. ("Biltmore"); and

WHEREAS, the guaranteed maximum price includes a 250 Mega-Watt Diesel Generator, 3000 gallon Con-vault fuel cell and all necessary accessories (collectively, the "Generator"); and

WHEREAS, as construction manager at risk, Biltmore has obtained competitive bids for the Generator and has accepted the bid of OK Generators; and

WHEREAS, by purchasing the item directly, the City will save sales taxes in excess of \$8,000; and

WHEREAS, there will be a corresponding deduct change order with Biltmore in the amount of \$123,380;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, that:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Council hereby waives the City's purchasing policies, accepts Biltmore Construction Inc.'s procurement procedures in this particular instance, and authorizes the City Manager to purchase a Cummins/Onan 250.0 DQDAA, diesel driven generator intended for Fire Station 14 in an amount not to exceed \$123,380.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 27th day of March, 2007.

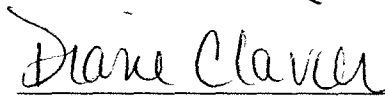
THE CITY OF MARATHON, FLORIDA



Marilyn Tempest, Acting Mayor

AYES: Cinque, Tempest, Worthington, Tempest
NOES: None
ABSENT: Bull
ABSTAIN: None

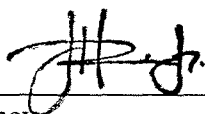
ATTEST:



Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney