(Exhibit 6 - Waiver of Procurement Code Resolution)

ADDITIONAL MATERIAL

Regular Meeting MAY 19, 2020

SUBMITTED AT THE REQUEST OF

COUNTY ADMINISTRATION

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RESOLUTION NO. 2020-

RESOLUTION BOARD OF COUNTY OF THE COMMISSIONERS OF BROWARD COUNTY. FLORIDA. THE BROWARD COUNTY WAIVING PROCUREMENT CODE FOR THE CONVENTION CENTER ESCALATOR REPLACEMENT PROJECT ("PROJECT") AND FINDING THE REQUIREMENTS OF SÉCTION FLORIDA STATUTES, DO NOT APPLY TO THE PROJECT **SEVERABILITY** PROVIDING FOR EFFECTIVE DATE.

WHEREAS, in late 2019, it was determined that one of the escalators at the Broward County Convention Center ("Convention Center") was in need of repair and maintenance;

WHEREAS, in early 2020, it was determined that all of the escalators had reached the end of their useful life, requiring either corrective action to restore the facility to a safe and functional condition or preventive or corrective action to maintain the Convention Center in a fully operational state or to preserve it from failure or decline;

WHEREAS, the Convention Center is currently closed and undergoing a substantial expansion project and is scheduled to reopen in October 2021;

WHEREAS, repairing and maintaining the Convention Center by replacing the escalator system is likely to take the entire time period between now and when the facility is scheduled to reopen;

WHEREAS, ASM Global, the long-time operator of the Convention Center, has undertaken a solicitation to determine an appropriate vendor to replace the escalators at the facility, determined there are very few vendors that perform this work, and of the firms that responded to the solicitation, has determined that Schindler Elevator Corporation is

the lowest-price firm qualified to both perform the work and complete the replacement of the escalators in the limited time available while the Convention Center is closed; and

WHEREAS, it is in the best interest of the County to proceed with the Project during the Convention Center's closure the Board desires to state the good cause for waiving the Broward County Procurement Code and why the project constitutes "repair" or "maintenance" within the meaning of Section 255.20(1)(c)(5), Florida Statutes, prior to approving an agreement with Schindler Elevator Corporation, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Because of the short time-frame to complete the replacement of the escalators at the Broward County Convention Center while the facility is closed, the limited number of vendors in the United States able to perform this work, and the vetting of vendors and pricing by ASM Global, good cause exists to waive the Broward County Procurement Code in connection with the Broward County Convention Center Escalator Replacement Project ("Project"). Additionally, the work to be performed can be classified as either a "repair" (a corrective action to restore an existing public facility to a safe and functional condition) or "maintenance" (a preventive or corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline), within the meaning stated in Section 255.20(1)(c)(5), Florida Statutes.

1	Section 2. <u>Severability</u> .
2	If any portion of this Resolution is determined by any court to be invalid, the invalid
3	portion will be stricken, and such striking will not affect the validity of the remainder of this
4	Resolution. If any court determines that this Resolution, in whole or in part, cannot be
5	legally applied to any individual, group, entity, property, or circumstance, such
6	determination will not affect the applicability of this Resolution to any other individual,
7	group, entity, property, or circumstance.
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9	Section 3. <u>Effective Date</u> .
10	This Resolution is effective upon adoption.
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12	ADOPTED this day of , 2020.
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14	Approved as to form and legal sufficiency: Andrew J. Meyers, County Attorney
15	Andrew J. Meyers, County Attorney
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17	By <u>/s/_Nathaniel A. Klitsberg05/13/2020</u>
18	Nathaniel A. Klitsberg (date) Senior Assistant County Attorney
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20	By <u>/s/ Michael J. Kerr</u> <u>05/13/2020</u>
21	Michael J. Kerr (date) Deputy County Attorney
22	NK
23	2020-05-08 Resolution Re: Escalator Waiver of Procurement Code.docx 05/11/2020
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