



**City Attorney's Communication #2018-335**

December 28, 2017

**TO:** Cassandra LeMasurier, Purchasing Supervisor

**FROM:** Mark E. Berman, City Attorney

**RE:** Ordinance Approving Southeast Florida Governmental Purchasing Cooperative Group Agreement for Aggregates, Top Soil and Sand

As requested in your e-mail of December 27, 2017, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AUTHORIZING THE APPROVAL OF A CONTRACT WITH AUSTIN TUPLER TRUCKING, INC. AND FLORIDA SUPERIOR SAND, INC. FOR THE PURCHASE OF AGGREGATES, TOP SOIL AND SAND, AS NEEDED PURSUANT TO THE PRICING, TERMS AND CONDITIONS AS PROVIDED FOR IN CITY OF MARGATE, FLORIDA, BID NO. 2018-001, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE, IN THE APPROXIMATE AMOUNT OF \$130,000 PER YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.

  
MARK E. BERMAN

MEB/jrm  
l:cor/gen-srv/2016-579

Attachment

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AUTHORIZING THE APPROVAL OF A CONTRACT WITH AUSTIN TUPLER TRUCKING, INC. AND FLORIDA SUPERIOR SAND, INC. FOR THE PURCHASE OF AGGREGATES, TOP SOIL AND SAND, AS NEEDED PURSUANT TO THE PRICING, TERMS AND CONDITIONS AS PROVIDED FOR IN CITY OF MARGATE, FLORIDA, BID NO. 2018-001, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE, IN THE APPROXIMATE AMOUNT OF \$130,000 PER YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Pompano Beach is a participant in the Southeast Florida Governmental Purchasing Cooperative (SE Cooperative); and

**WHEREAS**, the City of Margate, acting as lead agency for the SE Cooperative entered into a contract with Austin Tupler Trucking, Inc. and Florida Superior Sand, Inc., in accordance with the pricing, terms and conditions of Bid NO. 2018-001; and

**WHEREAS**, staff recommends that it is in the best interests of the City to utilize the pricing, terms and conditions of this contract and approve the purchase of aggregates, top soil and sand as needed in the approximate amount of \$130,000 per year; and

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** The above referenced “Whereas” clauses are true and correct and made a part hereof.

**SECTION 2.** The City Commission does hereby approve the utilization of the pricing, terms and conditions of the Contract with Austin Tupler Trucking, Inc. and Florida Superior Sand, Inc., pursuant to the City of Margate Bid No. 2018-001, acting as lead agency for the Southeast Florida Governmental Purchasing Cooperative in the approximate amount of \$130,000 per year for aggregates, top soil and sand as needed.

**SECTION 3.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 4.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
12/27/17  
l:ord/2018-78