

THE TOWN OF FOREST HEIGHTS
RESOLUTION 49-15

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING (“MOU”)
BETWEEN THE TOWN OF FOREST HEIGHTS AND THE YMCA OF METROPOLITAN
WASHINGTON DOING BUSINESS AS THE YMCA POTOMAC OVERLOOK

Introduced By: Mayor Jacqueline Goodall

WHEREAS, the Charter, Section 33-90 authorizes the Mayor and Council to pass certain legislation of a non-permanent or administrative nature by formal resolution in lieu of ordinance; and

WHEREAS, the Town Ordinance Code, § 20.4(a)(5) mandates that a purchase of \$1,000 to \$10,000 must be approved by the Council and may be procured competitively by advertising a request for RFP’s, RFQ’s or invitations to bid, and that a minimum of three (3) bids are typically required to award a contract; and

WHEREAS, the Town Charter, § 33-63(g) authorizes the Mayor and Council by a two-thirds vote to waive the competitive bidding requirements of said Charter section for good cause shown for sole source procurements of unique products and services, and that written findings as to the basis of such waiver shall be placed in the journal of the Council’s proceedings; and

WHEREAS, the Town Ordinance Code, § 20.4(a)(6) states that upon written findings entered into the journal, the Mayor and Council may exempt the purchase of a good or service from competitive selection processes when the purchase qualifies as a sole source procurement as a result of several circumstances including: One vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the good or service or the procurement is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity, or ownership of intellectual property rights, could most satisfactorily provide the good or service; and

WHEREAS, the Council finds that it is prudent, and necessary to expeditiously procure before funds are no longer available and retain certain services in order to provide fitness instruction at the Municipal Building, and that said service from the YMCA of Metropolitan Washington doing business as the Young Man’s Christian Association Alexandria (YMCA) qualifies as a sole source procurement because said the YMCA of Metropolitan Washington doing business as the Young Man’s Christian Association Alexandria (YMCA) is the most qualified or uniquely eligible to provide the service; and

WHEREAS, The Young Men's Christian Association of Metropolitan Washington doing business as the YMCA Potomac Overlook has submitted a proposed MOU for group exercise instruction services with a fixed rate of \$50/class and total cost not to exceed \$5,150.00 for the period of August 2015 through July 2016; and

WHEREAS, the Town will purchase equipment associated with the program not to exceed \$2,000; and

THE TOWN OF FOREST HEIGHTS
RESOLUTION 49-15

WHEREAS, the scope of services are stated in said proposed MOU and the deliverables include several exercise classes enumerated therein.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Town Council of the Town of Forest Heights hereby approves or ratifies the said MOU regarding the provision of group exercise instruction services for the sums described above and in the MOU, and that the Mayor is hereby further authorized to sign the MOU on behalf of the Town Council, attached hereto and incorporated by reference herein as Exhibit A.

AND BE IT FURTHER RESOLVED, that all instructors and participants in said group exercise classes conducted pursuant to the aforementioned MOU shall execute and have on file with the Town or the instructor, as authorized by the Mayor and verified by her designee, a liability release and waiver form indemnifying and holding harmless the Town from liability for any claims or accidents that may occur while participating in or providing said instruction.

AND BE IT FURTHER RESOLVED, beginning October 1, 2015 the membership fee will be charged for non-residents of \$20 per month and no fee for participants who are residents of the Town.

AND BE IT FURTHER RESOLVED, the purchased equipment associated with the program to be owned by the Town.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 8th day of September 2015.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
GOODALL	<u>YEA</u>
KENNEDY II	<u>ABSENT</u>
MCLAURIN	<u>YEA</u>
BARNES	<u>YEA</u>
MUHAMMAD	<u>NAY</u>
SMITH-BARNES	<u>YEA</u>
MANN	<u>ABSENT</u>

THE TOWN OF FOREST HEIGHTS
RESOLUTION 49-15

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS

Signature on file

Bonita C. Anderson, Town Clerk

Signature on file

By: _____
Jacqueline Goodall, Mayor

Signature on file

By: _____
C. Lynn Smith-Barnes, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 8th day of September, 2015 with 4 Aye votes and 1 Nay vote the aforesaid Resolution 56-14 passed.

Signature on file

Bonita Anderson, Town Clerk

Exhibit A, (MOU), attached hereto.