

THE TOWN OF FOREST HEIGHTS  
RESOLUTION 56-14

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 Potomac Overlook (YMCA) qualifies as a sole source procurement because said the YMCA of Metropolitan Washington doing business as the Young Man’s Christian Association Potomac Overlook (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 2014 through July 2015; and

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

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**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**, that this Resolution shall take effect immediately upon passage.

PASSED this 2<sup>nd</sup> day of September 2014.

**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>YEA</u>
STONER	<u>YEA</u>
BARNES	<u>ABSENT</u>
MUHAMMAD	<u>ABSENT</u>
SMITH-BARNES	<u>YEA</u>
MANN	<u>YEA</u>

ATTEST:

*Signature on file*

\_\_\_\_\_  
Bonita C. Anderson, Town Clerk

THE MAYOR AND COUNCIL OF THE  
TOWN OF FOREST HEIGHTS, MARYLAND

*Signature on file*

By: \_\_\_\_\_  
Jacqueline Goodall, Mayor

*Signature on file*

By: \_\_\_\_\_  
Cynthia Mann, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 2<sup>nd</sup> day of September, 2014 with 5 Aye votes and 0 Nay vote the aforesaid Resolution 56-14 passed.

*Signature on file*

\_\_\_\_\_  
Bonita Anderson, Town Clerk

Exhibit A, (MOU), attached hereto.