

The Town of Upper Marlboro

RESOLUTION: 2019-12
SESSION: Regular Town Meeting
DATE: December 10th, 2019

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF THE TOWN CHARTER AND AWARDING A TOWN PLAYGROUND PROJECT TO SPARKS @ PLAY LLC

WHEREAS, the Board of Town Commissioners finds that there are currently no public playgrounds within the corporate limits of the Town of Upper Marlboro (the "Town"), and that an Upper Marlboro Community Playground will not only serve Town residents, but also the greater Upper Marlboro area and become the first step in the Town's effort to bring recreational amenities to the growing Town; and

WHEREAS, the Town has submitted an application to the Department of Natural Resources ("DNR"), Program Open Space, which administers the Community Parks and Playgrounds Program, whereby the Town's grant application was evaluated by Program Open Space staff and recommended for a grant selection by the Secretary of DNR as included in the Governor's FY 2020 Capital Budget; and

WHEREAS, following a State Clearinghouse review, the DNR submits selected grants to the Board of Public Works for approval, and the grant funding is \$200,000 for which the Town is matching \$50,000 that is reflected in the Town's FY20 Budget; and

WHEREAS, the Board of Town Commissioners under Grants in the FY 2020 Condensed Budget has appropriated \$200,000 as an expenditure in FY '20 pursuant to Line Item 8180.03 (Community Open Space Grant); and

WHEREAS, the Board under Ordinance 2019-04 in said Budget has appropriated \$50,000 as an expenditure in FY '20 pursuant to Line Item 8180 (Grant Matching Funds); and

WHEREAS, pursuant to Section 82-56 (Purchasing and Contracts) of said Charter, all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

WHEREAS, the Board further finds that located near the newly constructed Upper Marlboro Town Hall, the proposed Playground and Recreation Area will be located on a Town-owned vacant lot adjacent to the Sasser Athletic Fields regularly used by the Marlboro Boys & Girls Club, and this playground will be built around the existing mature tree canopy to provide shade to the play structures and seating areas; and

WHEREAS, Sparks @ Play, LLC, a company in good standing with the State, has offered a

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proposal based on an updated master or concept plan including two phases consisting of a Train (Phase #1, 2-5 Years) and a Train Depot (Phase #2, 5-12 Years) and the Town Board has selected to initially pursue Phase #2 at this time which scope includes: (i) Site Work to Level Area, (ii) Poured-in-Place Surfacing and Stone Base, (iii) Installing Depot Playground Materials, (iv) Wood Borders and (v) 4' Tall Fence and Gate.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the above-described Proposal Number: 003727-1, dated October 17, 2019 and offered by Sparks @ Play, LLC, attached hereto and adopted by reference herein, is hereby awarded a contract without competition and pursuant to a waiver approved herein in accordance with Section 6(a) of Ordinance 2011-02; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to execute the subject Proposal totaling \$225,000.00 with the above-referenced company, and any related addenda, schedules, exhibits or change orders thereto pertaining not exceeding the authority of said official pursuant to Town law and this Resolution.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the 10th day of December, 2019.


ATTEST:

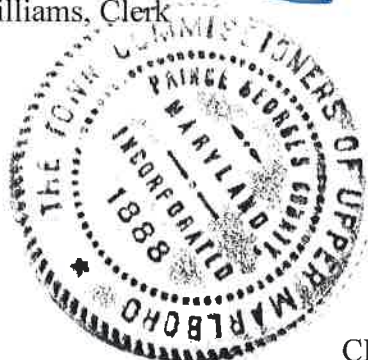
BOARD OF COMMISSIONERS OF THE
TOWN OF UPPER MARLBORO,
MARYLAND


M. David Williams, Clerk


Wanda Leonard, President

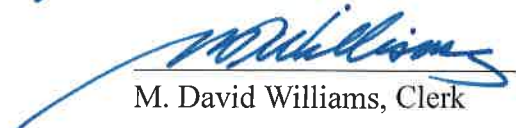

Kai Bernal-LeClaire, Commissioner


Linda Pennoyer, Commissioner



CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 10th day of December, 2019.


M. David Williams, Clerk