

**RESOLUTION NO. 2020-23 OF THE BOARD OF COMMISSIONERS OF
LAPORTE COUNTY, INDIANA APPROVING PURCHASING UNDER EMERGENCY
CONDITIONS AND OTHER SPECIAL PURCHASE CONDITIONS PERTAINING TO
LAPORTE COUNTY BUILDINGS**

WHEREAS, the Governor has declared a public health emergency for Coronavirus Disease 2019 Outbreak (“COVID-19”) pursuant to Ind. Code § 10-14-3-12, most recently renewed by the Governor’s Executive Order 20-44 on September 24, 2020; and

WHEREAS, the President of the United States has declared a national emergency for the same; and

WHEREAS, various public health authorities have expressed that there is a significant danger of COVID-19 spread in buildings with poor and/or not properly filtered ventilation; and

WHEREAS, the Director of the Centers for Disease Control has warned that the fall and winter of 2020 will be a difficult time for American public health due to the potential for the experience of a COVID-19 second wave or the co-occurrence of COVID-19 with seasonal influenza; and

WHEREAS, the Board of Commissioners has retained an architecture/engineering firm, to perform a review of County-owned buildings to determine opportunities to mitigate risk associated with the level of danger of COVID-19 spread in such buildings; and

WHEREAS, Ind. Code § 10-14-3-17 authorizes political subdivisions, in the event of a disaster emergency as provided in Ind. Code § 10-14-3-12, to waive procedures and formalities otherwise required by law pertaining to, among other things, the performance of public work, the entering into of contracts, the purchase and distribution of supplies, materials, and facilities, and appropriation and expenditure of public funds; and

WHEREAS, Ind. Code § 5-22-10-4 authorizes a purchasing agent of a public entity to make a special purchase without following bidding procedures “when there exists, under emergency conditions, a threat to public health, welfare, or safety”; and

WHEREAS, the Board of Commissioners has determined that emergency conditions may exist in various County-owned buildings, in that COVID-19 spread may likely to occur due to existing systems and equipment, including ventilation issues in such buildings; and

WHEREAS, it is also declared an emergency that suitable warehouse space be immediately procured to properly house and safely store PPE and various emergency equipment, to assist county officials in our fight against transmission of the COVID-19 virus; and

WHEREAS, the absence of suitable warehouse space for PPE has actually cost the county in supplies or equipment (i.e. N95 masks) that have been rendered useless because of inadequate storage capabilities; and

ORIGINAL

WHEREAS, Ind. Code § 5-22-10-5 authorizes a purchasing agent of a public entity to make a special purchase without following procurement procedures “when there exists a unique opportunity to obtain supplies or services at a substantial savings to the governmental body”; and

WHEREAS, the Board of Commissioners has determined that due to the existence of the Indiana Finance Authority Coronavirus Relief Fund Program (the “Program”), which is funded by the CARES Act, and the fact that the improvements to County-owned buildings as well as procurement of a warehouse, there is a unique opportunity for substantial savings due to the potential for reimbursement from the Program for these improvements and acquisitions; and

WHEREAS, the Board of Commissioners also has determined that due to the expiration date of the Program being set for December 30, 2020, the unique opportunity for substantial savings may be lost if the County is required to follow bidding procedures that could significantly slow down the progress of the improvements and allow COVID-19 spread in the interim in County-owned buildings; and

WHEREAS, the retained firm has advised that the supplies necessary to provide certain ionizers for the ventilation systems in County-owned buildings to help prevent the spread of COVID-19 have limited availability from multiple vendors, and there is currently only one or two local sources for the supply of such items for the immediate purchase of the system and associated components; and

WHEREAS, Ind. Code § 5-22-10-13 authorizes a purchasing agent for a public entity to make a special purchase without following procurement requirements “when there is only one (1) source for the supply and the purchasing agent determines in writing that there is only one (1) source for the supply”; and

WHEREAS, in order to provide the greatest amount of competition while still allowing the improvements necessary to slow the spread of COVID-19 through County-owned buildings, the Board of Commissioners has determined it appropriate to invite quotes from three (3) contractors to perform such improvements, including but not limited to for the installation of devices associated with the ventilation systems, from which the Board of Commissioners will award the contract to the lowest responsive and responsible quoter who is able to finish the required improvements in an expedited fashion; and

WHEREAS, in order to facilitate the speedy mitigation of any other conditions in County-owned buildings which the retained firm identifies in its review of such buildings pursuant to its contracted-for services, such retained firm is authorized to investigate the existence and availability of materials, fixtures, furnishings, or supplies which might contribute to such mitigation and bring the results of its investigation to the Board of Commissioners for consideration by the Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of LaPorte County, Indiana, as follows:

Section 1. There exists a disaster emergency declared by the Governor of Indiana pursuant to Ind. Code § 10-14-3-12, and pursuant to that disaster declaration the Board of

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Commissioners hereby waives the usual procedures and formalities otherwise required by law pertaining to the performance of public work, the entering into of contracts, the purchase and distribution of supplies, materials, and facilities, and the appropriation and expenditure of public funds, specifically pertaining to the improvements required and supplies necessary to slow the spread of COVID-19 in all County-owned buildings. Furthermore, the reference to “facilities” enables this Body to proceed forward with acquiring emergency warehousing without normal property acquisition formalities contained in Ind. Code § 36-1-10.5-5, et seq.

Section 2. Additionally, the LaPorte County Board of Commissioners hereby determines that emergency conditions exist due to the COVID-19 pandemic that authorize a special purchase for the Project, specifically for contractors to perform this work, pursuant to Ind. Code § 5-22-10-4. There also exists “a unique opportunity to obtain supplies or services at a substantial savings to the governmental body” pursuant to Ind. Code § 5-22-10-5, due to the existence of the Indiana Finance Authority Coronavirus Relief Fund Program (the “Program”), which is funded by the CARES Act, and the fact that the improvements to County-owned buildings for which purchasing is authorized in this Resolution are due specifically to the COVID-19 pandemic, and that due to the expiration date of the Program being set for December 30, 2020, the unique opportunity for substantial savings may be lost if the County is required to follow bidding procedures that could significantly slow down the progress of the improvements and allow significant COVID-19 spread in the interim in County-owned buildings.

Section 3. Pursuant to the above, the Board of Commissioners authorizes the following procedure for obtaining contractors to perform the work necessary for the Project:

- (a) The retained engineering firm will be required to invite quotes from three contractors known to perform the kind of work necessary for the Project;
- (b) The Board of Commissioners will award the work for the Project to the contractor determined to be the lowest responsive and responsible quoter, who also is able to complete the requirement improvements in an expedited fashion.

Section 4. Specifically for the purchase of certain supplies, if the Board of Commissioners hereby determines based upon the advice of the retained firm that there is a single source for such supplies, we hereby authorize the purchase of supplies or equipment from such single supplier, pursuant to Ind. Code § 5-22-10-13. Furthermore, this Board recognizes that the warehouse facility located at 507 Monroe Street, LaPorte is uniquely situated for storage as a warehouse of PPE and other emergency response equipment and thereby finds pursuant to Ind. Code § 10-14-3-17 (j) (5) that such acquisition is warranted and necessary.

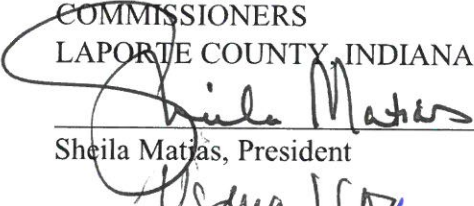
Section 5. In order to facilitate the speedy mitigation of any other conditions in County-owned buildings which the retained engineering firm identifies in its review of such buildings pursuant to its contracted-for services, such firm is authorized to investigate the existence and availability of materials, fixtures, furnishings, or supplies which might contribute to such mitigation and bring the results of its investigation to the Board of Commissioners for consideration by the Commissioners.

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Section 6. Payment for the purchases described herein both for supplies, ventilation equipment, and the subject warehouse shall be made from LaPorte County's COVID-19 response account. All expenditures made for the Project shall be documented and submitted for reimbursement through the Program if determined to be eligible.

Section 7. This Resolution shall be in full force and effect from the day of its passage.

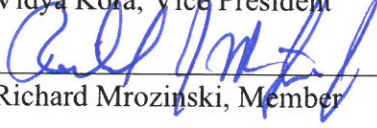
APPROVED THIS 7th DAY OF October, 2020
LAPORTE COUNTY BOARD OF
COMMISSIONERS
LAPORTE COUNTY, INDIANA




Sheila Matras, President



Vidya Kora, Vice President



Richard Mrozinski, Member



Kristie Deekand
Chief Deputy Auditor
Attest

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