

**RESOLUTION NO. 2023-13**

**A RESOLUTION AUTHORIZING THE PURCHASE OF A VACUUM EXCAVATOR FOR THE MULGA WATER AND GAS DEPARTMENT.**

**WHEREAS**, the Town of Mulga, Alabama (the “Town”), operates a water and gas department, Mulga Water & Gas Department (“Mulga Water & Gas”);

**WHEREAS**, Mulga Water & Gas is in need of vacuum excavator;

**WHEREAS**, Vermeer Southeast Sales & Services, Inc. is the lowest bidder for a Sourcewell cooperative purchasing contract for a vacuum excavator, according to the terms set forth in Exhibit A;

**WHEREAS**, Section 41-16-51 of the *Code of Alabama* (1975) provides that a contract need not be competitively bid by the Town, itself, when the goods or services being purchased are available as a result of a competitive bid process conducted by a governmental entity and approved by the Alabama Department of Public Accounts for each bid;

**WHEREAS**, the Alabama Department of Examiners of Public Accounts has approved the competitive bid process utilized by Sourcewell as set forth in Exhibit A, as satisfying the requirements of Section 41-16-51;

**WHEREAS**, this Resolution does not involve a purchase of voice or data wireless communications;

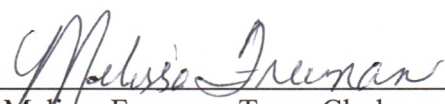
**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Mulga, Alabama, while in regular session on Tuesday, June 20, 2023, at 6:30 p.m. as follows:

A. On behalf of the Town, the Mayor is authorized to enter into a contract with Vermeer Southeast Sales & Service, Inc. for the purchase of a skid steer loader according to the terms set forth on Exhibit B.

B. Any payments required by this Resolution shall be made from the Town’s Late Fee Account.

ADOPTED this the 20<sup>th</sup> day of June, 2023.

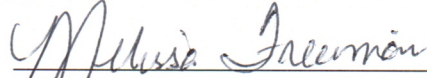
  
\_\_\_\_\_  
W. KEITH VARNER, MAYOR

ATTEST:   
\_\_\_\_\_  
Melissa Freeman, Town Clerk

**CERTIFICATION OF CLERK**

I, Melissa Freeman, Town Clerk of the Town of Mulga, Alabama, do hereby certify that the above and forgoing is a true and correct copy of a Resolution duly adopted by the Town Council of Mulga, Alabama, on the 20<sup>th</sup> day of June, 2023.

Witness my hand and seal of office this 20 day of June, 2023.

  
\_\_\_\_\_  
Melissa Freeman, Town Clerk

# **EXHIBIT A**





Vermeer Southeast Sales & Service, Inc.  
 2950 Pinson Valley Parkway  
 Birmingham, AL 35217

**QUOTE**

Date: 06/03/23

Sales Rep: Joe Hartbarger

**Customer Information:**

City of Mulga  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Delivered to:**

City of Mulga  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_


Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Confidence Plus Included: N/A

Confidence Plus not available for purchased unit(s)

Payment method: \_\_\_\_\_

Qty	DESCRIPTION and SERIAL #	Unit Price	TOTAL
1	Vermeer CV573GT Vacuum Excavator	\$ 46,619.53	\$ 46,619.53
	9,995 GVWR, 2x100 Gallon Water Tanks		
1	Manual Jack	\$ 347.63	\$ 347.63
1	3" Hose and Tooling	\$ 622.94	\$ 622.94
1	Sourcwell Freight	\$ 1,565.00	\$ 1,565.00
			
Price is good for 30 days - Budget Quote			
<p style="color: red;">Due to volatility in the supply chain and delayed lead time, equipment will be capped at a price increase of 4% per quarter between the PO being placed and delivery. Price increases are currently determined on a quarterly basis on January 1st, April 1st, July 1st and October 1st. Member should consult with local dealer on estimated delivery.</p>			
Sourcwell Member ID: ????????			
Public Utility 110421-VRM			
Applicable Tax Not Included			
1	Projected Price Increase	\$ 4,634.87	\$ 4,634.87

SubTotal	\$ 53,789.97
Tax	
<b>Total</b>	<b>\$ 53,789.97</b>
Down Payment	
<b>Balance Due</b>	<b>\$ 53,789.97</b>

**THANK YOU FOR YOUR BUSINESS!**

**TERMS:**

All warranties, if any, made with respect to this equipment are those warranties made by the Manufacturer. Dealer makes no warranties express or implied, including, but not limited to, warranties of MERCHANTABILITY AND FITNESS OF A PARTICULAR PURPOSE.

Customer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# **EXHIBIT B**

Location:  
401 Adams Avenue, Suite 280  
Montgomery, AL 36104-4338



Rachel Laurie Riddle  
Chief Examiner

October 1, 2022

Alabama County Commissions  
Alabama Municipalities  
City and County Boards of Education

To Whom It May Concern,

In accordance with Sections 16-13B-2(a)(13) and 41-16-51(a)(16), *Ala. Code* 1975 as amended by Act No. 2021-485, the Department has reviewed the competitive bidding process used by Sourcewell, a national, governmental purchasing cooperative, for the contracts awarded as of the date of this letter. The Department did not identify any matters that were contrary to proper purchasing procedures or routine governmental procurement practices. Each contract was awarded by Sourcewell pursuant to the competitive bid laws of the State of Minnesota.

Based on the Department's review, the competitive bid process used by Sourcewell is approved for use through **December 31, 2023**. This approval authorizes the purchase, lease, or lease/purchase of certain goods or services, other than voice or data wireless communication services, when certain statutory conditions are fulfilled. See Sections 16-13B-2(a)(13) and 41-16-51(a)(16), *Ala. Code* 1975 as amended by Act No. 2021-485.

Prior to utilizing Sourcewell, each governmental entity must verify that the goods or services to be purchased, leased, or lease/purchased are either not at the time available on the state purchasing program or are available at a price equal to or less than that on the state purchase program. *Id.* Further, any such purchases, leases, or lease/purchases must be made through a participating Alabama vendor holding an Alabama business license if such a vendor exists. *Id.*

Should the Department receive notice that Sourcewell or its awarded vendors are allowing Alabama governmental entities to make unauthorized purchases or other unlawful business transactions, Sourcewell's competitive bid process approval will subject to immediate revocation by the Department.

If the Department can be of further assistance, please let us know.

Sincerely,

Rachel Laurie Riddle  
CHIEF EXAMINER

RLR/lbm

Mailing Address:  
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Montgomery, AL 36130-2251  
Telephone (334) 242-9200  
Fax (334) 242-1775  
www.examiners.alabama.gov

**PUBLIC WORKS NOTICE:** This letter does not authorize the purchase of any goods or services from Sourcewell related to "public works," as defined in Section 39-2-1(6), *Ala. Code* (2011), except as follows: the contract for purchasing air conditioning and heating units and systems, awarded under Sourcewell RFP #070121, has been approved for use under the provisions of Section 39-2-2(d)(2), *Ala. Code* (2018), as amended by Act No. 2021-282. This approval does **not** authorize installation, labor, or services related thereto, which must be bid in compliance with Title 39.