

**RESOLUTION OF SOLE SOURCE PROCUREMENT
UNDER THE KATRINA SUPPLEMENTAL COMMUNITY
DEVELOPMENT BLOCK GRANT (KCDBG) PROGRAM
PROJECT NUMBER R-109-202-08-KCR**

WHEREAS, the City of Pascagoula, Mississippi (the “City”) is the recipient of Katrina Community Development Block Grant Funds (“KCDBG”) administered by the Mississippi Development Authority (“MDA”) for infrastructure improvements in the City; and

WHEREAS, the City is seeking to relocate overhead utility line crossings underground along Ingalls Avenue between the Pascagoula Street intersection and Market Street intersection, as well as install new decorative lighting fixtures as part of the City’s beautification efforts; and

WHEREAS, sole source procurement may only be used when one or more of the following circumstances apply:

- a) The item is available only from a single source;
- b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c) The federal awarding agency or pass through entity expressly authorizes noncompetitive proposals in response to a written request from the non-federal entity; or
- d) After solicitation of a number of sources, competition is determined inadequate.

WHEREAS, the utility companies currently servicing this specific area are the only entities that can provide the required services requested, including the relocation of utilities and provision of lighting services, because the products are controlled by and all materials will be furnished by the utility companies; and

WHEREAS, on August 4, 2020, the City Council approved utility relocation agreements with CenterPoint Energy at no cost to the City and Sparklight in the amount of \$74,606.79; and

WHEREAS, the City Council determines that said amounts are reasonable and that CenterPoint Energy and Sparklight satisfy the above-listed requirements for sole source procurement; and

WHEREAS, on March 16, 2021, the City Council approved a utility relocation agreement for AT&T in the amount of \$112,388.97; and

WHEREAS, the City Council determines that said amount is reasonable and that AT&T satisfies the above-listed requirements for sole source procurement; and

WHEREAS, on March 16, 2021, the City Council also approved a Services Agreement with the Mississippi Power Company (“MPC”), along with the City’s standard addendum, in the amount of \$209,406.00; and

WHEREAS, the City Council determines that said amount is reasonable and that MPC Services Agreement satisfies the above-listed requirements for sole source procurement; and

WHEREAS, the City Council determines that additional language is needed in the Services Agreement to address compliance with certain Federal laws, rules, regulations, and orders; and

WHEREAS, the City Council determines that approving the attached Addendum to Services Agreement would add the necessary language and is in the City's best interest; and

WHEREAS, MPC has further proposed the attached Utility Relocation Agreement, which includes a proposed not-to-exceed cost of \$214,057.59; and

WHEREAS, the City Council determines that said amount is reasonable and that MPC satisfies the above-listed requirements for sole source procurement; and

WHEREAS, the City finds and determines that approval of the agreements identified herein will further the City's beautification efforts and constitute extensions of the respective providers' utility systems; and

WHEREAS, the City hereby finds and determines that the foregoing projects fall within the State of Mississippi's guidelines for sole-source procurement for the reasons stated herein.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: The City Council for the City of Pascagoula hereby adopts the foregoing recitals as its findings.

SECTION 2: The City Council for the City of Pascagoula hereby ratifies its approval of the CenterPoint Energy, Sparklight, and AT&T relocation agreements, subject to the findings contained herein.

SECTION 3: The City Council for the City of Pascagoula hereby ratifies its approval of MPC's Services Agreement on March 16, 2021, along with the City Standard Addendum, subject to the findings contained herein.

SECTION 4: The City Council for the City of Pascagoula hereby approves the attached Addendum to Services Agreement and authorizes the Mayor to execute the same.

SECTION 5: The City Council for the City of Pascagoula hereby approves the attached Utility Relocation Agreement with MPC, with a not-to-exceed cost of \$214,057.59, and authorizes the Mayor to execute the same.

The motion to approve the foregoing resolution was made by _____ and seconded by _____, and the following vote was recorded:

Mayor Demetropoulos _____

Councilman Jones _____

Councilman Fornett _____

Councilman Burrow _____

Councilman Parker _____

Councilman Tipton _____

Councilwoman Colmer _____

RESOLVED, this the _____ day of _____, 2021.

ATTEST:

CITY COUNCIL

City Clerk

By: _____
Mayor