

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
RESOLUTION 2022-105**

**A RESOLUTION TO APPROVE UNINTERRUPTIBLE POWER SUPPLIES (UPS)
SYSTEM EMERGENCY REPAIRS AT THE MADISON COUNTY
EMERGENCY OPERATIONS CENTER (EOC)**

WHEREAS, the Madison County Fiscal Court wishes to approve emergency repairs to the UPS System at the EOC; and

WHEREAS, the EOC experiences power fluctuations regularly, and the operation cannot withstand a power failure, nor can it withstand a fluctuation in power, and this UPS is what prevents this from happening; and

WHEREAS, KRS 45A.095 establishes emergency conditions as a situation which creates a threat or impending threat to citizens, including equipment failure; and

WHEREAS, if a situation were to happen before the repairs are completed, it could cause major issues systemwide, cause an unrepairable outage in the 911 system, and could hamper our response to any emergency response; and

WHEREAS, Henderson Services, LLC will furnish all necessary labor, supervision, materials, tools, and equipment for the installation of the electrical work as stated in Option 1 in the Scope of Work; which is attached hereto this Resolution; and

WHEREAS, EMA/CSEPP and the Fiscal Court has used Henderson Services, LLC exclusively for larger projects and feel as though the price point is fair and reasonable; and

WHEREAS, due to the emergency conditions and the volatility of the situation , and by complying KRS statutes it has been determined it is not practical to solicit competitive bids;

NOW, THEREFORE, BE IT RESOLVED THAT THE FISCAL COURT DOES HEREBY APPROVE TO ENTER INTO THIS AGREEMENT AND AUTHORIZES THE JUDGE EXECUTIVE AND/OR HIS DESIGNEE TO EXECUTE SAME ON BEHALF OF THE COUNTY.

Motion made by Tudor, seconded by Robinson.

Vote:

Yes

No

Judge Executive Reagan Taylor

Magistrate Ben Robinson III

Magistrate John Tudor

Magistrate Roger Barger

Magistrate Tom Botkin

☒	☐
☒	☐
☒	☐
☒	☐
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Signed:

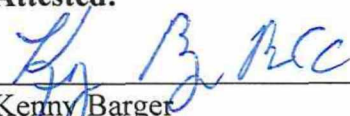


Reagan Taylor
Madison County Judge Executive

8-9-2022

Date

Attested:



Kenny Barger
Madison County Clerk

8-9-2022

Date



August 7, 2022

Madison County Emergency Management
560 South Keeneland Drive
Richmond, KY 40475

ATTN: Dustin Heiser / Dwayne Brumley

RE: 130 KVA UPS System Emergency Repairs (Rough Order of Magnitude Budgetary Quote)

Henderson Services, LLC proposes to furnish all necessary labor, supervision, materials, tools and equipment for the installation of the electrical work for the above referenced project, as detailed herein, in accordance with the plans and specifications provided by Madison County EMA.

Scope of Work:

1. **Option 1: Replace capacitors and UPS batteries**
 - a. Provide labor, factory technical field support, freight costs, material to install the following equipment:
 - i. 40 new VRLA high output UPS Batteries
 - ii. New DC/AC capacitors as required to upgrade existing capacitors to new capacitors.
 - iii. Complete service and verification of operation of existing UPS system.
2. **Option 2: Install (1) temporary UPS rental unit (for up to 6 months)**
 - a. Provide labor, factory technical field support, freight costs, material to install the following equipment:
 - i. Rental for one rental UPS unit.
 - ii. Required UPS batteries
 - iii. Rental UPS shall be setup with proper equipment for the required output voltage of the facility.
 - iv. (1) new 225 KVA step down 480 to 120/208-volt transformer.
 - v. Temporary wiring, cabling to support the require connections from the rental UPS to the transformer, and back over to critical UPS emergency panels.
 - vi. Mechanical, rigging, setup as required to off load and setup equipment.
 - vii. Setup and start up as required for Rental UPS.

Exclusions:

1. Option one only includes equipment and material as stated in scope of work. Any other field factory technical support, labor, material and or equipment beyond above stated scope of work, Henderson shall reserve the right to revise our budgetary quote to meet the required repairs as required to above base quote scope.
2. Unloading of equipment for option one shall be the responsibility of Madison County EMA upon arrival to site.

Clarifications:

1. Due to market volatility quote is valid for 15 days.
2. All work quoted to be performed Monday Through Friday, 1st shift, or as required to support the operations center.
3. If option one is chosen Henderson will ensure old, removed batteries are properly disposed of per the federal guidelines and policies.
4. Option 2 rental unit budgetary quote is for a total of and up to 6 months in total.
5. Lead time for option one is 5 days ARO.
6. Lead time for option two is 7 to 12 days ARO.
7. Offloading the equipment for option two shall be the responsibility of Henderson Services.

Budgetary pricing breakout:

- Option one: \$ 65,000.00
- Option two: \$ 175,000.00

Terms of Acceptance:**Choose option below:**Option #1: ☒ Initial: DSHOption #2: ☐ Initial: _____

Payment Terms are net 30 days upon project completion unless otherwise agreed upon in writing.

Madison County EMA Authorized Buyer RepresentativeSignature: Dustin S Heiser Date: 8/9/22Print: Dustin S Heiser

Henderson Services Representative:

Signature:  Date: 8/9/22

Print: Benny Edwards

We appreciate the opportunity in providing you with this proposal and look forward to working with you. If there are any questions, please feel free to contact me at any time.

Respectfully Yours,

Benny Edwards

Benny Edwards
Project Manager
HENDERSON SERVICES, LLC

45A.095 Definitions -- Noncompetitive negotiation.

- (1) For purposes of this section:
 - (a) "Emergency condition" means a situation which creates a threat or impending threat to public health, welfare, or safety such as may arise by reason of fires, floods, tornadoes, other natural or man-caused disasters, epidemics, riots, enemy attack, sabotage, explosion, power failure, energy shortages, transportation emergencies, equipment failures, state or federal legislative mandates, or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction, or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten the functioning of government, the preservation or protection of property, or the health or safety of any person; and
 - (b) "Sole source" means a situation in which there is only one (1) known capable supplier of a commodity or service, occasioned by the unique nature of the requirement, the supplier, or market conditions.
- (2) A contract may be made by noncompetitive negotiation only:
 - (a) For sole source purchases;
 - (b) When competition is not feasible, as determined by the purchasing officer in writing prior to award, under administrative regulations promulgated by the secretary of the Finance and Administration Cabinet or the governing boards of universities operating under KRS Chapter 164A;
 - (c) When emergency conditions exist; or
 - (d) For sponsorships, naming rights, or other advertising or similar considerations for which competition is not feasible.
- (3) Insofar as it is practical, no fewer than three (3) suppliers shall be solicited to submit written or oral quotations whenever it is determined that competitive sealed bidding is not feasible. Award shall be made to the supplier offering the best value. The names of the suppliers submitting quotations and the date and amount of each quotation shall be placed in the procurement file and maintained as a public record.
- (4) Competitive bids may not be required:
 - (a) For contractual services where no competition exists, such as telephone service, electrical energy, and other public utility services;
 - (b) Where rates are fixed by law or ordinance;
 - (c) For library books;
 - (d) For commercial items that are purchased for resale;
 - (e) For interests in real property;
 - (f) For visiting speakers, professors, expert witnesses, and performing artists;
 - (g) For personal service contracts executed pursuant to KRS 45A.690 to 45A.725; and
 - (h) For agricultural products in accordance with KRS 45A.645.
- (5) The chief procurement officer, the head of a using agency, or a person

authorized in writing as the designee of either officer may make or authorize others to make emergency procurements when an emergency condition exists.

- (6) The Finance and Administration Cabinet may negotiate directly for the purchase of contractual services, supplies, materials, or equipment in bona fide emergencies regardless of estimated costs. The existence of the emergency shall be fully explained, in writing, by the head of the agency for which the purchase is to be made. The explanation shall be approved by the secretary of the Finance and Administration Cabinet and shall include the name of the vendor receiving the contract along with any other price quotations and a written determination for selection of the vendor receiving the contract. This information shall be filed with the record of all such purchases and made available to the public. Where practical, standard specifications shall be followed in making emergency purchases. In any event, every effort should be made to effect a competitively established price for purchases made by the state.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 175, sec. 6, effective June 29, 2017. -- Amended 2002 Ky. Acts ch. 344, sec. 9, effective July 15, 2002. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 30, effective May 30, 1997. -- Amended 1990 Ky. Acts ch. 496, sec. 4, effective July 13, 1990. -- Created 1978 Ky. Acts ch. 110, sec. 20, effective January 1, 1979.