

SPECIAL TOWN BOARD MEETING
August 23, 2012

RESOLUTION LIST

- Res. # 678 Resolution Terminating Bid Award/Contract with Friendly Bytes Software, Inc.
- Res. # 679 Resolution Authorizing the Emergency Purchase of Water Meters & Accessory Equipment and Directing Riverhead Water District to Prepare Bid Specifications and Resolution for Publish and Post Bid Specifications for Water Meters and Accessory Equipment within 30 Days from this Date

Special Town Board Meeting
08.23.12
120678

ADOPTED

TOWN OF RIVERHEAD

Resolution # 678

**RESOLUTION TERMINATING BID AWARD/CONTRACT WITH
FRIENDLY BYTES SOFTWARE, INC.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Board of the Town of Riverhead, acting as governing body of the Riverhead Water District, by Resolution #614 adopted on August 2, 2011, authorized the Town Clerk to publish advertisement for Water Meters & Accessory Equipment for the Riverhead Water District; and

WHEREAS, pursuant to the bid specifications all bids were to be received by the Town Clerk on or before 11:00 am on August 23, 2011; and

WHEREAS, by Resolution #688 adopted on September 7, 2011, the Town Clerk was authorized to republish advertisement for Water Meters & Accessory Equipment for the Riverhead Water District as the Water District required the addition of an extra item to the bid; and

WHEREAS, pursuant to bid specifications, all bids were to be received by the Town Clerk on or before 11:00 am on September 26, 2011;

WHEREAS, on September 26th, 2011, the bids were received, open and read aloud by the Town Clerk; and

WHEREAS, on October 4, 2011, the Town Board, acting as governing body for the Riverhead Water District, awarded the bid for Water Meters & Accessory Equipment to Friendly Bytes Software, Inc.,

WHEREAS, since March of 2012 through to the present, Friendly Bytes Software, Inc. has failed to comply with the terms of the bid award/contract, to wit: failure to fill the purchase orders for water meters and accessory equipment submitted by the Riverhead Water District; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead, acting as governing body of the Riverhead Water District, hereby terminates the contract with Friendly Bytes Software, Inc. ; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

Special Town Board Meeting
08.23.12
120679

ADOPTED

TOWN OF RIVERHEAD

Resolution # 679

RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF WATER METERS & ACCESSORY EQUIPMENT AND DIRECTING RIVERHEAD WATER DISTRICT TO PREPARE BID SPECIFICATIONS AND RESOLUTION FOR PUBLISH & POST BID SPECIFICATIONS FOR WATER METERS AND ACCESSORY EQUIPMENT WITHIN 30 DAYS FROM THIS DATE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Board of the Town of Riverhead, acting as governing body of the Riverhead Water District, by Resolution #614 adopted on August 2, 2011, authorized the Town Clerk to publish advertisement for Water Meters & Accessory Equipment for the Riverhead Water District; and

WHEREAS, pursuant to the bid specifications all bids were to be received by the Town Clerk on or before 11:00 am on August 23, 2011; and

WHEREAS, by Resolution #688 adopted on September 7, 2011, the Town Clerk was authorized to republish advertisement for Water Meters & Accessory Equipment for the Riverhead Water District as the Water District required the addition of an extra item to the bid; and

WHEREAS, pursuant to bid specifications, all bids were to be received by the Town Clerk on or before 11:00 am on September 26, 2011;

WHEREAS, on September 26th, 2011, the bids were received, open and read aloud by the Town Clerk; and

WHEREAS, on October 4, 2011, the Town Board, acting as governing body for the Riverhead Water District, awarded the bid for Water Meters & Accessory Equipment to Friendly Bytes Software, Inc.,

WHEREAS, since March of 2012 through to the present, Friendly Bytes Software, Inc. has failed to comply with the terms of the bid award/contract, to wit: failure to fill the purchase order for Water Meters and Accessory Equipment submitted by the Riverhead Water District and

WHEREAS, the Town Board of the Town of Riverhead, acting as governing body of the Riverhead Water District, by Resolution #678 adopted this date, August 23, 2012, authorized the termination of the bid award with Friendly Bytes Software, Inc based upon the failure to respond to the Riverhead Water District's orders seeking delivery of Water Meters and Accessory Equipment since March of 2012; and

WHEREAS, Friendly Bytes Software, Inc.'s failure to respond to the Riverhead Water District's orders seeking delivery of Water Meters and Accessory Equipment since March of 2012 has created an emergency situation such that the Riverhead Water District is unable to fulfill its responsibility to supply and deliver water to residents within the Town of Riverhead and comply with DEC well permits which require all water services to be metered.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead, acting as governing body of the Riverhead Water District, hereby authorizes the Riverhead Water District to make purchases directly from manufactures and/or other distributors for only such equipment or accessory equipment necessary for the supply and delivery of water under current demand of residents and compliance with NYSDEC subject to such documentation as may be required by the Office of the Town Attorney to protect the interests of the Town of Riverhead and Riverhead Water District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead, acting as governing body of the Riverhead Water District, hereby limits this emergency authorization such that all necessary purchases required to supply and deliver water under current demand of residents and compliance with NYSDEC shall expire within 60 days from the date herein; and

BE IT FURTHER RESOLVED, that, as the authority to make purchases for Water Meters and Accessory Equipment shall expire within 60 days, the Town Board of the Town of Riverhead, acting as governing body of the Riverhead Water District, hereby directs the Riverhead Water District to prepare such necessary bid documents and resolutions to authorize the publish & post of bid specifications for Water Meters and Accessory Equipment within 30 days from the date herein; and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted