

**RESOLUTION NO. 2024-11**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING THE PROCUREMENT PROCEDURES AND REQUIREMENTS CONTAINED IN 2 C.F.R. § 200.318-327 FOR ANY PROCUREMENT ACTIVITY ENGAGED IN BY THE VILLAGE WHICH IS TO BE FUNDED BY FEDERAL CDBG FUNDS; AUTHORIZING THE VILLAGE MANAGER OR TO ADMINISTRATIVELY ADOPT ANY SUPPLEMENTAL PROCUREMENT PROCEDURES OR FORMS WHICH THE VILLAGE IS REQUIRED TO USE BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OR ANY SUBRECIPIENT INCLUDING LEE COUNTY WHEN ENGAGING IN PROCUREMENT ACTIVITIES TO BE SUPPORTED BY CDBG FUND; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Community Development Block Grant Disaster Recovery (CDBG-DR) grant funds are appropriated by Congress and allocated by the United States Department of Housing and Urban Development (HUD) to rebuild disaster-impacted areas and to provide funds to most impacted and distressed areas for disaster relief, long-term recovery, restoration and infrastructure, housing and economic revitalization; and

**WHEREAS**, HUD has allocated one billion dollars in Community Development Block Grant-Disaster Recovery funding to Lee County to assist in recovery efforts from Hurricane Ian for the purpose of addressing unmet needs that other federal agencies have not yet addressed; and

**WHEREAS**, Lee County, a political subdivision of the State of Florida (the County), has been designated by HUD to administer CDBG-DR grant funds within Lee County; and

**WHEREAS**, 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327 (the Federal Rules) set forth a number of procurement procedures and contractual requirements which are unique to procurement activities which will result in contracts funded by CDBG-DR funds and which do not generally apply to Florida municipal procurement activities; and

**WHEREAS**, the County has requested, as part of its duty to properly administer the grant funds, that the Village formally adopt the Federal Rules as applicable to all Village procurement activities related to its receipt and use of CDBG-DR funds; and

**WHEREAS**, the Village Manager recommends that the Village Council adopt this Resolution in order to further facilitate the Village's partnership with the County in deploying the grant funds in the manner required by law.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, THAT:**

1. The Village adopts 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327 as applicable to all Village procurement activities related to its receipt and use of CDBG-DR funds.
2. The Village’s staff shall coordinate with HUD and Lee County to ensure that the Village’s procurement activities associated with County-administered CDBG-DR funds satisfy all requirements those agencies may determine are necessary to comply with 2 C.F.R. § 200.318 through 2 C.F.R. § 200.327.
3. The Village Manager is authorized to administratively adopt any supplemental procurement procedures or forms which the Village is required to use by HUD or any subrecipient including Lee County, when engaging in procurement activities to be supported by CDBG-DR funds.

**BE IT FURTHER RESOLVED** that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption.

**DULY ADOPTED** with a quorum present and voting this 19<sup>th</sup> day of June, 2024.

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Jon McLain, Mayor

**Attest:**

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Carol Sacco, Village Clerk