

## **Resolution 2023-09**

### **A Resolution to Approve the Purchase of Certain Playground Equipment Using State Provided Funds, Not to Exceed \$160,000.00.**

**WHEREAS**, City Council adopted Resolution 2022-18 establishing the Playground Committee for the purpose of researching the feasibility of designing and financing the construction of a newly renovated children’s playground at Battery Park; and

**WHEREAS**, the Playground Committee has identified certain playground equipment manufactured by the Kompan company and listed on Exhibit “A” attached hereto and incorporated herein by reference (the “Equipment”) as the specific equipment it recommends the City purchase for phase 1 of the Battery Park playground renovations; and

**WHEREAS**, State funding totaling \$160,000.00, including grant funding of \$60,000.00 from the Delaware Land & Water Conservation Trust Fund pursuant to 30 *Del. C.* § 5423 (Outdoor Recreation, Parks and Trails Program or “ORPT Program”), has been secured by the City to fund the purchase of the Equipment and to install a handicapped accessible pathway (the “Pathway”) to the playground area; and

**WHEREAS**, installation of the Equipment and Pathway must be affirmatively consented to by the Trustees of the New Castle Common (the “Trustees”) who control the management and operation of Battery Park; and

**WHEREAS**, purchase of the Equipment with State funding requires full compliance with State procurement guidelines as set forth in Title 29, chapter 69 of the Delaware Code;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council that the purchase of the Equipment identified on Exhibit “A” attached hereto manufactured by the Kompan company is approved, subject to the following conditions:

1. Written confirmation from the Trustees of their consent to the installation of the Equipment to renovate the Battery Park playground;
2. Execution of a memorandum of understanding with the Trustees outlining each parties’ responsibilities with respect to the location, repair, maintenance and replacement of the Equipment and Pathway;
3. Execution of a Grant Agreement with the State of Delaware, Department of Natural Resources and Environmental Control, Division of Parks and Recreation in form and substance acceptable to the City Solicitor and City Administrator relating to the \$60,000.00 ORPT Program grant; and
4. Confirmation from the State of Delaware Office of Management and Budget that the Equipment and the necessary labor to install same may be purchased from the Kompan company without public bidding; and

5. The total cost of the purchase of the Equipment may not exceed \$100,000.00; and
6. The total cost of the installation of the Pathway may not exceed \$60,000.00.

**BE IT FURTHER RESOLVED** that should any of the foregoing conditions not be satisfied, no further action to purchase or install either the Equipment or the Pathway shall take place without further consent of City Council.

**BE IT FURTHER RESOLVED** that the City Administrator is authorized to take such actions and execute such agreements and memoranda of understanding as are necessary to implement the foregoing resolution.

**PASSED** this 14th day of February, 2023.

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Michael M. Platt, City Council President

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Councilperson Joseph F. Day, III

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Valarie W. Leary, Councilperson

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Suzanne M. Souder, Councilperson

Attest:

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Kathleen M. Walls, City Clerk