RESOLUTION NO. 40-2010

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, REPEALING IN ITS ENTIRETY RESOLUTION NO. 34-2009; PROVIDING FOR COUNCIL APPROVAL OF THE PROPOSAL FROM CONSTRUCTION MANAGEMENT ASSOCIATES, LLC. FOR PROJECT #6, ARRA-245 FPN 426310 FOR $9,775.00; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council approved the application for Federal Stimulus money for qualified projects under the American Recovery and Reinvestment Act; and

WHEREAS, the Town properly awarded the project to the lowest bidder for Project #6, ARRA-245 FPN 426310, to KCF Site Development; and

WHEREAS, the company submitted a withdrawal notice on February 15, 2010; and

WHEREAS, Malabar Town Council desires to repeal Resolution 34-2009 in its entirety and with this resolution award Project #6 to the next lowest bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby repeals Resolution 34-2009 in its entirety.

Section 2. The Town Council selects and approves Construction Management Associates, LLC to complete the tasks outlined in the proposal for a fixed price of $9,775.00.

Section 3. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Mayor to execute the approved contract for this Project #6.

Section 4. The Town Council of Malabar, Brevard County, Florida, hereby directs the Town Clerk to formally notify Construction Management Associates, LLC that their proposal has been accepted for Project #6.

Section 5. This resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member____Borton____
This motion was seconded by Council Member Rivet and, upon being put to vote, the vote was as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nancy Borton</td>
<td>Aye</td>
</tr>
<tr>
<td>Brian Vail</td>
<td>Aye</td>
</tr>
<tr>
<td>Steven (Steve) Rivet</td>
<td>Aye</td>
</tr>
<tr>
<td>Jeffrey (Jeff) McKnight</td>
<td>Aye</td>
</tr>
<tr>
<td>Marisa Acquaviva</td>
<td>Aye</td>
</tr>
</tbody>
</table>

This Resolution was then declared to be duly passed and adopted this 1st day of March, 2010.

By:

Thomas M. Eschenberg
Mayor Thomas M. Eschenberg
Town of Malabar

ATTEST:

Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

(seal)

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney