

Memorandum of Agreement

Between

Florida Division of Emergency Management

And

**Alachua County Regarding State-
Owned Generators**

I. Parties

- a. This Memorandum of Agreement (hereinafter referred to as "MOA") is made and entered into by and between the **Florida Division of Emergency Management ("Division")**, whose address is 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100, and **Alachua ("County")**, whose primary address is 12 S.E. 1st Street, Gainesville, FL 32601

and collectively known as the "Parties,"

II. Background and Purpose

- a. Pursuant to section 252.35(2)(s), Florida Statutes, the Division maintains an inventory list of generators owned by the state and local governments. This inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which the generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division during a declared emergency.
- b. During response to COVID-19, and in preparation for hurricane season, the Division purchased mobile generator(s) to support nursing homes, skilled nursing, assisted living and other extended care facilities, medical facilities, designated congregate and non-congregate public shelters, and other essential facilities. In an effort to maximize their utilization, the Division is collaborating with Florida counties to position and maintain these critical assets throughout the State.
- c. The purpose of this MOA is to establish the terms and conditions under which the Division will provide to the County one (1) generator(s) for official government use.
- d. The applicable generator identification is provided in Attachment A of this MOA.

III. Term and Termination

- a. This MOA is effective upon the date last signed and executed by the duly authorized representative of the Parties to this MOA. The term shall continue until the final suspense date of any generators covered by this MOA.
- b. The suspense date for each generator is 19 years from June 1, 2020, or the date the unit is no longer serviceable as determined by the Division, whichever comes first.
- c. Termination of this MOA by either Party requires a thirty (30) day written notice delivered by hand or certified mail to the address listed below.
- d. The generator shall remain, at all times, on the provided trailer, in the event that the Divisions requires redeployment of the generator.

- vii. The generator(s) shall remain installed on the provided trailer, at all times, while in possession of the County.
- viii. The County shall be responsible for replacement of the generator(s) if damaged and deemed not repairable to serviceable condition. The replacement shall be of comparable or better monetary value, runtime hours since new, manufacturer product quality, power ratings and features. The determination of repair and serviceability is at the sole discretion of the Division.
 - Prior to the Division's determination of repair and serviceability, the County shall be provided an opportunity to submit additional documentation to show the condition of the generator.
- ix. All warranties from the original manufacturer for the generator(s) and appurtenant equipment shall remain with the Division. The Division will coordinate warranty actions, when applicable, with both the manufacturer and the County.

V. Point of Contact

- a. Pursuant to section 252.35(2)(s), Florida Statutes, the Division must maintain an inventory of generators along with the names, addresses, and phone numbers of persons having the authority to loan the stored generators as authorized by the Division. The County will provide this information upon receipt of the generator(s).
- b. In the event of a change to the point of contact, the new point of contact will notify the other party of this change within 30 days by written notice delivered by hand or certified mail to the address listed below.
- c. The Point of Contact for the Division is:

Name: Kenneth DeCastro
Email: kenneth.decastro@em.mylflorida.com
Telephone: (850) 815-4275
Address: 2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

- d. The Point of Contact for the County is:

Name: Hal Grieb
Email: Hgrieb@alachuacounty.us
Telephone: 352-264-6510
Address: 1100 SE 27th Street, Gainesville, FL 32641

VI. Miscellaneous

- a. Nothing herein shall constitute or be construed to create or suggest any type or kind of employment, partnership, joint venture, or other legal relationship, express or otherwise, between the parties.
- b. Liability - Each Party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. Nothing contained herein shall constitute a waiver by either Party of its sovereign immunity or the provisions of Section 768.28, F.S. Nothing herein shall be construed as consent by either Party to be sued by third parties.

- c. Amendment - Either Party may request changes to this MOA. Any changes, modifications, revisions or amendments to this MOA that are mutually agreed upon by and between the Parties to this MOA, shall be incorporated by written instrument and effective when executed and signed by all Parties to this MOA.

IN WITNESS WHEREOF, the Parties hereto have caused this Memorandum of Agreement to be executed by their duly authorized representatives on the dates appearing beneath their respective signatures.

FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: 

By: 

Robert Hutchinson, Chair
Board of County Commissioners

Kevin Guthrie, SERT Chief

Print Name

8-15-20

Date

Robert Hutchinson

Print Name

7-14-2020

Date

ATTEST:



J. K. "Jess" Irby, Esq.

Clerk of Court

(SEAL)

APPROVED AS TO FORM



Alachua County Attorney

ATTACHMENT A

County receiving Division-owned generator(s): Alachua

Total Quantity of Generators: 1

Generator Tag Number <u>YS675</u>		
Line	Item Description	Identification
A	Manufacturer	Caterpillar
B	Generator Model, and Year Assembled	XQ125, 2019
C	Generator Standby Output Capacity, KW	110
D	Original Chronometer Hours	1.0
E	Serial Number	CK500795
F	Engine Model	CAT C4.4 ACERT
G	Engine Serial Number	J9G00811
H	Trailer VIN	7KUBB1520KJ088803
I	Certificate of Origin Number	0005480
J	Division Property Number	CA010237
K	Fleet Complete EM Tag Number	EM561134
L	4/0 Cu Conductor Cable (labeled), Total Length, feet	500

Generator Tag Number _____		
Line	Item Description	Identification
A	Manufacturer	
B	Generator Model, and Year Assembled	
C	Generator Standby Output Capacity, KW	
D	Original Chronometer Hours	
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F	Engine Model	
G	Engine Serial Number	
H	Trailer VIN	
I	Certificate of Origin Number	
J	Division Property Number	
K	Fleet Complete EM Tag Number	
L	4/0 Cu Conductor Cable (labeled), Total Length, feet	

Attach additional copies of this generator identification form as necessary.