

RESOLUTION NO.

R-2013-233

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED CONTRACT BETWEEN CARDINAL CONTRACTORS, INC. AND THE CITY OF HOLLYWOOD FOR CONSTRUCTION SERVICES RELATED TO HEADWORKS REHABILITATION AND REPLACEMENT PROJECT AT THE SOUTHERN REGIONAL WASTEWATER TREATMENT PLANT, A PROJECT IDENTIFIED IN THE 2007/2008 WASTEWATER SYSTEM MASTER PLAN, IN THE AMOUNT OF \$5,931,000.00; AND TO EXECUTE THE ATTACHED AUTHORIZATION TO PROCEED FOR WORK ORDER NO. H&S 13-03 BETWEEN HAZEN AND SAWYER, P.C. AND THE CITY OF HOLLYWOOD FOR ENGINEERING SERVICES DURING THE CONSTRUCTION OF HEADWORKS REHABILITATION AND REPLACEMENT PROJECT, IN THE LUMP SUM AMOUNT OF \$367,594.00 (PROJECT NO. 12-9214).

WHEREAS, the 2007/2008 Wastewater System Master Plan identified the need to perform extensive structural rehabilitation and comprehensive replacement of the main mechanical components within the Headworks System, including Bar Screens Building and the Grit Removal System; and

WHEREAS, on January 4, 2012, via Resolution R-2012-001, the City Commission approved a proposal from Hazen and Sawyer, P.C. in the amount of \$409,919.00, to provide engineering design services, permitting services, bidding recommendation services for the Headworks Rehabilitation and Replacement at the Southern Regional Wastewater Treatment Plant; and

WHEREAS, on December 7, 2012, the Department of Public Utilities staff advertised the project soliciting for qualified construction services, and on May 16, 2013, six (6) bid proposals were received at the Office of the City Clerk and were publicly opened at the City of Hollywood Southern Regional Wastewater Plant with the following results:

NO.	BIDDER	BASE BID AMOUNT	ADD BID ALTERNATES
1	Cardinal Contractors, Inc.	\$5,647,000.00	\$284,000.00
2	Wharton-Smith, Inc.	\$5,722,000.00	\$350,000.00
3	MWH Constructors, Inc.	\$5,855,010.00	\$481,000.00
4	Gamey Companies, Inc.	\$6,200,000.00	\$265,000.00
5	Poole and Kent Company of Florida	\$6,377,000.00	\$340,000.00
6	Lanzo Construction Co., Florida	\$6,484,010.00	\$390,000.00

; and

WHEREAS, after thoroughly evaluating the bid proposals including the bid alternates for compliance with the contract documents, Hazen and Sawyer, P.C. staff determined that the lowest bidder, Cardinal Contractors, Inc., is the lowest responsive and responsible bidder; and

WHEREAS, a Notice of Intent to Award related to the project was posted in the City of Hollywood web site, in DemandStar, and was sent via email on May 30, 2013 to all the bidders; and

WHEREAS, the posting of the Notice of Intent to Award resulted in no bid protests; and

WHEREAS, Department of Public Utilities staff requested a proposal from Hazen and Sawyer, P.C. to provide the professional technical services during the construction phase of the Headworks Rehabilitation and Replacement Project; and

WHEREAS, Hazen and Sawyer, P.C. and the City of Hollywood have a Professional Services Agreement for General Engineering Consulting Services for Wastewater projects that was approved by the City Commission via Resolution No. R-2003-003 on January 8, 2003; amended by the City Commission via Resolution No. R-2012-152 on July 16, 2012 via Resolution R-2012-152; renewed by the City commission via Resolution No. R-2013-110 on May 1, 2013 and this agreement has a provision for insurance and indemnification that meets the City's requirements and gives the City the right to terminate for convenience; and

WHEREAS, the project actually has two distinct aspects, and the City retained a different design professional, Lakdas Nanayakkara, a/k/a Lakdas-Yohalem Engineering, Inc. ("Lakdas"), to design the aspect for which Hazen and Sawyer, P.C. was not retained; and

WHEREAS, Hazen and Sawyer, P.C. has no coordination, oversight, or design review responsibilities in regards to Lakdas's work on the project, and Hazen and Sawyer, P.C. did not utilize or otherwise employ Lakdas in furtherance of Hazen and Sawyer's performance of the contract between the City and Hazen and Sawyer, P.C. as related to the project; and

WHEREAS, because of the unique situation with two design professionals, each retained directly by the City, working on the same project, Hazen and Sawyer requested that the City indemnify it from claims that result directly from Lakdas' work; and

WHEREAS, the City Attorney's Office has negotiated language by which the City will indemnify Hazen and Sawyer, but such language substantially limits the scope of the indemnity (Exhibit A); and

WHEREAS, the Administration recommends that the City Commission authorize the appropriate City Officials to execute the attached contract between Cardinal Contractors, Inc., and the City of Hollywood in the amount of \$5,931,000.00 for the construction of the Headworks Rehabilitation and Replacement at the Southern Regional Wastewater Treatment Plant, and to execute the attached Authorization to Proceed for Work Order No. H&S 13-03 between Hazen and Sawyer, P.C. and the City of Hollywood for technical professional engineering services during the construction of Headworks Rehabilitation and Replacement Project, in the lump sum amount of \$367,594.00; and

WHEREAS, funding for the construction of the Headworks Rehabilitation and Replacement Project at the SRWWTP will proceed from the Florida Department of Environmental Protection State Revolving Fund Loan Program; and

WHEREAS, the project and funding source were included in the Fiscal Year 2013 Capital Improvement Program that was approved via Resolution No. R-2012-336; and

WHEREAS, the account numbers for the Headworks Rehabilitation and Replacement Project to be funded by the State Revolving Fund Loan funding source will be established by the Department of Financial Services; and

WHEREAS, the estimated construction time for this project is twenty one (21) months;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached contract between Cardinal Contractors, Inc. and the City of Hollywood, together with such nonmaterial changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

RESOLUTION BETWEEN CARDINAL CONTRACTORS, INC. AND THE CITY OF HOLLYWOOD FOR CONSTRUCTION SERVICES RELATED TO HEADWORKS REHABILITATION AND REPLACEMENT PROJECT AT THE SOUTHERN REGIONAL WASTEWATER TREATMENT PLANT, A PROJECT IDENTIFIED IN THE 2007/2008 WASTEWATER SYSTEM MASTER PLAN, IN THE AMOUNT OF \$5,931,000.00; AND TO EXECUTE THE ATTACHED AUTHORIZATION TO PROCEED FOR WORK ORDER NO. H&S 13-03 BETWEEN HAZEN AND SAWYER, P.C. AND THE CITY OF HOLLYWOOD FOR ENGINEERING SERVICES DURING THE CONSTRUCTION OF HEADWORKS REHABILITATION AND REPLACEMENT PROJECT IN THE LUM SUM AMOUNT OF \$367,594.00

Section 2: That it hereby approves and authorizes the execution, by the appropriate City Officials, of the attached Authorization to Proceed for Work Order No. H&S 13-03 between Hazen and Sawyer, P.C. and the City of Hollywood, together with such nonmaterial changes as may be subsequently agreed to by the City Manager and approved as to form and legality by the City Attorney.

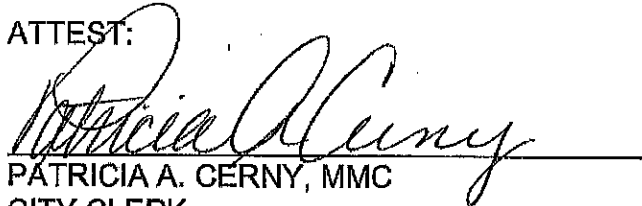
Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 17 day of July, 2013



PETER BOBER, MAYOR

ATTEST:



PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGALITY  
For the use and reliance of the City of  
Hollywood, Florida only.



JEFFREY P. SHEFFEL, CITY ATTORNEY