

RESOLUTION NO. R-2022-069

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A CONTRACT WITH CARDINAL CONTRACTORS, INC. FOR CONSTRUCTION SERVICES RELATED TO DEEP INJECTION WELLS NO. 3 AND NO. 4 PUMP STATION IN THE AMOUNT OF \$112,299,970.00; APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AUTHORIZATION TO PROCEED FOR WORK ORDER NUMBER B&C 22-02 WITH BROWN AND CALDWELL FOR ADDITIONAL SERVICES TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THIS PROJECT FOR AN AMOUNT NOT TO EXCEED \$5,179,402.00.

WHEREAS, the City of Hollywood has historically disposed of treated effluent from its Southern Regional Wastewater Treatment Plant ("SRWWTP") using a combination of water reclamation and reuse as well as disposal via discharge to deep injection wells and an outfall to the Atlantic Ocean; and

WHEREAS, Section 403.086(10), Florida Statutes, sets forth the Legislature's findings relating to the discharge of domestic wastewater through ocean outfall and established scheduled milestones whereby the City must modify use of its ocean outfall for the discharge of secondarily treated effluent by December 31, 2025, and the City must achieve cumulative reductions in phosphorus and nitrogen nutrients discharged, eliminate the discharge of secondary effluent to the ocean with limited exceptions that allow the discharge of peak wet weather flows; and

WHEREAS, the Deep Injection Wells No. 3 and No. 4 Pump Station project is a key step in virtually eliminating continued routine use of the ocean outfall for disposal of effluent, and is required to facilitate a diversion of effluent from the existing ocean outfall to a network of four deep injection wells, of which two are in the final stages of construction; and

WHEREAS, on November 26, 2019, the Department of Public Utilities ("Department") advertised for statement of qualifications for design and construction administration services for the Deep Injection Wells No. 3 and No. 4 Pump Station project in accordance with the procedures set forth in Section 287.055, Florida Statutes, entitled "Consultants' Competitive Negotiation Act" ("CCNA"), and the City's Procurement Code; and

WHEREAS, due to the COVID-19 pandemic and in accordance with state law, on April 1, 2020, the City Manager approved a professional engineering consultant services agreement with Brown and Caldwell ("B&C"), the highest-ranked firm selected through

the Request For Qualification (“RFQ”) process for design, permitting and bidding services for the Deep Injection Wells No. 3 and No.4 Pump Station project in the amount not to exceed \$4,246,570.00 pursuant to RFQ No. 19-9119A and based upon the attached Memo No. CM-20-016; and

WHEREAS, B&C completed the design of Deep Injection Wells No. 3 and No. 4 Pump Station, and the City obtained a construction permit from the Florida Department of Environmental Protection (“FDEP”) on April 9, 2021; and

WHEREAS, on November 30, 2021, Notice of Bid Availability for Bid No. F-4696-21-OT was posted on the City’s website, advertised, and sent to 5,967 firms and viewed by 45 vendors on Bidsync.com in accordance with Section 38.43 of the City’s Procurement Code; and

WHEREAS, Bid No. F-4696-21-OT was opened on January 31, 2022, and only one Bid proposal was received with the following result:

<b>Bidder</b>	<b>Bid Amount</b>
Cardinal Contractors, Inc.	\$114,404,970.00

; and

WHEREAS, B&C, the Department and Procurement staff thoroughly evaluated the Bid for responsiveness and responsibility, and after evaluation, Cardinal Contractors, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, B&C, the Department and Procurement staff conducted value engineering evaluation with Cardinal Contractors, Inc. and agreed on savings in the amount of \$2,105,000.00 by allowing utilization of factory restrained joints for ductile iron piping and epoxy lined body and stainless steel 316 disc for butterfly valves; and

WHEREAS, on January 31, 2022, a Notice of Intent to Award was posted on the City’s website and on BidSync.com, and resulted in no bid protests; and

WHEREAS, there is an allowance for undefined conditions in the amount of \$3,000,000.00, an allowance for permit in the amount of \$500,000.00, materials testing allowance in the amount of \$250,000.00, and third-party special inspection allowance in the amount of \$250,000.00 included in the total contract price of \$112,299,970.00; and

WHEREAS, Section 2.5 of the Professional Services Agreement dated April 8, 2020, provides for additional services such as the construction administration services that are beyond the basic services being provided for under the project; and

WHEREAS, the Department requested a proposal from B&C to provide construction administration services for the project; and

WHEREAS, B&C submitted a proposal to provide construction administration services for an amount not to exceed \$5,179,402.00; and

WHEREAS, Department staff evaluated the scope and fee proposal, and have determined that the negotiated fee is fair and reasonable and in accordance with industry standards; and

WHEREAS, the Director of Public Utilities recommends that the City Commission approve and authorize the appropriate City officials to execute the attached contract with Cardinal Contractors, Inc., in the amount of \$112,299,970.00 for construction services, and to execute the attached Authorization to Proceed, in accordance with additional services provision of the Professional Services Agreement dated April 8, 2020, for Work Order No. B&C 22-02 with Brown and Caldwell for construction administration services in the amount not to exceed \$5,179,402.00; and

WHEREAS, a portion of the funding for this project was approved through the FDEP under the Clean Water State Revolving Fund ("SRF") Program in the amount of \$36,000,000.00; and

WHEREAS, a portion of the funding is available through the FDEP under the Drinking Water SRF Program in the amount of \$58,339,251.00, including Capitalized Interest and Loan Service Fees; and

WHEREAS, additional funding is needed in the amount of \$40,114,400.00, including Capitalized Interest and Loan Service Fees, for this project; and

WHEREAS, the City intends to request additional funding in the amount of \$40,114,440.00, including Capitalized Interest and Loan Service Fees, from the FDEP SRF Program; and

WHEREAS, the estimated time to complete the project will be 28 months from the Notice to Proceed date.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached contract with Cardinal Contractors, Inc., together with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

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Section 3: That it approves and authorizes the execution, by the appropriate City officials, of the attached Authorization to Proceed for Work Order No. B&C 22-02 with Brown and Caldwell, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 3 day of MARCH, 2022.



JOSH LEVY, MAYOR

ATTEST:

Patricia A. Cerny  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

Douglas R. Gonzales  
DOUGLAS R. GONZALES  
CITY ATTORNEY