

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TERMINATE THE PROPOSED CONTRACT WITH BLDM USA, LLC AND EXECUTE A CONTRACT WITH THE SECOND LOWEST BIDDER, INTERCOUNTY ENGINEERING, INC., FOR CONSTRUCTION SERVICES RELATED TO LIFT STATION A-5 UPGRADE LOCATED AT 333 BRIARWOOD CIRCLE, AS IDENTIFIED IN THE 2007/2008 WASTEWATER SYSTEM MASTER PLAN, IN THE AMOUNT OF \$997,356.00. (PROJECT NO. 16-8062)

WHEREAS, the 2007/2008 Wastewater System Master Plan identified the need to implement a Citywide program to rehabilitate and to upgrade several existing and City-owned sanitary sewer lift stations; and

WHEREAS, Lift Station A-5, located at 333 Briarwood Circle, was included in the Wastewater System Master Plan as a lift station to be upgraded; and

WHEREAS, on December 1, 2016, the City Manager approved the issuance to AECOM Technical Services, Inc. of Work Order No. AEC 17-01 in the amount of \$46,603.00 to provide engineering services for the design, permitting, bidding, and construction services for the Lift Station A-5 Upgrade; and

WHEREAS, on February 5, 2018, the Department of Public Utilities staff advertised the project, soliciting qualified construction services, and on March 15, 2018, six bid proposals were received at the Office of the City Clerk and were publicly opened at the City of Hollywood Southern Regional Wastewater Treatment Plant with the following results:

NO.	BIDDER	BID TOTAL
1	BLDM USA, LLC	\$780,000.00
2	Intercounty Engineering, Inc.	\$997,356.00
3	Southeastern Engineering Contractors, Inc.	\$1,016,756.00
4	V Engineering & Consulting Corp.	\$1,095,000.00
5	Metro Express, Inc.	\$1,412,510.00
6	TV Diversified, LLC	\$2,282,708.00

; and

WHEREAS, after thoroughly evaluating the bid proposals for compliance with the contract documents, AECOM Technical Services, Inc. staff determined the bid proposal received from BLDM USA, LLC was the lowest responsive and responsible bidder; and

WHEREAS, during the preconstruction meeting dated July 19, 2018, the City found out that BLDM USA, LLC's bid price did not include the cost to procure the pumps, variable frequency drive, electrical panels, telemetry tower and accessories; and

WHEREAS, BLDM USA, LLC did not inform AECOM of their decision to leave out of their bid price the stated equipment; and

WHEREAS, BLDM USA, LLC stated that they had contacted the City's project manager via email during the bidding process for clarification of conflicting information on the bidding documents, without any success; and

WHEREAS, the City's project manager, through a search of his junk email folder after this issue came to light, found emails sent by BLDM USA, LLC to the City during the bidding period; and

WHEREAS, the other five bidders included in their bid price the cost to procure the pumps, variable frequency drive, electrical panels, telemetry tower and accessories; and

WHEREAS, although BLDM USA, LLC has already executed the contract for the project, the City and BLDM USA, LLC have mutually agreed to terminate the proposed contract; and

WHEREAS, the bid proposal submitted by the second lowest bidder, Intercounty Engineering, Inc., includes the cost to procure the pumps, variable frequency drive, electrical panels, telemetry tower and accessories; and

WHEREAS, Administration recommends that the City Commission authorize the appropriate City officials to execute the attached contract with Intercounty Engineering, Inc., in the amount of \$997,356.00; and

WHEREAS, funding was included in the FY 2018 Capital Improvements Program that was approved pursuant to Resolution No. R-2017-289; and

WHEREAS, funding is available in account number 42.4000.86871.536.046301; and

WHEREAS, the estimated construction time for this project is 180 calendar days 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 termination, by the appropriate City officials, of the proposed contract with BLDM USA, LLC.

Section 3: That it approves and authorizes the execution, by the appropriate City officials, of the attached contract with Intercounty Engineering, Inc., together with such non-material changes as may be acceptable to 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 _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST

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, CITY ATTORNEY