

RESOLUTION NO. R-2024-040

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 2 WITH INTERCOUNTY ENGINEERING, INC. IN AN AMOUNT UP TO \$428,450.68, AND TO EXTEND THE RAS PUMP STATION NO. 1 REPLACEMENT PROJECT CONTRACT DURATION BY 481 DAYS DUE TO UNFORESEEN SITE CONDITION DELAYS IN ACCORDANCE WITH SECTION 38.48 OF THE PROCUREMENT CODE (CHANGE ORDERS); AMENDING THE FISCAL YEAR 2024 CAPITAL IMPROVEMENT PLAN.

WHEREAS, on April 22, 2020, pursuant to Resolution No. R-2020-063, the City Commission authorized appropriate City officials to execute a contract with Intercounty Engineering, Inc. ("Intercounty") for construction services related to the Return Activated Sludge ("RAS") Pump Station No. 1 Replacement project at the Southern Regional Wastewater Treatment Plant ("SRWWTP") in the amount of \$3,991,828.00, with a contract term of 630 calendar days; and

WHEREAS, the project was initially delayed by COVID-19 and subsequent construction material supply interruption, including the pump manufacturer's discontinuing production of the pumps; and

WHEREAS, by July 2023, when major equipment was delivered and the contractor resumed construction activities, it was discovered that the following infrastructure related to RAS Pump Station No. 1 was in a state of disrepair, affecting the operation of the SRWWTP and the progress of the project:

- Valve distortion of two clarifier drain valves, two suction valves, and five RAS discharge manifold valves, preventing them from closing tightly to continue the replacement of the 24" and 12" RAS pipelines required for the project;
- Mechanical seals of Pump Nos. 1 and 2 in RAS Pump Station No.1 started leaking;
- An existing pipe clamp of Clarifier No. 1 suction pipe started to leak and prevented the Clarifier No. 1 being removed from the service, which is required for the repair of the clarifier effluent channel;
- Clarifier Nos. 3, 4, 5, 6 and 7 experience numerous operational challenges rendering them out of service;
- Pump No. 3 in RAS Pump Station No. 1 failed and caused Clarifiers No. 1 and 2 to go out of service; and

WHEREAS, on October 10, 2023, Department of Public Utilities (“Department”) staff decided to install a bypass system to RAS Pump Station No. 1 to bring Clarifiers No. 1 and 2 back in service; and

WHEREAS, the bypass system installation is a trial-and-error process necessitating multiple pipe wet taps, confronting leaking pipes, repair of multiple broken spool pieces during connection, and the installation and operation of a bypass pumping system in a confined space; and

WHEREAS, on October 18, 2023, the contractor submitted Change Order proposals based on time and material, instead of pre-approval due to numerous unforeseen conditions that necessitated additional work and the urgent installation of the bypass system; and

WHEREAS, on December 20, 2023, the Department executed Change Order No. 1 in the amount of \$9,585.41 to relocate valve actuators due to a design change, which reduced the available contract contingency from \$250,000.00 to \$240,414.59; and

WHEREAS, the contractor also requested a 481-day extension to the contract due to COVID-19 supply chain challenges, supported by correspondence with the contractor’s supplier, as well as the extra work related to the installation of the bypass system; and

WHEREAS, Hazen and Sawyer, P.C., as the construction manager and engineer of record, and Department staff evaluated the scope of Change Order No. 2 and negotiated down the prices, and have collectively determined that the renegotiated cost, in an amount up to \$428,450.68 and the requested contract time extension of 481 days are reasonable and in accordance with industry standards given the circumstances; and

WHEREAS, the Director of the Department and the Chief Procurement Officer recommend that the City Commission approve and authorize the appropriate City officials to execute Change Order No. 2 with Intercounty, to increase the contract price by \$428,450.68, increasing the total project cost from \$3,991,828.00 to a total project cost of \$4,420,278.68, and to extend the project duration for 481 additional days; and

WHEREAS, the Director of the Department and the Chief Procurement Officer further recommend that the City Commission approve and authorize the City Manager or designee to utilize remaining contingency funds reserved for resolving undefined conditions as set forth in the contract, if necessary and justified, in an amount up to \$240,414.59; and

WHEREAS, the FY 2024 Capital Improvement Plan was adopted and approved by the City Commission pursuant to Resolution R-2023-301 at the second Public Budget Hearing on September 20, 2023; and

WHEREAS, it is necessary to amend the approved FY 2024 Capital Improvement Plan as set forth in the attached Exhibit “1”.

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 Change Order No. 2 with Intercounty, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form by the City Attorney.

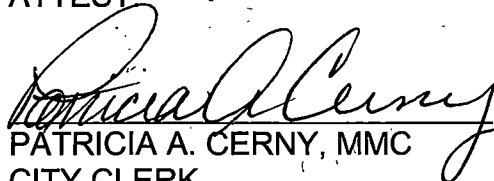
Section 3: That it authorizes the City Manager or designee to approve the utilization of the remaining contingency funds reserved for undefined conditions as set forth in the contract, if necessary and justified, in an amount up to \$240,414.59.

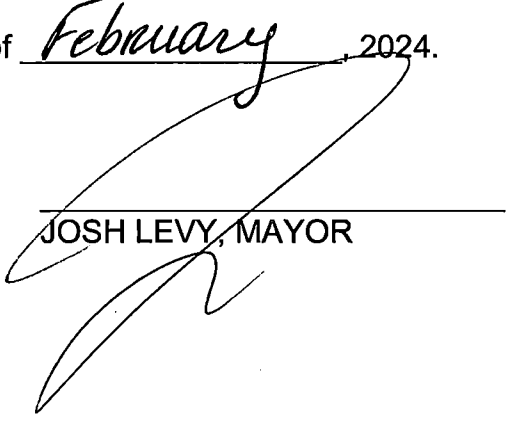
Section 4: That these Amendments to the FY 2024 Capital Improvement Plan for the Fiscal Year beginning October 1, 2023 and set forth in detail in the attached Exhibit "1" are adopted and authorized as amendments and/or Adjustments to the Capital Improvement Plan of the City of Hollywood, Florida for Fiscal Year 2024.

Section 5: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 7 day of February, 2024.

ATTEST:

  
PATRICIA A. CERNY, MMC  
CITY CLERK

  
JOSH LEVY, MAYOR

APPROVED AS TO FORM:

  
DOUGLAS R. GONZALES   
CITY ATTORNEY