

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A TENDER AND RELEASE AGREEMENT WITH GREAT AMERICAN INSURANCE COMPANY FOR THE COMPLETION OF STRUCTURAL REPAIRS TO THE VAN BUREN PARKING GARAGE; APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A CONSTRUCTION CONTRACT WITH PRM ENGINEERING AND CONTRACTING, INC. TO COMPLETE THE PROJECT IN THE AMOUNT OF \$137,976.50.

WHEREAS, on January 18, 2017, the City Commission passed and adopted Resolution R-2017-008, awarding a construction contract to Structural Integrity Contractors, Inc. for structural repairs on the Van Buren Parking Garage; and

WHEREAS, on March 1, 2017, the parties entered into a contract with Structural Integrity Contractors, Inc. ("Contractor") for a structural defects survey and repairs of the Van Buren Parking Garage; and

WHEREAS, based on the construction contract, the Contractor was to have completed the work by November, 2017; and

WHEREAS, on January 17, 2018, the City received notification from Great American Insurance Company, the surety for the Payment and Performance Bond under the contract, that the surety received creditor claims against the Contractor under the bond and requested that the City not release any further funds to the Contractor; and

WHEREAS, as of February 5, 2018, the Contractor continued to fail to complete the project under the City's contract despite numerous attempts to resolve this matter with the contractor; and

WHEREAS, on March 5, 2018, the City placed the surety on notice that the Contractor was in default under the contract, and the City was making a claim under the Payment and Performance Bond for the faithful performance under the contract; and

WHEREAS, the surety secured a proposal from PRM Engineering and Contracting, Inc. ("PRM") in the amount of \$137,976.50 to complete the work on the garage; and

WHEREAS, City staff reviewed PRM's proposal with the City's consultant overseeing the project, and determined that the proposal was reasonable and in the City's best interest; and

WHEREAS, the surety company has agreed to pay the City \$85,855.23, which represents the difference between the contract balance being held by the City and PRM's contract proposal amount to complete the project; and

WHEREAS, in order to settle with the surety, the attached Tender and Release Agreement must be executed; and

WHEREAS, as time is of the essence to complete the project, City staff is recommending the attached Tender and Release Agreement be approved by the City Commission as well as approving and authorizing execution of a contract with PRM to complete the project work; and

WHEREAS, Section 38.40(C)(8) of the Code of Ordinances provides that when the City Commission declares by a 5/7ths vote that competitive bidding and competitive proposals are not in the best interest of the City, such purchases are exempt from the competitive bidding and competitive proposal requirements; and

WHEREAS, Parking Garage Improvements funding is available in account no. 46.1100.16192.545.006301.

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 execution, by appropriate City officials, of the attached "Tender and Release Agreement" with Great American Insurance Company, 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 3: That it approves and authorizes execution, by the appropriate City officials, of the attached contract with PRM Engineering and Contracting, Inc., 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.

TENDER AND RELEASE AGREEMENT WITH GREAT AMERICAN INSURANCE COMPANY TO COMPLETE REPAIRS (VAN BUREN GARAGE) AND EXECUTION OF A CONTRACT WITH PRM ENGINEERING TO COMPLETE THE PROJECT

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.

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DOUGLAS R. GONZALES, CITY ATTORNEY