

RESOLUTION NO. _____

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 CARDINAL CONTRACTORS, INC. IN THE AMOUNT UP TO \$140,053.81 FOR THE DEEP INJECTION WELLS 3 & 4 PUMP STATION PROJECT, AND AUTHORIZING PAYMENT BY UTILIZING FUNDS REMAINING IN THE PROJECT CONTINGENCY RESULTING IN NO NET CHANGE TO THE CONTRACT AMOUNT IN ACCORDANCE WITH SECTION 38.48(C) OF THE PROCUREMENT CODE (CHANGE ORDERS).

WHEREAS, the City has historically disposed of treated effluent from its Southern Regional Wastewater Treatment Plant using a combination of water reclamation for reuse, disposal via deep injection wells, and a 60-inch outfall pipe to the Atlantic Ocean outfall; and

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

WHEREAS, on March 2, 2022, pursuant to Resolution No. R-2022-069, the City Commission authorized the execution of a contract with Cardinal Contractors, Inc. ("Contractor") for construction services related to the Deep Injection Wells 3 & 4 Pump Station project in the amount of \$112,299,970.00, which included a \$3,000,000.00 contingency allowance; and

WHEREAS, on June 21, 2023, the City Manager approved and executed Change Order No. 1 in the amount of \$33,753.51 to compensate for the installation of additional instrumentation necessary to satisfy regulatory requirements; and

WHEREAS, the Department has determined that it is also necessary to modify the instrumentation and electrical design of the sampling pumps for Monitoring Well No. 2, to install seven additional twisted shielded pair cables and a 42-inch pipe cap, and to perform a preliminary Grid Test; and

WHEREAS, the Department requested a proposal for Change Order No. 2 from the Contractor to address these additional tasks; and

WHEREAS, staff from Brown and Caldwell, as the engineer of record and construction manager for the project, and Department staff evaluated the scope of Change Order No. 2, negotiated the prices, and determined that the total cost in the amount up to \$140,053.81 is reasonable and in accordance with industry standards; and

WHEREAS, Section 38.48(C) of the Procurement Code provides that all change orders that the City Manager is not authorized to approve must be formally approved by the City Commission; and

WHEREAS, the Director of Public Utilities and the Chief Procurement Officer recommend that the City Commission approve and authorize the appropriate City officials to execute Change Order No. 2 with the Contractor, in the amount up to \$140,053.81, authorizing payment by utilizing funds in the project contingency item; and

WHEREAS, staff also recommends that the City Commission authorize the City Manager or designee to approve the utilization of the contingency funds reserved for undefined conditions as set forth in the contract in an amount up to \$2,826,192.68, the remaining project contingency after Change Order No.2; and

WHEREAS, funding was included in the amended FY 2023 Capital Improvement Plan and is available in account number 442.409902.53600.563011.001522.000.000.

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 Cardinal Contractors, Inc., 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 contingency funds reserved for undefined conditions as set forth in the contract, if necessary and justified, in an amount up to \$2,826,192.68.

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

PASSED AND ADOPTED this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY