

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE TERMINATION OF THE PHASE I PRECONSTRUCTION SERVICES AGREEMENT WITH D. STEPHENSON CONSTRUCTION, INC. FOR THE ARTS PARK IMPROVEMENT PROJECT.

WHEREAS, pursuant to Resolution No. R-2019-025, the City Commission authorized the appropriate City officials to negotiate and execute a Continuing Services Agreement with the three highest ranked firms to provide construction management at risk services for capital improvement projects, one of the firms being D. Stephenson Construction, Inc. ("Stephenson"); and

WHEREAS, on May 20, 2021, the City and Stephenson executed a continuing services agreement ("Agreement"); and

WHEREAS, Article 8, Section 8.4 of the Agreement provides that the City may terminate the Agreement for convenience; and

WHEREAS, the Director of the Department of Design and Construction Management recommends that the Agreement with Stephenson be terminated for convenience; and

WHEREAS, pursuant to Section 38.49 of the Procurement Code, when a contract is entered into by the City Commission and is terminable by the City without cause, only the City Commission is authorized to terminate the contract without cause.

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 terminates the Agreement with D. Stephenson Construction, Inc.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

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PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
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