

**CITY OF HOLLYWOOD
INTEROFFICE MEMORANDUM**

TO: Mayor and Commissioners **DATE:** November 21, 2023

FROM: Douglas R. Gonzales, City Attorney

SUBJECT: Proposed Construction Management at Risk Phase II Construction Services Agreement with The Whiting-Turner Contracting Company for the North Beach Utilities Underground Conversion, a General Obligation Bond Project and the Hollywood Beach Utilities Improvements - Phase 1A Project, for a Guaranteed Maximum Price of \$17,466,699.33.

I have reviewed the above referenced Agreement with the participating Department/Office(s), and the proposed general business terms and other significant provisions are as follows:

- 1) **Department/Division involved** – Department of Design and Construction Management
- 2) **Type of Agreement** – Construction Management at Risk Construction Services Agreement
- 3) **Method of Procurement (RFP, bid, etc.)** – RFQ
- 4) **Term of Contract:**
 - a) initial – within 897 calendar days or 642 workdays from the date of the second notice to proceed.
 - b) renewals (if any) – n/a
 - c) who exercises option to renew – n/a
- 5) **Contract Amount** – Up to \$17,466,699.33
- 6) **Termination Rights** –

Termination for Cause -

In the event that contractor fails to begin the work within ten calendar days after the project initiation date, fails to perform the work with sufficient workers and equipment or with sufficient materials to insure the prompt completion of the work, or shall perform the work unsuitably, or cause it to be rejected as defective and unsuitable, or shall discontinue the prosecution of the work pursuant to the accepted schedule or its subcontractor fails to perform any material term set forth in the contract documents or if contractor shall become insolvent or be declared bankrupt, or commits any act of bankruptcy or insolvency, or shall make an assignment for the benefit of creditors, or for any other cause whatsoever shall not carry on the work in an acceptable manner, project

manager may give notice in writing to contractor and its Surety of such delay, neglect or default, specifying the same.

Termination for Convenience -

This contract may be terminated for convenience in writing by City upon ten days written notice to contractor.

- 7) **Indemnity/Insurance Requirements** – Contractor shall comply with applicable City requirements.
- 8) **Scope of Services** – Construction Management at Risk Phase II Construction Services for the North Beach Utilities Underground Conversion project and increase the size of the existing sanitary sewer force main for a lift station in the North Beach area in an amount up to \$17,466,699.33
- 9) **Other Significant Provisions:** n/a

cc: George R. Keller, Jr. CPPT, City Manager