

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. 1 WITH TLC DIVERSIFIED, INC. IN THE AMOUNT OF \$174,859.51 AND EXTENDING THE CONTRACT TERM BY 105 DAYS RELATED TO CLARIFIER NO. 5 & NO. 6 REHABILITATION - PHASE II PROJECT FOR REPLACEMENT OF METAL MECHANISM FOR CLARIFIER NO. 6.

WHEREAS, Clarifiers No. 5 & No. 6 were constructed in the 1990s and are critical to the proper functioning of the biological process at the Southern Regional Wastewater Treatment Plant ("SRWWTP"); and

WHEREAS, due to the COVID-19 pandemic, on April 1, 2020, pursuant to City Manager Memo 20-017 and in accordance with applicable state laws and the Declaration of Emergency relating to COVID-19, the City Manager approved the contract with TLC Diversified, Inc. ("Contractor") for construction services related to the Clarifier No. 5 & No. 6 Rehabilitation - Phase II project, in the amount of \$2,077,010.00, which included a \$450,000.00 contingency allowance for unforeseen conditions; and

WHEREAS, the Department of Public Utilities ("Department") executed Field Order No. 1 in the amount of \$23,114.30 on October 21, 2020, Field Order No. 2 in the amount of \$15,400.00 on November 17, 2020, and Field Order No. 3 in the amount of \$6,783.76 on June 8, 2021, each due to unforeseen conditions related to replacement of a 4 inch gate valve and application of Xypex concentrate coating over Clarifier No.5 walls, troughs, and trough supports, with a contingency remaining in the project of \$404,701.94; and

WHEREAS, that during construction, it was discovered that degradation of the steel mechanical mechanism in Clarifier No. 6 is much worse than anticipated and complete replacement of the metal mechanism is required; and

WHEREAS, the Department requested a proposal from the Contractor related to the replacement of the metal mechanism; and

WHEREAS, Hazen and Sawyer, P.C., the engineer of record, and department staff evaluated the scope and negotiated the change order price, and have determined that the negotiated cost in the amount of \$174,859.51, to be paid utilizing Contingency funds, is reasonable and in accordance with industry standards; and

WHEREAS, the Contractor also requested an extension of the contract time by 105 calendar days due to the manufacturing and delivery of this equipment; and

WHEREAS, the Director of Public Utilities and the Assistant Director, Financial Services for Procurement recommend that the City Commission approve and authorize the appropriate City officials to execute the attached Change Order No. 1 with the Contractor in the amount of \$174,859.51 and to extend the contract term by 105 calendar days for a contract expiration date of January 3, 2022; and

WHEREAS, funding for this project was included in the amended FY 2022 Capital Improvement Plan, and is available in account number 442.409901.53600.563010.001312.000.000.

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 the attached Change Order No. 1 with TLC Diversified, 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.

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

PASSED AND ADOPTED this _____ day of _____, 2021.

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.

DOUGLAS R. GONZALES
CITY ATTORNEY