RESOLUTION NO. R-2016-267

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ISSUE A PURCHASE ORDER TO A TO Z METAL FABRICATION, INC. FOR CONSTRUCTION SERVICES RELATED TO THE WATER TREATMENT PLANT SPIRACTOR REPAIRS IN THE AMOUNT OF \$175,010.00 (CITY PROJECT NO. 16-4106); EXEMPTING THE CONTRACTOR FROM EXECUTING A PAYMENT AND PERFORMANCE BOND.

WHEREAS, on July 6, 2016, the City Commission adopted Resolution No. R-2016-206 canceling Bid No. 16-4106 and approving an agreement with A to Z Metal Fabrication, Inc. for construction services related to the water treatment plant spiractor repairs in the amount of \$175,010.00; and

WHEREAS, Resolution No. R-2016-206 stated that the bid was canceled because the sole bidder, A to Z, did not comply with the bid bond requirement contained in the bid documents; and

WHEREAS, in its bid, A to Z stated that it would not comply with the payment and performance bond requirements if it were to be awarded the contract; and

WHEREAS, Resolution No. R-2016-206 awarded the contract to A to Z under the "best interest" exemption from the competitive bid requirements of the Purchasing Ordinance; and

WHEREAS, Florida Statute Section 255.05 requires any person entering into a construction contract with the City to execute and record a payment and performance bond, unless the contract is for \$200,000 or less and the official or board awarding the contract exempts such person from executing a payment and performance bond; and

WHEREAS, the Administration intended that A to Z be exempted from the payment and performance bonds requirement, but miscommunication among the individuals involved in preparing Resolution No. R-2016-206 resulted in the omission of the necessary language; and

WHEREAS, Resolution No. R-2016-206 authorized the execution of a standard construction contract, but when payment and performance bonds are not required, it is customary to use a purchase order instead of a construction contract; and

WHEREAS, the Administration recommends that the City Commission authorize the appropriate City Officials to issue a purchase order to A to Z Metal Fabrication, Inc.

for construction services related to the Water Treatment Plant spiractor repairs in the amount of \$175,010.00 and exempt A to Z from executing a payment and performance bond:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby approves and authorizes the issuance, by the appropriate City Officials, of a purchase order to A to Z Metal Fabrication, Inc. embodying the terms and conditions approved by the City Commission this date, in a form acceptable to the City Manager and approved as to form and legality by the City Attorney.

<u>Section 2:</u> That it hereby exempts A to Z Metal Fabrication, Inc. from executing a payment and performance bond.

<u>Section 3:</u> That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 7 day of Sept 2016

PETER BOBER, MAYOR

ATTEST

PATRICIA A. CERNY, MMC, CITY OLERK

APPROVED AS TO FORM AND LEGALITY for the use and reliance of the City of Hollywood, Florida only.

REY PASHEFFEL DITY ATTORNEY

2