

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 SPIRATOR 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 spirator 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.

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

Section 3: 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 CLERK

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

  
JEFFREY P. SHEFFEL, CITY ATTORNEY *af*