RESOLUTION

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT, PALM BEACH COUNTY, FLORIDA, RATIFYING THE CHANGE ORDERS FOR UTILITY IMPROVEMENTS BY MAN-CON INCORPORATED, OF WELLINGTON, FLORIDA, PREVIOUSLY APPROVED AS THE CONTRACTOR FOR THE RECONSTRUCTION OF AVENUE "O", W. 23RD ST., W.24TH ST., W. 25TH ST., W. 26TH ST. AND W. 26TH CT. NEIGHBORHOOD IMPROVEMENT PROJECT; AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS FOR THE UTILITY IMPROVEMENTS UP TO THE AMOUNT OF $1,093,786.95 FOR THE AVENUE "O" PROJECT; AUTHORIZING THE FINANCE DIRECTOR TO CONSOLIDATE FUNDS FOR THREE ADDITIONAL ROADWAY PROJECTS THAT ARE UNDER THE SAME ACCOUNT AND PROJECT NUMBER 18152; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS FROM PROJECT NUMBERS 18162, 18163, AND 18164 TO PROJECT NUMBER 18152; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT FROM PROJECT NUMBER 18152 IN AN AMOUNT NOT TO EXCEED $1,858,459.89 FOR THE FOUR ROADWAY PROJECTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in February 2018, the City solicited contractors for the reconstruction of Avenue "O", W. 23rd St., W.24th St., W. 25th St., W. 26th St. and W. 26th Ct. Neighborhood Improvement project through the issuance of Bid Number 940-18-2; and

WHEREAS, Man-Con Incorporated, of Wellington, Florida was the lowest bidder for the Avenue "O" project, in the amount of $7,482,407.40; and

WHEREAS, the City Council approved Resolution Number 46-18 on June 6, 2018 which accepted the bid proposal in the amount of $7,482,407.40 and authorized the City

Manager to approve change orders up to ten percent (10%); total contract value not to exceed $8,230,648.14; for the reconstruction of Avenue “O”, W. 23rd St., W.24th St., W. 25th St., W. 26th St. and W. 26th Ct. Neighborhood Improvement project; and

WHEREAS, the Mayor and City Clerk authorized and executed a Construction Services Contract to the lowest bidder in the amount of $7,482,407.40 for the reconstruction of Avenue “O”, W. 23rd St., W.24th St., W. 25th St., W. 26th St. and W. 26th Ct. Neighborhood Improvement project; and

WHEREAS, the City Council authorized the Finance Director to make payment for the same with the portion for the utilities improvements for the Avenue “O” project in the amount of $2,282,409.91 from account 415-1417-536-0-6306 and authorized the City Manager to approve change orders up to ten percent (10%). However, the purchase order was only in the amount of $1,812,800.00; and

WHEREAS, Man-Con Incorporated completed the utility work including change orders, for the utilities improvements for the Avenue “O” project in November 2018; and

WHEREAS, the final cost of the work performed by Man-Con Incorporated for the utilities improvements for the Avenue “O” project with change orders is $3,376,196.86 which exceeds the approved amount and ten percent (10%) authorized to the City Manager for approving change orders; and

WHEREAS, the majority of the change orders are related to unforeseen conditions with the existing utilities that required correction for the project to continue. In addition, during the course of construction an area of the neighborhood for the Avenue “O” project was identified that was not scheduled for proposed improvements. This area and the citizens of the City benefited from water main improvements by removing aging pipe, linking other sections of the project, and providing better redundancy and circulation in the water distribution system. The prices included in this change order are in accordance with the unit prices in the bid; and

WHEREAS, City Council approved Resolution Number 23-18 on March 21, 2018 which accepted the bid proposal from Man-Con Incorporated for the reconstruction of Avenue “H” East and West from Blue Heron Blvd. to Silver Beach Road Improvement project; and

WHEREAS, construction of the utility infrastructure improvements was completed in July 2018 for the Avenue “H” East and West project with the final construction cost exceeding the original construction cost in the amount of $308,967.74; and

WHEREAS, City Council approved Resolution Number 127-17 on November 1, 2017 which accepted the bid proposal from Giannetti Contracting Corporation for the reconstruction of the Yacht Harbor Manor Roadway Improvements project; and

WHEREAS, construction of the utility infrastructure improvements was completed in August 2019 for the Yacht Harbor Manor Roadway Improvements project with the final construction for the utility infrastructure improvements being less than the original construction cost in the amount of $152,405.62; and

WHEREAS, The City's Consultant, Chen Moore and Associates, that performed engineering inspection services for the three constructed projects, recommended the change orders for utility improvements; and

WHEREAS, engineering design was complete on November 5, 2019 for the FY 20 CDBG (CDBG 19-20) project along 26th Court with utility infrastructure improvements estimated at $314,087.57; and

WHEREAS, the Interim Assistant Director of Utilities finds that the above factual matters outlined herein are true and correct.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF RIVIERA BEACH, UTILITY SPECIAL DISTRICT, RIVIERA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1: That the Utility Special District Board approves the change orders for the Utility Improvements with Man-Con Incorporated, for the Avenue "O" project, in the amount not to exceed $1,093,786.95.

SECTION 2: That the Finance Director is authorized to transfer funds, for the four roadway improvement projects referenced in this resolution, from project numbers 18162, 18163, and 18164 to project number 18152 as follows:

Project Number 18162: $500,000.00
Project Number 18163: $608,459.89
Project Number 18164: $750,000.00

SECTION 3: That the Finance Director is authorized to pay for same, for the Avenue "O" project, under Project Number 18152 in an amount not to exceed $1,093,786.95.

SECTION 4: That the Finance Director is authorized to pay for the contractors referenced in this resolution, for three other roadway projects, and for a total of four roadway improvement projects referenced in this resolution, under Project Number 18152 in a total amount not to exceed $1,858,459.89.

SECTION 5: This Resolution shall take effect upon passage and approval by the Utility Special District Board.

PASSED AND APPROVED this _____ of _____2019.

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APPROVED:

_____
KASHAMBA MILLER-ANDERSON
CHAIRPERSON

ATTEST:

_____
CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
UTILITY SPECIAL DISTRICT CLERK

_____
JULIA A. BOTEL, Ed.D
CHAIR PRO TEM

_____
TRADRICK MCCOY
BOARD MEMBER

_____
SHIRLEY D. LANIER
BOARD MEMBER

_____
DOUGLAS A. LAWSON
BOARD MEMBER

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

Reviewed as to Legal Sufficiency

_____
DAWN S. WYNN, DISTRICT ATTORNEY

DATE: _____