## 1

# 3

### 5 6 7 8

### 8 9 10 11 12

17 18 19

20 21

22

2324

25

2627

28 29

30 31

32 33

34 35

37 38

36

#### RESOLUTION NO. 2024-057

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA RATIFYING TERMINATION OF **AGREEMENT** HINTERLAND GROUP INC. FOR BID # FY2021-2022-022 LIFT STATION #3 REHABILITATION, AND FINDING THAT UNIQUE CIRCUMSTANCES EXIST TO ENTER INTO A NEW AGREEMENT WITH SOUTHERN UNDERGROUND INDUSTRIES, INC., FOR THE PROJECT IN AN AMOUNT OF TWO MILLION. EIGHT HUNDRED. TWENTY-SIX THOUSAND, TWO HUNDRED AND TWENTY-THREE DOLLARS AND SIXTY CENTS (\$2,826,223.60), PLUS A 10% CONTINGENCY,; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 23, Section 23-8 Exception to Bid Requirements, (5) Unique circumstances, the City Commission may find that unique circumstances establish that competitive bidding is not in the best interest of the City, and purchases in excess of \$50,000 require a formal, written contract approved by the City Commission; and

WHEREAS, on February 3, 2023, the City Commission of the City of Hallandale Beach awarded the following competitively bid construction agreement (the "Agreement") to Hinterland Group, Inc.: Resolution 2023-003: BID FY 2021-2022-022 LIFT STATION #3 IMPROVEMENTS; and

WHEREAS, the project will rehabilitate and improve the City's existing Lift Station #3 located at 3181 South Ocean Drive, Hallandale Beach, FL 33009 by replacing and upgrading mechanical and electrical equipment as well as installing a new emergency generator to improve system performance, increase system efficiency and reduce system maintenance; and

WHEREAS, following construction delays and other material issues, the City Manager proceeded to terminate the Agreement with Hinterland Group, Inc. utilizing the termination for convenience provisions of the agreement; and

WHEREAS, Sec. 255.20(8), Fla. Stat. provides an exemption to the statutory requirement of competitive bidding of public construction contracts if a local government competitively awarded a project to a private sector contractor and the local government has terminated the contract; and

WHEREAS, Southern Underground Industries, Inc., was the second lowest bidder in the competitive procurement. They have agreed to take over the project for an additional cost of \$462,911 over the original bid submitted in 2022. These additional funds are needed to cover increased material costs for parts, pumps, controls, ancillary piping, and an emergency generator, as well as the significantly higher labor costs since the original bid in 2022, for a new total contract amount of Two Million, Eight Hundred, Twenty-Six Thousand, Two Hundred and Twenty-Three Dollars and Sixty Cents (\$2,826,223.60); and

 WHEREAS, upon review of the proposed revised bid from Southern Underground, Staff believes that a second competitive procurement process will result in delays that will adversely impact the system, additional costs as a result of the delay and will not result in any savings over the proposed price; and

WHEREAS, Staff recommends that the Mayor and City Commission finding that unique circumstances exist in the public interest to award Bid # FY2021-2022-022 Lift Station #3 Rehabilitation to Southern Underground Industries, Inc. as the lowest responsive bidder, in an amount of Two Million, Eight Hundred, Twenty-Six Thousand, Two Hundred and Twenty-Three Dollars and Sixty Cents (\$2,826,223.60), plus a 10% contingency, for a total not to exceed the amount of Three Million, One Hundred and Eight Thousand, Eight Hundred, Fifty-Six Dollars and Ninety Six Cents (\$3,108,856.96), and authorize the City Manager to execute all relating documents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

**SECTION 1.** The foregoing "Whereas" clauses are incorporated herein.

SECTION 2. The Mayor and City Commission hereby ratify the termination for convenience of Hinterland Group, Inc., and find that unique circumstances exist, including applicability of the exception to the statutory requirement to competitively bid public construction projects in Sec. 255.20(8), Fla. Stats. where a construction contract has been terminated, and award Bid # FY2021-2022-022 Lift Station #3 Rehabilitation to Southern Underground Industries, Inc. in an amount of Two Million, Eight Hundred, Twenty-Six Thousand, Two Hundred and Twenty-Three Dollars and Sixty Cents (\$2,826,223.60), plus a 10% contingency, for a total not to exceed the amount of Three Million, One Hundred and Eight Thousand, Eight Hundred, Fifty-Six Dollars and Ninety Six Cents (\$3,108,856.96), and authorize the City Manager to execute all relating documents. SECTION 3. Effective Date. This Resolution shall take effect immediately upon its

passage and adoption.

APPROVED AND ADOPTED this 26th day of June 2024.

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

JENORGEN GUILLEN

CITY CLERK

AND FORM

APPROVED AS TO LEGAL SUFFICIENCY

JENNIFER MERINO ATTORNEY

#### FINAL VOTE ON ADOPTION

Mayor Cooper	Yes
Vice Mayor Lima-Taub	Yes
Commissioner Adams	Yes
Commissioner Butler	Yes
Commissioner Lazarow	Absent

111