

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER, RELATING TO INVITATION TO BID NO. 2019-231-KB, FOR PHASE III IMPROVEMENTS FROM 25TH TO 41ST STREET (THE "PROJECT"); APPROVING THE AWARD OF A CONSTRUCTION CONTRACT TO RIC-MAN CONSTRUCTION FLORIDA, INC., THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN AN AMOUNT NOT TO EXCEED \$13,636,984.00; FURTHER, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND FINALIZE A SECOND AMENDMENT TO THE CITY'S DEPARTMENT FUNDED AGREEMENT ("DFA") WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"), WITH RESPECT TO THE SHARING OF COSTS FOR THE SCOPE OF WORK AWARDED FOR THE PROJECT ("SECOND AMENDMENT"), AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SECOND AMENDMENT UPON CONCLUSION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION AND FORM APPROVAL BY THE CITY ATTORNEY; FURTHER, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT WITH RIC-MAN CONSTRUCTION FLORIDA, INC., CONTINGENT UPON CITY'S RECEIPT OF A WRITTEN COMMITMENT FROM FDOT WITH RESPECT TO THE COST SHARE FOR THE SECOND AMENDMENT.

WHEREAS, on March 9, 2016, the City Commission adopted Resolution No. 2016-29332, approving the substantive terms of the cost sharing agreement, and on September 30, 2016, the City and FDOT entered into a Department Funded Agreement (DFA) for Financial Project Number 439228-2-58 (Contract AS-343), for roadway and drainage improvements on S.R. A1A/Indian Creek from 41st Street to 26th Street (the "Project"), in the total amount of \$25,408,493, comprised of FDOT funding in a maximum of \$20,008,493, and City funding in the maximum of \$5,400,000; and

WHEREAS, the DFA stipulated a FDOT participation of 78.7% and a City participation of 21.3% of the total allowable cost. Thereafter, the Project was divided into three (3) phases; and

WHEREAS, on October 17, 2018, the Mayor and City Commission adopted Resolution No. 2018-30574 to amend the DFA agreement by increasing FDOT's participation by \$5,991,507 from the original maximum amount of \$20,008,493 to the amended maximum amount of \$26,000,000; and increasing the City's participation by \$1,636,848 from an original maximum amount of \$5,400,000, to a maximum participation of \$7,036,848; and

WHEREAS, with Phase I and II substantially complete, the City sought to solicit bids for the final Phase III of the Project. Invitation to Bid (ITB) 2018-054-ZD, which included roadway reconstruction and drainage improvements north of 32nd Street, was issued on September 21, 2018; and

WHEREAS, three (3) bids were received, however the lowest bid was deemed non-responsive and the next low bid significantly exceeded the City's available budget; therefore, the Mayor and City Commission approved the rejection of bids received pursuant to Invitation to Bid (ITB) 2018-054-ZD, for Phase III Improvements from 25th to 41st Street; and

WHEREAS, subsequent to the rejection of bids pursuant to ITB 2018-054-ZD, staff has worked with the Engineer of Record and FDOT to value engineer the remaining portion of the Project and to provide for two (2) options, either for (1) the partial completion of the project up to 35th Street; or (2) the full completion of the project to 41st Street; and

WHEREAS, as part of these efforts, in May 2019 the City conducted Industry Review Meetings in an effort to assure that the City's approach to bidding the portion of the Project is in line with industry standards and best practices; staff met with eleven (11) vendors which yielded valuable insight and comments from the industry regarding the Project; and

WHEREAS, ITB No. 2019-231-KB, was issued on May 24, 2019, with a bid opening date of July 2, 2019; notices were issued to 1,130 companies and 120 prospective bidders accessed the advertised solicitation; and

WHEREAS, the notices resulted in the receipt of seven (7) responses from: American Pipeline Construction, LLC; Danz Contracting, LLC; David Mancini & Sons, Inc.; Lanzo Construction Co., Florida; Ric-Man Construction Florida, Inc.; Ric-Man Construction, Inc.; and Ric-Man International, Inc.; and

WHEREAS, in its due diligence, the Procurement Department verified that the lowest responsive bid submitted by Ric-Man Construction Florida, Inc. ("Ric-Man Construction Florida") met the requirements of the ITB; and

WHEREAS, Ric-Man Construction Florida has been deemed the lowest responsive and responsible bidder meeting all terms, conditions, and specifications of the ITB; and

WHEREAS, recently, the City Administration has been negotiating with FDOT for additional funding for the Project, via a second amendment to the DFA ("Second Amendment"). If the negotiations are successful, FDOT's maximum contribution will increase by \$2.25 million to \$28.25 million; and the City's required contribution will also increase by \$2.25 million to \$9,261,84; and

WHEREAS, after considering the bids received and the evaluation of staff, the City Manager recommends approval of the award of a contract to Ric-Man Construction Florida, Inc., the lowest responsive, responsible bidder to the ITB, in an amount not to exceed \$13,636,984.00; further, the Administration recommends that the City Manager be authorized to negotiate and finalize the Second Amendment to the DFA with FDOT, and further authorize the Mayor and City Clerk to execute the Second Amendment upon conclusion of successful negotiations by the Administration; and further, the Administration recommends authorizing the Mayor and City Clerk to execute the contract with Ric-Man Construction Florida, Inc., subject to City's receipt of a written commitment from FDOT with regard to the cost share for the Second Amendment.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager, pursuant to Invitation to Bid No. 2019-231-KB, for Phase III Improvements from 25th to 41st street; approving the award of a contract to Ric-Man Construction Florida, Inc., the lowest responsive, responsible bidder to the ITB, in an amount not to exceed \$13,636,984.00; further, authorize the City Manager to negotiate and finalize a second amendment to the City's Department Funded Agreement ("DFA") with the Florida Department Of Transportation ("FDOT"), with respect to the sharing of costs for the scope of

work awarded for the Project ("Second Amendment"), and authorize the Mayor and City Clerk to execute the Second Amendment upon conclusion of successful negotiations by the Administration and form approval by the City Attorney; further, authorize the Mayor and City Clerk to execute the contract with Ric-man Construction Florida, Inc., contingent upon City's receipt of a written commitment from FDOT with respect to the cost share for the Second Amendment.

PASSED AND ADOPTED this _____ day of _____ 2019.


ATTEST:

RAFAEL E. GRANADO, CITY CLERK

DAN GELBER, MAYOR

T:\Agenda\2019\07 July 31\Procurement\ITB 2019-231-KB Indian Creek\ITB 2019-231-KB - Resolution DRAFT.doc

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

7/25/19

Date