

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A MODIFICATION TO THE CONTRACT AWARDED AT THE DECEMBER 14, 2022 COMMISSION MEETING (ITEM C2C) PURSUANT TO INVITATION TO BID (ITB) 2022-310-AY FOR BAYSHORE PARK TO BUSLAM COMPANY AND PARTNERS, INC. TO REMOVE THE SCOPE OF WORK AND ASSOCIATED COST OF THE CONSTRUCTION OF THE LAKE (RESILIENT FLORIDA GRANT), AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE CONTRACT, AS MODIFIED, AND FURTHER, AUTHORIZING THE CITY MANAGER TO ISSUE A CHANGE ORDER TO REINSTATE THE CONSTRUCTION OF THE LAKE SCOPE AND ASSOCIATED COST, SUBJECT TO AND CONTINGENT UPON CITY COMMISSION APPROPRIATION OF FUNDING THEREFOR.

WHEREAS, Bayshore Park, located at 2300 Pine Tree Drive (the "Park"), is surrounded by stakeholders such as Scott Rakow Youth Center, Hebrew Academy, and Miami Beach High School; and

WHEREAS, the Park is approximately 19.4 acres; and

WHEREAS, in September 2015, pursuant to Request for Qualification (RFQ No. 2015-240-KB), the City of Miami Beach commenced the design development and permitting to transform this the former Par 3 Golf Course into a passive community park for the City's residents (the "Bayshore Park Project"); and

WHEREAS, on May 19, 2016, the City executed an agreement with Savino Miller Design Studio for the Landscaping, Architectural, and Engineering Design Services for the Bayshore Park Project; and

WHEREAS, the Park's design was discussed at many public meetings, including presentations before the Design Review Board, Parks and Recreation Advisory Board, Sustainability Committee, and the Bayshore Homeowner's Association; and

WHEREAS, the Bayshore Park Project includes the transformation of the Park, which includes the construction of a new lake that will retain stormwater for a portion of the Central Bayshore neighborhood's watershed to help keep surrounding roads dry by collecting stormwater runoff from flooded neighborhood streets into the lake where it will be stored and naturally percolate into the aquifer; and

WHEREAS, the Bayshore Park Project will also include the construction of a children's playground for different age groups, exercise stations, sports courts with tennis and pickleball markings, bathroom/office building, site furnishings, pathways, jogging trails, a parking lot, a dog park, lighting, entrance and park identification signs, landscaping including a butterfly garden, tree relocation and new tree planting; and

WHEREAS, the Bayshore Park Project includes site contamination remediation and installation of a new 20-inch water main and a 30-inch force main through the Park; and

WHEREAS, on August 19, 2022, the Invitation to Bid (ITB) No. 2022-310-AY for Bayshore Park was issued and the City received two (2) responses on October 21, 2022 from the following firms: Burke Construction Group, Inc, and Buslam Company Partners Inc.; and

WHEREAS, in September 2022, the City was presented with an opportunity to submit a grant application through the Resilient Florida Program for the neighborhood stormwater scope of the project (construction of retention lake); and

WHEREAS, the grant could be up to \$3,029,472 and requires a 50/50 match; and

WHEREAS, pursuant to Section 380.093, F.S., projects for the Statewide Flooding and Sea Level Rise Resilience Plan will be ranked by the Florida Department of Environmental Protection and submitted to the Legislature in the next few months and at this time, it is unknown if the City will be awarded funding; and

WHEREAS, on December 14, 2022, the Mayor and City Commission approved the award of a contract to Buslam Company Partners Inc., the lowest, responsive, responsible Bidder to the ITB for Bayshore Park contingent upon City's confirmation of grant funding in the amount of \$3,029,472 and further authorizing the City Manager and City Clerk to execute a contract upon confirmation of grant funding; and

WHEREAS, in order to not delay the commencement of construction of the project, and allow time for the grant confirmation, the Administration is recommending to modify the previously approved contract and authorize the City Manager to negotiate with the contractor the removal of the scope and associated cost for the construction of the lake (Resilient Florida Grant); and

WHEREAS, the construction of the lake and its associated cost will be reinstated via a future change order within 3 months from the construction notice to proceed, subject to and contingent upon City Commission appropriation of funding for the construction of the lake; and

WHEREAS, the Administration recommends that the City Commission approve this Resolution.

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 approve a modification to the contract awarded at the December 14, 2022 Commission meeting (Item C2C) pursuant to Invitation to Bid (ITB) 2022-310-AY for Bayshore Park to Buslam Company and Partners, Inc. to remove the scope of work and associated cost of the construction of the lake (Resilient Florida Grant), authorizing the City Manager and City Clerk to execute the contract, as modified, and further, authorizing the City Manager to issue a change order to reinstate the construction of the lake scope and associated cost, subject to and contingent upon City Commission appropriation of funding therefor.

PASSED and **ADOPTED** this _____ day of _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RG*

Date 1-23-23