



Cover Memorandum/Staff Report

File #: 23-1238

Agenda Date: 9/18/2023

Item #: 6.N.

TO: Mayor and Commissioners
FROM: Missie Barletto, Director Public Works
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 18, 2023

APPROVAL OF AMENDMENT NO. 1 TO RFQ NO. 2020-040 WITH E&M EQUIPMENT CORP., FOR THE ADDITION OF A CONTINGENCY LINE ITEM FOR THE LOWSON BOULEVARD FROM DOVER ROAD TO SOUTHEAST 5TH AVENUE (US-1/FEDERAL HIGHWAY) PROJECT, IN THE AMOUNT OF \$210,902 FOR A REVISED CONTRACT AMOUNT OF \$6,357,339.

Recommended Action:

Motion to approve Amendment No. 1 to RFQ No. 2020-040 with E&M Equipment Corp., for the addition of a contingency line item for the Lowson Boulevard from Dover Road to Southeast 5th Avenue (US-1/Federal Highway) Project, in the amount of \$210,902 for a revised total contract amount of \$6,357,339.

Background:

On July 6, 2021, the City Commission (City) approved Resolution No. 100-21 approving an Agreement with E & M Equipment Corp. for the aforementioned construction project. Upon further review of the fully executed Agreement by FDOT, it was determined that the Agreement presented under the above Resolution did not contain all the requisite forms necessary to be in compliance with the LAP program requirements. That Agreement was subsequently terminated for convenience.

On November 16, 2021, the City approved Resolution No. 148-21 approving an Agreement with E & M Equipment Corporation for construction services for the Lowson Boulevard from Dover Road to Southeast 5th Avenue (US-1/Federal Highway) Project (Project No. 17-009), pursuant to ITBC 2020-040 Rebid in the amount of \$6,146,437.

Unfortunately, during the execution of the Rebid Construction Contract Agreement with E & M Equipment (Resolution No. 148-21), the standard Contingency Line Item was inadvertently excluded as one of the bid line items. The Public Works Department is requesting approval of the addition of a contingency line item to RFQ No. 2020-040, and a contract increase to account for any future material cost increases and unforeseen site conditions that may arise during the construction of this project.

During the construction of this project, an additional award of \$1,450,775 was granted to this project by the FDOT through the Local Agency Program of the Palm Beach Transportation Planning Agency. This reduced the City's contribution toward the construction of this project by \$1,239,873 to \$443,564. This amendment will allow staff to encumber the remaining amount of funds in the General Ledger account line onto a contingency line in the purchase order making that amount available for use in the event of an unforeseen circumstance.

This motion is in accordance with Code of Ordinances Section 36.02 Commission Approval Required.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Funding is available from account number 334-41-340-541.68-39 (Capital Outlay, Local Initiative, Lowson Boulevard between Dover Road to US-1/Federal Highway).

Timing of Request:

Approval is time sensitive to maintain the budget and schedule commitments made to the Florida Department of Transportation under our Local Agency Program Agreement dated March 10, 2020.