



Cover Memorandum/Staff Report

File #: 25-066

Agenda Date: 2/4/2025

Item #: 6.F.2.

TO: Mayor and Commissioners
FROM: Missie Barletto, Director of Public Works
THROUGH: Terrence R. Moore, ICMA-CM
DATE: February 4, 2025

APPROVAL OF RESOLUTION NO. 19-25 TO AWARD AN AGREEMENT TO M&M ASPHALT MAINTENANCE, INC. DBA ALL COUNTY PAVING FOR CONSTRUCTION SERVICES FOR THE OLD GERMANTOWN ROAD BICYCLE & PEDESTRIAN IMPROVEMENTS PROJECT PURSUANT TO INVITATION TO BID CONSTRUCTION (ITBC) 2025-001 IN THE AMOUNT OF \$5,990,000.00

Recommended Action:

Motion to Approve Resolution No. 19-25 to award an Agreement to M&M Asphalt Maintenance, Inc. dba All County Paving for Construction Services for the Old Germantown Road Bicycle & Pedestrian Improvements pursuant to ITBC 2025-001 (Public Works Project No. 20-016) in the amount of \$5,990,000.00.

Background:

Following a 2018 application, the City of Delray Beach (City) was awarded a federally funded grant by the Transportation Planning Agency of Palm Beach (TPA) under its Local Initiatives Program (LIP) for "widening and/or restriping roadways to provide designated bike lanes, construction of pedestrian facilities, shared use paths, greenway/trail corridors, bike and pedestrian lighting and supporting facilities". The program funds on and off-road pedestrian and bicycle facilities; infrastructure for improving non-driver access to public transportation for enhanced mobility; community improvement activities; environmental mitigation; recreational trail projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former divided highways.

The Old Germantown Road Bicycle & Pedestrian Improvements project plans to construct curbs, sidewalks, Americans with Disabilities Act (ADA) accommodations, shared use paths, drainage, swales, utilities, pedestrian lighting, signage, roadway pavement preservation/rehabilitation and pavement markings. All work will be constructed in existing rights-of-way and will comply with ADA accessibility requirements.

On June 12, 2024, the City issued ITBC 2024-035 in order to select a firm which will provide all labor, materials, tools, equipment, supplies, and supervision related to the construction of the Old Germantown Road Bicycle & Pedestrian Improvements project. Prior to awarding the agreement, it was discovered that Florida Highway Administration (FHWA) federal provisions were inadvertently omitted from the advertised solicitation. These provisions are required in the advertised solicitation by FDOT, therefore all bids received for ITBC 2024-035 were rejected and a new solicitation was advertised.

On October 18, 2024, the City reissued the solicitation, including all necessary FHWA documents, through ITBC 2025-001 for this project.

On November 26, 2024, the City received four (4) submittals pursuant to ITBC 2025-001. The bid submitted by M&M Asphalt Maintenance, Inc. dba All County Paving was deemed responsive and responsible per the bid requirements.

Name of Bidder	Base Bid Total Cost
1. M&M Asphalt Maintenance Inc. dba All County Paving	\$5,990,000.00
2. West Construction Inc.	\$ 7,292,110.53
3. FG Construction, LLC	\$ 6,823,828.77
4. Ranger Construction Industries	\$ 7,697,905.62

Therefore, staff recommends awarding the construction contract to M&M Asphalt Maintenance, Inc. dba All County Paving in the base bid price of \$5,990,000.00.

Either party, at its sole discretion, reserves the right to terminate the agreement with or without cause immediately upon providing written notice. Upon receipt of such notice, the contractor shall not incur any additional costs under the agreement. The City shall be liable only for reasonable costs incurred by contractor prior to the date of the notice of termination. The City shall be the sole judge of "reasonable costs."

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

Attachments:

1. Resolution No. 19-25
2. Agreement ITBC 2025-001
3. Legal Review Checklist
4. FDOT Approval to Award
5. Bid Submittals
6. Final Solicitation ITBC 2025-001

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source:

Funding for this project (Finance Project Code 41020) is available in the account 334-41-340-541-63-05 (Capital Outlay Germantown Rd Improvements) in the amount of \$5,428,790.04. The project is partially funded through federal funds administered by the FDOT under the TPA Local Agency Program (LAP) via Grant Agreement 444377-1-58-01, as well as local agency funds provided by the City. The State will provide \$4,706,455.00 toward the cost of this project. This project is cashflow budgeted therefore additional funds will be requested in future fiscal years through the Capital Improvement Program (CIP) budget. The City will request quarterly reimbursement from FDOT for eligible construction items.

Timing of Request:

Approval is requested prior to February 18, 2025, to comply with FDOT deadlines.