



Cover Memorandum/Staff Report

File #: 19-305

Agenda Date: 4/16/2019

Item #: 6.P.2.

TO: Mayor and Commissioners
FROM: Missie Barletto, Deputy Director, Public Works
THROUGH: Neal de Jesus, Interim City Manager
DATE: April 16, 2019

APPROVAL OF RESOLUTION NO. 73-19 TO AWARD AN AGREEMENT WITH MBR CONSTRUCTION, INC. FOR CONSTRUCTION OF THE BEACH MASTER PLAN PHASE 2 (PROJECT NO. 15-008 (2)) PURSUANT TO ITBC. NO. 2019-023 - \$3,313,767

Recommended Action:

Motion to approve Resolution No. 73-19 to award an Agreement with MBR Construction, Inc. for construction of the Beach Master Plan Phase 2 (Project No. 15-008 (2)) pursuant to ITBC No. 2019-023 in an estimated amount of \$3,313,767.

Background:

Phase 2 of the Beach Master Plan is to improve the beach's intersections, install promenade lighting and complete the beachfront improvements from Casuarina Road to the northern portion of the City of Delray Beach (City) municipal limits (south of George Bush Blvd.). The proposed beach promenade lighting and intersection improvements are based upon the conceptual Beach Area Master Plan recommendations generated from the Beach Design Charrette held on November 4, 2009, which was presented to the City Commission on May 18, 2010.

On February 15, 2019, the City advertised an Invitation to Bid Construction (ITBC) No. 2019-023 to secure a contractor to provide all labor, equipment, materials, and other incidentals to construct the Beach Master Plan Phase 2. On March 21, 2019, two responses were received from the Bidders listed below. Although West Construction, Inc. (WCI) submitted the lowest bid, the City is recommending award to MBR Construction, Inc. (MBR) as the lowest responsive and responsible bidder on the basis of finding WCI as non-responsible due to ongoing non-performance on other construction contracts they were awarded by the City. The City's non-responsible letter to WCI, detailing specific non-performance issues, is attached.

<u>Bidder</u>	<u>Construction Cost</u>
1. WCI	\$2,494,747.03
2. MBR	\$3,313,766.91

Therefore, staff recommends award of the Agreement to MBR in an estimated amount of \$3,313,767. Construction is expected to be completed within 210 days of the Notice to Proceed from the City, barring typical construction delays, such as those forced by inclement weather.

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

Attachments:

1. Agreement
2. Legal Review Checklist
3. Resolution 73-19
4. ITBC No. 2019-023 with Exhibits A and B
5. Addendum No. 1
6. Addendum No. 2
7. Addendum No. 3
8. Contractor's Response
9. Non-Responsible Letter to WCI

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review / Funding Source:

Funding in the amount of \$3,313,767 will be available from account number 377-72-730-572.63-20 (One Cent Sales Tax) after a budget transfer from Account No. 377-90-900-519.99-01 (One Cent Surtax) is approved.